

**LILLEY TOWNSHIP  
NEWAYGO COUNTY, MICHIGAN  
2023 PLANNING COMMISSION ANNUAL REPORT**

**THE PLANNING COMMISSION TOOK THE FOLLOWING ACTIONS IN 2023:**

**Meeting Date – January 19, 2023** The Regular Meeting was held at the Multi-Purpose Building with the following members attending: Israels, Doornbos, Moore and Hoving. Absent Bonnett.

**Motion to keep the Current Commission Officers in place** made by Moore, second by Doornbos. Current officers are Chairperson, Cindy Israels, Vice-Chair, Robert Doornbos, Secretary, Judith Hoving  
Voice Vote – Doornbos, Yes, Moore, Yes, Hoving, Yes, Israels, Yes - All in favor – Motion Carried

**Annual Adoption of By-Laws for 2023** – Motion to adopt by Moore, Second by Doornbos  
Voice Vote – Doornbos, Yes, Moore, Yes, Israels, Yes, Hoving, Yes – Motion Carried

**Approval of Minutes** from November 22nd, 2022 – Motion to approve by Moore, Second by Doornbos  
Voice Vote: Moore, Yes, Hoving, Yes, Israels, Yes, Doornbos, Yes – Motion Carried

**There was no Correspondence**

**Public Comments** on matters not published in the Agenda – None

**Old Business** – Resident Greg Ketrick’s issue regarding keeping of poultry has been dropped. He has moved away. No appearance by Epplett and Rice RE: Trailer removal. Issue is ongoing with Zoning. The issue regarding changes to Zoning regarding the keeping of chickens was tabled pending more research to be done.

**New Business** – No Special Event Applications received. Application by Midwest V LLC received by Zoning for a Special Land Use Permit to build a retail building on the North West Corner of M37 and 15 Mile Road. A Public Hearing following all necessary protocols is set for February 9<sup>th</sup>, 2023 to review the application.

**Meeting Date – February 9, 2023** – A PUBLIC HEARING – SPECIAL LAND USE APPLICATION was held at the Multi-Purpose Building with all members attending. Israels, Doornbos, Moore, Hoving and Bonnett.

Motions to approve the agenda and Minutes of the January 19<sup>th</sup> meeting. All in favor - Motion Carried

**Public Comments** not related to the Public Hearing – None

**Correspondence Received** not related to Public Hearing – Application from the Bitely Boys regarding Blessing of the Bikes

**CORRECTION – THIS APPLICATION DID NOT REQUIRE A SPECIAL LAND USE APPROVAL BUT IS FOR A SITE DEVELOPMENT PLAN SUBMITTAL AND REVIEW ONLY. EACH COMMITTEE MEMBER REVIEWED SECTION 17.04 SITE PLAN REVIEW STANDARDS**

**Regular Meeting adjourned for Public Hearing**

\*\*\*\*\*PUBLIC HEARING\*\*\*\*\*  
FINAL SITE DEVELOPMENT PLAN FROM MIDWEST V, LLC FOR PROPOSED DOLLAR GENERAL RETAIL BUSINESS  
At 2027 W. 15 Mile Rd., Parcel #62-02-15-300-014 Lilley Township., Newaygo County, Michigan presented  
by Chad Lahey, Real Estate Mgr. Beech Tree Partners & Jason Raleigh, P.E., Civil Engr. AR Engineering LLC.

There followed many questions asked and answered regarding driveway entry and exit placement as mandated and approved by MDOT, septic and storm water issues as mandated and approved by Newaygo County and signage as required by Zoning Ordinance. Questions were also allowed from the audience.

As there were no more questions or concerns Chairman Israels asked for a Motion.

Motion to accept the Proposed Site Plan as presented by Moore, Seconded by Doornbos  
Roll Call: Doornbos, Yes, Bonnett, Yes, Moore, Yes, Israels, No, Hoving, Yes  
Motion Carried with four yes votes and one No vote

Note: A Site Plan Review does not require Township Board Approval. This decision will be communicated to the Township Board at their next meeting on February 29<sup>th</sup>, 2023.

**Meeting Date April 20, 2023** – The Regular Meeting was held at the Multi-Purpose Building with the following members attending: Israels, Doornbos, Hoving, Bonnett and Moore.

Motions to approve the Agenda and Minutes of the February 9th meeting. All in favor - Motion Carried

Correspondence: MTA Magazine and Legal Opinion Correspondence from the Township’s Counsel, Bloom, Sluggett PC, regarding Short Term Rentals and a possible Noise Ordinance.

Public Comment: Short Term Rental Owners, leaf disposal, burning laws and keeping of chickens (which was previously tabled for future research).

Old Business: None to be covered.

New Business: The Commission began the discussion regarding recent input on short term rentals in Zoned Residential Districts. We began consideration on the checklist titled “General Questions to be Addressed by Lilley Township for Sort Term Rentals” provided by the Township legal counsel. Discussion of the following:

1. Should STRs be allowed anywhere within the Township?
2. Possible conditions, regulations and requirements for new lawful STRs hereafter
3. If the Township bans new STRs after a certain date and decides to make existing STRs a lawful nonconforming use what requirements could be imposed on those existing STRs.

Items discussed to be considered are zoning districts, residential single-family zoning, for profit business rentals by absentee landlords in residential areas, restrictions around lakes, registration, licensing, fire and septic inspections, parking and noise ordinances. Also discussed was a concern for the additional Township infrastructure required for enforcement and the extra expense incurred by Township taxpayers. Lack of a local law enforcement body and the limits involved as to lack of laws to enforce are also a concern. Law enforcement can vary by jurisdiction by DNR, Federal Government and the Newaygo County Sheriff Dept.

**Meeting Date – May 25, 2023** – A PUBLIC HEARING – SHORT TERM RENTALS was held at the Multi-Purpose Building with all members Attending: Israels, Doornbos, Hoving, Bonnett and Moore.

Motions to approve the Agenda and Minutes of the April 20th, 2023 meeting. All in favor – Motion Carried

Correspondence: Press Release from Legal Counsel

Modifications were made to the document by unanimous vote for removal of the number 50 from Section 3 and the addition of Zoning District MDR – Medium Density Residential to Section 2.

Correspondence: Seven letters received – Some with multiple signatures

There were no public comments not regarding Short Term Rentals

\*\*\*\*\*BEGIN PUBLIC HEARING\*\*\*\*\*

Introduction of Lilley Township Zoning Officers Jeff and Madalyn Wroblewski and Legal Counsel Dave Eberle. Comments and concerns should be brought directly to meeting and not on social media.

Public Comments: To be limited to 3 minutes and expectations of conduct explained by the Chairperson

After 13 sometimes heated public comments both for and against STRs the moderator explained that Planning and Zoning for this rural Township were completed and modified many decades ago. Medium Density Residential Zones around lakes have the least land area (50 ft wide lots) and are zoned for single family occupancy. Large groups at an STR are disturbing to local residents and overstress the small lakes.

After 4 more comments the moderator explained that seemingly vacant properties are vacation properties used by taxpaying property owners for their chosen usage. They are not abandoned properties. Blight is a problem that the Township is addressing.

After 6 more comments the moderator explained that Platting and Zoning were established many years ago to establish guidelines for the Township. Much of Lilley Township is Federal Forest and campgrounds with some Michigan State DNR jurisdiction in enforcement and those laws apply. The park on Pettibone Lake is a Newaygo County Park. Some local issues are under the jurisdiction of the Newaygo County Health Department regarding well placement and septic systems. Agricultural zoned areas fall under State jurisdiction, not Lilley Township.

After 6 more comments a representative from the Newaygo County Sheriff's Department spoke regarding the various legal jurisdictions in the Township and which entity can be called on to enforce various laws and ordinances. He can enforce County laws but not local ordinances. County, State and Federal laws apply to ORVs and Newaygo County requires a permit for ORV use on County Roads. All law enforcement entities are located miles away from the Township and delays are common.

**There was one more public comment. Note that many of the existing STR properties were represented by more than one speaker.**

**Correspondence:** 7 letters were received just prior to this meeting, some with multiple signers. All public comments and correspondence are summarized in the minutes of this meeting and are available on the Township Website.

Chairperson Israels spoke in response to an audience query that this meeting is for information gathering only. The Township legal representative spoke regarding the Zoning Enabling Act and the requirement for the Planning Commission to hold a Public Hearing. Due to a defect in the Notice submitted another Public Hearing on this subject is required and will be announced. The minutes of this meeting along with summaries of all comments will be submitted to the Board when all work is completed and will also be published on our Website.

**Discussion:** Legal Counsel explained the Zoning Enabling Act process to be followed. In answer to a question regarding MDR Zoning, Zoning Officer Wroblewski answered that when the Zoning Ordinance is silent, that does not mean that Short Term Rentals are allowed. **If an Ordinance is silent on an issue, it is a non-conforming issue.** Currently STRs are not allowed, not permitted and are not addressed in Township Zoning. Much research and information gathering is necessary. Our mission is to protect our residents and property owners and to keep our Zoning in compliance with our **Master Plan** and the survey responses collected. Single family use in MDR Zones and use by groups of individuals or multiple families should be addressed. Some see Lilley Township as a quiet rural place to live, recreate or retire and some see it only as an opportunity to make profits. Much is to be resolved.

**Meeting Date – June 22<sup>nd</sup>, 2023 – A SPECIAL MEETING REGARDING ORDINANCES ON KEEPING OF CHICKENS AND SHORT-TERM RENTALS** was held at the Multi-Purpose Build with all Commission Members attending: Israels, Doornbos, Hoving, Bonnett and Moore.

Motions made to approve the Agenda and Minutes of the May 25<sup>th</sup>, 2023 PUBLIC HEARING - SHORT-TERM RENTALS – All in were favor – Motion Carried  
Regarding the agenda item on the keeping of chickens, there was no one present concerned with issue.

**Public Comment** on matters not published in the Agenda. – None

**Other matters to be reviewed**

**Old Business:**

**Correspondence:** Three letters from property owners against STRs were read with interruption from audience member objecting to finishing one of them within 3 minutes. Overruled as pro STRs were allowed to finish previously. Information is summarized in the Minutes for the June 22<sup>nd</sup> meeting on the website.

**Public Comment:** Audience engaged with Commission Members regarding illegal operation of a for-profit business in a Zoned single-family residential area. Home based businesses are not the same. Corruption charges against “Board” members were put on social media. Full information on website Minutes. A Property Manager’s death threat to a neighbor’s contractor was joked about by the STR owner on YouTube.

The Commission then recommended no Zoning changes to MDR, Grandfathering and possible licensing.

**Additional Correspondence:** The Zoning Officer provided a letter to be read from a long time STR owner in favor of Short-Term Rentals giving their family history and making suggestions on what should be done here in Lilley Township. This is their third letter submitted in favor of STRs. More information is on our website.

**New Business:** Discussion of research done regarding STRs and to make recommendations to the Township Board. Note: This should have been the end of Public Comment and Correspondence by the audience. The Open Meetings Act requires this Commission to conduct its business in front of the public.

The public refused to allow the Commission to conduct business without interruption. Much research has been done regarding this issue. Points to be looked and discussed by Commission Members are as follows:

1. STRs are not in compliance with MDR Zoning requirements.
2. STRs are a for profit business and not the same as a long-term rental or lease to a family.
3. STRs advertise for business on social media business platforms.
4. The Commission is looking at possible changes but have concluded that Medium Density Residential Zoned areas are for single family use. STRs are advertising for groups up to 20 unrelated people. A Single family is understood here as persons who also reside together elsewhere as a family unit.
5. There is a single-family housing shortage for local families to rent or lease who wish to live here.
6. The Real Estate Industry attempted to get a Michigan State law passed to END local control over Short-term rentals. This did not get passed into law.
7. The Zoning Officer informed us that of the **forty plus** known STRs located here, only **two** came to the Lilley Township Zoning Officer to find out if STRs are Zoning compliant before going into business.
8. Certain properties could be Grandfathered
9. There will be a Registry set up for further information gathering regarding changes to Zoning.
10. Changes required to Township Infrastructure to set up "police powers" to regulate the short-term rental business.

**During the Commission's attempts to discuss the business scheduled, the audience continually interrupted the proceedings and questioned the authority of Commission Members. The Chairperson was forced then to gavel an end to any further attempt at continuing the discussion.**

Motion was made and seconded to recommend that there be no change to MDR Zoning and that those eligible for Grandfathering status be awarded a one-year license if requirements are met. This would be our baseline. Voting began but was interrupted with yelling and arguing. When Commission members attempted to speak and vote on the Motion they were interrupted and cut off. Audience member inquired if the Township is ready to go to court. The impact on local residents was discussed. Audience member stated that it is unfair to not allow those who neglected to do research before investing and setting up a business to continue to operate. The 1st step is registration. Forms to be mailed to property owners shortly. Repeat prior Roll Call: Doornbos, Yes, Bonnett, Yes, Moore, Yes, Israels, Yes, Hoving, Yes - MOTION CARRIED

The next step will be going over the applications for the registry to determine qualification. More discussion followed. The point was made that licensed realtors are supposed to know about listed properties and what laws apply to that sale in that community. **Point was made that the job of the Planning Commission is to support Zoning, protect the residents of this Township and their property and to follow the wishes of the community as expressed in the Master Plan.**

For more information on the June 22<sup>nd</sup> Special Meeting see Minutes on our website.

**Meeting Date – July 20<sup>th</sup>, 2023 – THE REGULAR MEETING AND PUBLIC HEARING ON SHORT TERM RENTALS**  
was held at the Multi-Purpose Building with all Commission Members attending: Israels, Doornbos, Hoving,  
Bonnett and Moore

Motions made to approve the Agenda and Minutes of the June 22<sup>nd</sup>, 2023 Special Meeting on Ordinances  
regarding STRs and Keeping of Chickens. – All were in favor – Motion Carried

No Public Comments on this portion of the agenda

Guests present and introduced were Clifford Bloom, legal counsel to the Township and Newaygo County  
Sheriff's Dept. Representative Deputy Jonathan Vanderwall

\*\*\*\*\*OPEN PUBLIC HEARING\*\*\*\*\*  
Presentation by Attorney Clifford Bloom, Lilley Township's attorney, is summarized based on the document  
dated July 13th, 2023 entitled **"Important Facts Regarding the Possible Regulation of Short-Term Rentals"**  
**This document was placed on File with Township Records.**

Attorney Bloom introduced himself, his background and his purpose here tonight. A CAP ordinance is being  
considered here that would cap numbers and place certain restrictions around lakes. Nothing is final. Other  
restrictions and regulations would be considered. He recommends that no final decisions be made tonight.  
He has read all Township Minutes and all will get a chance to speak. He recommended to the Chairperson  
that all Rules of Order be strictly followed and enforced.

He began his presentation of "Important Facts".

1. The State of Michigan only regulates Building and Fire Codes, not STRs.
2. Lilley Township has had zoning for decades. STRs have never been expressly allowed except in  
General Commercial Areas.
3. To the best of our knowledge, none of the owners of any STRs in the Township have ever obtained  
any zoning approval or permit from the Township. Only Two inquired and were told that it was  
not allowed but they went ahead anyway. Those that existed before zoning and can document it  
can be Grandfathered.
4. Many Michigan Townships have banned STRs but regulations proposed by Lilley Township are  
actually fairly permissive, liberal and fair. If enacted a fairly large number would be allowed.
5. Some of the advocates of STRs propose no limits on STRs.
6. In most cases in rural and semi-rural areas, an STR depresses the property values of other non-STR  
cottages, cabins and houses adjoining and near an STR.
7. A cottage, cabin or house still has significant value in Lilley Township even if it cannot be used as  
an STR.
8. The majority of townships in Michigan, that allow STRs in single family zoning districts, can only  
be utilized for single family residential use and can be rented to or occupied by only one family at  
a time. Virtually none allow multi-family rentals, party rentals, rentals by an un-related group of  
individuals or similar uses for an STR dwelling
9. A number of existing STR dwellings in Lilley Township may not meet building or fire codes.
10. Unlike cities or villages, Lilley Township would benefit very little by an increased tax base due to  
many more STRs and given the limited millage rates for Townships.
11. Given that Lilley Township has no police force, limited ordinance enforcement staff and no  
conventional full-time employees, the Township is ill-equipped to police large numbers of STRs.

**“Important Facts” continued**

**12. Section 2.04C of the Lilley Township Zoning Ordinance has long defined “commercial use” as “any use connected with, or work intended for financial gain,” and a “hotel or motel” as “a facility offering lodging accommodations to the general public for a daily rate and which may or may not provide additional services, such as restaurants, meetings rooms, and recreational facilities in Section 2.09H.**

**Bloom continued by saying Tiny houses are not allowed anywhere in Michigan. You cannot rent out your chicken coop, boat house or trailer. Must be a house only. Court findings are uncertain but STRs could be considered a commercial use.**

**Bloom ended his summary and requested of the Chairperson that the Planning Commission not make any final decisions tonight.**

**Chairperson Israels spoke concerning the Registry letter to be voluntarily completed but is not mandatory and is to be returned by Sept. 30<sup>th</sup>, 2023.**

**Discussion followed between Commission members, Legal Counsel and some audience members. Topics included meaning of “single family” in terms of rentals, how to ensure proper supervision by off-site owners. Difficulty in getting law enforcement to dangerous sites, lack of ordinances to enforce and who would enforce them because of different jurisdictions involved. STR licensing to pay for the expense of “policing” the units. Private companies can be hired to managing licensing. Serious safety and environmental issues have arisen around lakes concerning boating and ORV use by large groups. Large groups using septic systems on fifty-foot-wide lots designed for single family homes were discussed. Parking is another consideration discussed. Bloom recommended two steps toward licensing and enforcement. Modifying ordinances and licensing items to include parking, septic inspection, occupancy, fire and carbon monoxide code. Recommends a license term of 3 years, Township enforcement and no time limit on making these changes. There is a Moratorium on renting to be extended to December 31<sup>st</sup>, 2023. This issue might not be decided for 6 months. An owner-occupied home business is usually allowed. (More discussion detail can be found in the Minutes of July 20<sup>th</sup>, 2023 on our Website)**

**Correspondence (summarized)**

**1. Owners of a cottage purchased two years ago on Pettibone Lake but live two hours away. Made friends with neighbors and upgraded their cottage. Have attended a meeting and heard complaints but say that owner occupied homes are the problem. Their only problems are with local resident’s noisy large groups. Local resident’s dogs and cows are a problem. They are in favor of very few restrictions on STRs as detailed in their letter in the minutes on the Township website. They may or may not rent out their cottage in the future.**

**2. Owner of a cottage since 2014. Wife spent childhood summers here at a cottage next door. Purchased because of the quiet family community that was Pettibone Lake. Turnover and rentals have changed things. Safety on the water has become a major concern. Lake rules are being violated at all hours. Visiting boats bring pollutants. Vacation rental groups of 10, 15 guests bring ATVs. Quads and dirt bikes who tear around the lake at high rates of speed. Suggests that those who bought property here to make a profit to Sell. Several other families here agree. Feels that short-term renters have created an unsafe environment for permanent residents. More detail available in the Website Minutes**

The audience was cautioned by legal at this time that speaking out without being recognized is a criminal misdemeanor that violates the Open Meetings Act. It is disrespectful and a person can be escorted out.

**Public Comment (Summarized)**

Walkup Lake property owner whose family has been here for 4 generations spoke out against the commercialism of local properties and the condition of the lake.

Bitely Lake property owner had legal questions regarding single-family rentals. There is an STR near him kept up by the owner. This week it was rented to a four-car family who were noisy all day and all night long. Another renter there had eight boats and thirteen cars. He has made complaints to the Township Board. Will the proposed Ordinance take care of this issue? He is really tired of the situation.

Mawby Lake STR owner and Realtor – Represents 14 current STR owners. Does not know about any others. Disputes numbers reported at previous meetings. Claims the majority of STR owners are using their properties as their cottage. STR Business Platforms are helpful in marketing their businesses to cover costs. He is in 2 years and in debt.

He began reading a letter from TRAVERSE LEGAL, PLC dated July 17, 2023 addressed via email and regular mail to – Lilley Township Planning Commission, 10767 N. Prospect, Bitely, MI 49309 – Signed by Mark Clark. THIS DOCUMENT HAS BEEN PLACED ON FILE WITH TOWNSHIP RECORDS. Reading of this letter was completed by Sarah Glidewell and Andrew Young, both STR owners in Lilley Township.

**Note:** Neither the Township Attorney nor the Planning Commission Chairperson had any knowledge of the correspondence from Traverse Legal, PLC prior to this meeting. Copies were now made available to Planning Commission Members with no chance to research the information it contained prior to this meeting.

Lilley Township Resident suggests regarding septic systems that the Township contact District 10 to inspect local systems. Wells must be fifty feet away from septic systems.

Lilley Township taxpayer says to not keep the legal battles going and to put a cap on STRs.

Nichols Lake and Lilley Township resident is against STRs based on problems on other lakes.

**PUBLIC COMMENT CLOSED TO PERMIT THE MEETING THAT WAS DISRUPTED PREVIOUSLY ON JUNE 22nd**

**NOTE:** THE COMPLETE TEXT OF THE PLANNING COMMISSION'S DISCUSSION SUMMARY CAN BE READ ON THE TOWNSHIP WEBSITE [lilleytownship.org](http://lilleytownship.org) UNDER MINUTES – PLANNING COMMISSION - JULY 20<sup>TH</sup>, 2023 ON PAGES 5, 6, 7 & 8. OR COPIES CAN BE OBTAINED AT THE TOWNSHIP OFFICES FROM THE CLERK

Consensus was reached to revisit the proposed Zoning Amendment dated June 26, 2023 after results of the registry letters are returned and legal can tweak the Amendment to include additional items addressed here including lake cap numbers, shared driveways, private access roads, motorized watercraft numbers and parking at STR properties. Some can be addressed by Zoning and others by licensing if approved. Members stressed that their primary responsibility is protecting our residents and property owners, supporting our Zoning, supporting our Zoning Officers and that taxpayer money is spent wisely to benefit all taxpayers and residents and not just a few business owners. We are a rural residential Township and not a resort area.

**Meeting Date – September 28<sup>th</sup>, 2023 – THE SPECIAL MEETING AND PUBLIC HEARING REGARDING A SPECIAL LAND USE APPLICATION FOR A PROPOSED CELL TOWER** was held at the Multi-Purpose Building with Members present including Israels, Doornbos, Hoving and Bonnett – Absent Moore

Motions to approve the Agenda and Minutes of the July 20<sup>th</sup>, 2023 Regular Meeting and Public Hearing. All in favor - Motion Carried

Correspondence received: Special Event Application – Lilley Township Fire Dept. – Haunted Fire Station, Trunk of Treat and Business Request by the Up-North Gift Shop

Public Comments on matters not published on the Agenda: None

This Special Meeting is now suspended for later consideration.

\*\*\*\*\*PUBLIC HEARING\*\*\*\*\*

Special Land Use Application – Ryan Streff with Powder River Development Services LLC o/b/o ARX Wireless Infrastructure LLC, a national tower company for proposed Wireless Communications Facilities and Antenna Support Structure at the following location in Lilley Township, Newaygo County.

Property Parcel #62-02-02-100-011 property size 3.64 acres located at 14345 N Woodbridge Dr., Bitely, MI

Streff explained that a new tower was needed to cover gaps in cell service coverage. Cell service providers are turning away from constructing their own towers and turning to companies specializing in tower construction. Verizon is the cell service contracting for placement of a tower to fill a gap in coverage that results in dropped calls and to increase wider coverage. A packet was provided with complete information containing specifications, information, maps, pictures, Zoning maps and wetlands information from FEMA. A complete description and structural specifications were described.

Public Discussion: Questions from Commission Members, members of the audience and neighbors of the proposed site were asked and answered. Comments and concerns included lack of service in areas of the Township, safety factors when first responders can not be reached, dropped calls, lighting and Zoning. Cell service with many providers is now used by most people and cell towers are necessary to provide this important service everywhere for convenience and safety. Different Cell providers use different towers.

Concern was voiced regarding electromagnetic fields affecting health of families. **Streff cites the Federal Telecommunications Act of 1996** which states that local regulations cannot **prohibit** or **regulate** wireless facilities on the basis of environmental effects of FCC-compliant radio frequency emissions. Opinions exist on both sides of the issue. Emissions from tower exposure are very far below that of your cellphone and other devices and are much further away, Streff explained.

Hours of research on this subject have found that many years of scientific study has been done regarding these emissions and the effects on health. Cites scientific study by the World Health Org., the FDA, the FCC, the NIH, Sloan-Kettering Cancer Center along with scientific research by seven other International governmental agencies. The consensus is that “There is no convincing scientific evidence that the weak signals from base stations (cell towers) and wireless networks cause adverse health effects”. There are other opinions expressed on the internet that propose opposing theories.

Public discussion is now closed.

Legal Counsel for Lilley Township has provided the Commission with two Checklists which must be followed when considering approval of cell towers. The first is Section 20-04 General Standards for Approval. All of the general standards must be complied with. First the applicant must demonstrate that construction of a new tower is necessary. If the Commission is convinced that no other method is available then **Five Standards** must be met for lot size, fencing, setbacks, height and number of user accommodations.

The plans and specifications provided were found in compliance with the General Standards for Approval.

**Chairperson called for a motion to approve the application by ARX Wireless Infrastructure LLC. as presented Motion to approve by Hoving, Second by Israels: Roll Call: Bonnett, No, Doornbos, Yes with conditions, Hoving, Yes, Israels, Yes – Motion Carried - More information on this vote will be added later after certain conditions are clarified. Those conditions are to obtain legal clarification on the status of a previous different Cell Tower application whose approval has expired after one year and was not renewed timely.**

There followed lengthy discussion by Commission Members with input from audience and the cell tower representative which can be read on our website for Planning Commission Minutes dated September 28<sup>th</sup>, 2023.

Chairperson Israels stated that in conclusion, the motion to recommend approval with conditions to the Township Board, for a Special Land Use application for ARX Wireless Infrastructure, LLC to build a cell tower at 18 Mile Road and M37 will go forward as approved.

Our Zoning officer will explain to the Township Board, at their upcoming meeting, the Legal opinion he received regarding the expired application by Parallel Towers III LLC and AT&T previously approved on August 19, 2021. Mr. Streff was invited to attend that meeting to answer any questions and supply us with packets of information for anyone interested regarding this application for ARX Wireless Infrastructure LLC. Information to be presented to the Board during the Planning Commission part of the Agenda.

Public Hearing was now closed.

The Commission unanimously approved the Fire Department's Special Event Application to hold a Haunted Fire Station event on the Saturday before Halloween. Involving Community youth is important

The request by the Up-North Gift Shop to add a one chair hair salon into an existing room in the building that has always had three businesses within the location.

Motion by Doornbos, Second by Israels to approve the addition of a hair salon chair. Zoning Approved. All in Favor – Aye – Motion Carried.

Presentation of our results will be made to the Township Board on October 9th, 2023

**Meeting date – October 19<sup>th</sup>, 2023** – The Regular Meeting Regarding the Keeping of Animals Zoning Ordinance and a Special Land Use Application was held at the Multi-Purpose Building with all members present including Israels, Doornbos, Hoving, Bonnett and Moore

Motions to approve the Agenda and Minutes of the September 28th, 2023 Public Hearing on a Proposed Cell Tower

All in favor – Motion Carried

Correspondence: None

Visitor Recognition: Leland Calloway representing Harmoni Towers

There were no Public Comments on matters not published on the Agenda

Old Business:

Update on the previously approved AT&T Cell Tower. Mr. Leland Calloway represents Harmoni Towers. They are the purchaser of all of the Parallel Towers III LLC facilities, the company previously approved for a tower for AT&T usage by Lilley Township in 2021. AT&T has budgeted and is now ready to upgrade coverage in this area which is much needed. Zoning Officer Wroblewski asked if there would be changes to the original plan. Specifications would remain the same and construction would commence within three months after approval. The current tower cannot provide the space needed for equipment upgrade. This request will have to wait until Wroblewski receives an answer from our legal counsel as to whether approval can be granted or if reapplication is necessary. He will notify Harmoni when a decision is reached.

Motion was made by Hoving, Second by Doornbos to reapprove the original permit for the AT&T Cell Tower on M37 approved previously in 2021 **conditional** on legal decision from our legal counsel.

Roll Call: Moore, No (No reason given), Doornbos, Yes, with conditions, Israels, Yes, Bonnett, No (Doesn't want one across the road from another), Hoving, Yes – Motion Carried

New Business: Debbie Vargas has requested a Special Land Use approval to locate her new Food Truck business "La Boricua - A Taste of the Island LLC" on various properties within Lilley Township. Her goal is to introduce authentic Caribbean food to our area. At present she has gained temporary approvals from the Newaygo County Health Department lasting 14 days for each event and the permit must be renewed every 14 days for \$100.00 each. Approval and issuance of a permit by the Health Dept. is granted just before the event. Doornbos requests only that Vargas transmit copies of her permits to Chairman Israels when she receives them. Per Zoning Officer, permission to be granted by private property owners or the Township Board if placement is on Township properties for planned events.

Motion by Moore, Second by Hoving to recommend, to the Township Board, approval of the Special Land Use Permit to Debbie Vargas to operate her business "La Boricua" in various locations in Lilley Township upon receiving documentation of permits from the Newaygo County Health Department for each event.

Roll Call: Moore, Yes, Doornbos, Yes, Israels, Yes, Bonnett, Yes, Hoving, Yes Motion Carried

Current Zoning Section 3.21 – B (2) regarding the Keeping of Animals to be examined on the subject of The Keeping of Chickens in residential areas and the restrictions that apply. We have gathered some information on how several cities are allowing and restricting this issue. Issues discussed included benefits to having chickens, numbers allowed, no roosters, restrictions on sales of eggs or meat and no slaughtering onsite. Current Zoning in Lilley Township bans poultry in LDR, MDR and MHP Zones. Allowed in WR, AG & RR., restrictions apply. More information is needed and will be researched.

Motion by Israels, second by Bonnett that we study existing ordinances with member input to be compiled and further action to be taken at our January, 2024 meeting.

All in Favor Aye, Opposed None – Motion Carried

**Meeting date – November 9<sup>th</sup>, 2023** – THE PUBLIC HEARING REGARDING PROPOSED AMENDMENTS TO THE LILLEY TOWNSHIP ZONING ORDINANCE ON SHORT-TERM RENTALS was held at the Multi-Purpose Building with all members present including Israels, Doornbos, Hoving, Bonnett and Moore

Motions to approve the Agenda and Minutes of the October 19<sup>th</sup>, 2023 Regular Meeting  
All in favor – Motion Carried

Public Comments: None

Introduction of guests and Counsel: Clifford Bloom – Counsel for Lilley Township  
Mark Clark – Counsel for STR Owners and Hosts

\*\*\*\*\*OPEN PUBLIC HEARING\*\*\*\*\*

Re: Proposed Amendments to the Lilley Township Zoning Ordinance regarding Short Term Rentals

Chairperson Israels began with information compiled from our Master Plan and the commitment to the preservation of our rural residential and recreational environment for residents and seasonal property owners. One of the main objectives of our Master Plan is to maintain the rural character of our Township and to allow for regulated higher density of residences around lakes, streams and main roads without crowding and/or jeopardizing the health and safety of Township residents. Our taxpayer survey concluded the wishes of property owners reflect these goals and policies. We as a Planning Commission are obligated and take an oath to protect the property owners and residents of this Township and their tax dollars and that is what we have tried to do. Lilley Township has already incurred a large expense to satisfy STR owners. We have tried to be fair to all but there have been five meetings held pertaining only to Short Term Rentals. Public Hearings are generally paid for in advance to cover Township expenses by those who request them but none have been paid for by STR advocates. We hope you can see that we have tried to be fair to your demands while remaining true to our responsibilities to the Township.

**Tonight's Hearing is to only deal with the language that is in the Ordinance Amendment**

Correspondence: Ben Maffit – Received by email early on the day of this meeting

Ethan and Sarah Glidewell – email sent at 4:47 PM the day of this meeting

Sara Glemby - letter with attachments – email sent at 4:37 PM the day of this meeting

Josh Wisner & The Short-Term Rental Owners Group – 7-page document by email sent at 4:58 PM the day of this meeting.

Due to their very late arrival the Planning Commission Members did not receive this correspondence in a timely manner. This information will be considered and available for review at the Township Offices.

Public Comment: (Summarized due to time constraints – See more on the Website Minutes)

1. Local resident and STR owner, questions a statement regarding economic benefit for local business and disputes the reasons for limiting STRs on private roads.

2. Mark Clark – Counsel for the STR hosts spoke next thanking the Commission for their efforts. He has received the two Draft Ordinances dated in July and October of 2023 with notable changes. He has questions and hopes for full discussion and comment. He notes that STR caps changed from 50 to 25.

**Public Comment (continued)**

Clark questions how caps were arrived at especially around lakes, as well as questioning percentages used elsewhere based on a percentage of housing at 6% to avoid housing shortages. He says we are at 3% and questions the motives of the Board and Planning Commission. Questioned the term “Single Families” in existing Lilley Township Zoning Ordinances. Questioned penalties being suggested against those STRs who rent to unrelated groups. Questions application of the term non-conforming use in the existing Ordinance. Believes a good-faith argument exists. Claims his clients have never preferred a legal challenge. Suggests that a legitimate criterion was not used in making decisions. Questions the documented impact on private roads by STR renters. Suggests that he and his clients should write the rules regarding STR businesses based on what other areas have done and not those who know this community best. Makes suggestions regarding licensing procedures. Suggests “Grandfathering” all of the existing STRs or there may be legal implications.

3. STR owner read from his 7-page letter and packet that was emailed just prior to the meeting. Very critical of the way the Township is handling everything. Disputes the restriction on private roads. When his three minutes were up he insisted on more time but our legal counsel had to caution him that his time was up.

4. A resident of Lilley Township is concerned about the “one-mile radius” around lakes and how it would impact hunting grounds and cabins or limit Short-Term Rentals of hunting cabins.

5. STR owner who sent an email received just prior to the meeting. Supports “Grandfathering” of existing STRs. States STR owners have always supported licensing, capping and necessary regulations. Wants to work closely Township. Questions if any of the exclusionary characteristic, that were developed to determine who was lawfully in existence, were based on information received from the voluntary registry. Would it eliminate existing STRs and open it up to new ones. How will licenses be awarded? How selected?

6. STR Host – Property Owner & Taxpayer – What are the Township’s requirements regarding a small retreat property that has less than the required Michigan State’s registration of a campground which specifically states 5 or more total sites. If a property has less than State required 5 and has 4 sites consisting of tents, campers or mini cabins could it be established as a lawful STR lot or be considered for a special land use permit? As an STR host he has good reviews. He informs his guests of local options. Feels visitors are good for the Community.

**Public Comment Closed**

**Bloom’s relies to comments are summarized below. More detail is available in the meeting minutes.**

Chairperson Israels turned the meeting over to Clifford Bloom, Lilley Township legal counsel who made notes regarding some of the comments and communications raised. He asked Israels for information gathered in the voluntary Registry. 37 existing operational STRs verified. No further groupings were done before turnover of all information to Zoning. Further work and investigation are required before licensing is completed. Of the only 2 who inquired if their STR would be legal, 1 went to Zoning and 1 asked the wrong official. Further compilation of the Registry information is not yet complete.

Bloom continued that based on current occupied housing figures STRs would be 10%. Other housing consists of cottages, hunting or vacation properties whose owners live elsewhere. Mixing vacation properties into the total inventory is incorrect and skews the numbers. If 37 admit to operating an STR, there are probably more.

Bloom then stated that since the first Public Hearing there have been at least **4 drafts** of the proposed ordinance discussed, considered and modified at multiple public meetings. If it is decided by this body to make a recommendation to the Township Board to adopt the Ordinance on STRs as amended, that body will make final determination on its adoption. **A separate regulatory Licensing Ordinance** will be developed later

Regarding comments, no one has disputed that there is no economic benefit for the Township businesses. If there are no STRs, the vacation home owners and residents are there supporting the local economy.

Regarding lake caps, lakes are the preferred locations for STRs. Regarding Pettibone Lake there are 17 STRs there, far more than any other lake in the Township. That is around 25% of the population around the lake. Opposing Counsel suggests a 6% figure as fair. The percentage around Pettibone is currently 61 housing units and 6% would be 3.66. We are recommending a cap of 4. **NOTE: THESE FIGURES HAVE BEEN CORRECTED TO REFLECT 54 UNITS AND 15 STRs.**

The one-mile figure around lakes is based on section size so STRs can also be placed in surrounding areas.

Regarding the Single-Family issue, Zoning in Lilley Township is decades old. It was carefully written to fit the needs of our rural residential and vacation property area. STRs are relatively new to this area. Rentals of owner's cottages or cabins for a few weeks a year did happen just to cover expenses but using a place as a for-profit year-round business is also new and is so far considered unlawful in a Single-Family Residential Zone. Urban and resort areas have an infrastructure that supports their needs which rural Townships do not have. Our Zoning was approved to reflect the needs and wishes of local residents and property owners.

Bloom respectfully disagreed with opposing counsel stating that his clients don't want lawsuits. Lawsuits have been a threat since day one. The Township could face lawsuits from STR owners as well as those neighboring property owners who do not want them. We are attempting to find a solution that is fair and equitable to all.

Private roads are maintained by local property owners only per our Zoning regulations. Addressing issues regarding private roads is innovative and based on local conditions within the Township. Safety issues are a factor as many private roads are in very poor shape. Access for emergency vehicles is important.

Tiny Houses will be defined as to what they are and why they are illegal under our zoning based on square footage. Building codes must be followed for residential use.

The process for securing an STR permit was outlined if this ordinance passes. The Group claims 14 existing STRs in this township however 37 have been identified and there are probably more. Our numbers show there are 380 year-round homes here and their suggestion of 6% would be roughly 23. Ordinance suggests 25. Their figures of 1000 would allow 60. It is a close call if they are even allowed under our present zoning.

The Privileged and Confidential legal opinion expressed in 2009 referred to a specific STR. At that time, it was decided to not go after the family involved even though it seemed to violate our Zoning. There has been much case law from the Court of Appeals and the Supreme Court since. The majority found that STRs are Commercial and not allowed in Single Family Zoned Districts. There has been a Moratorium in effect in the Township so none should have been operating until proving that they are lawfully non-conforming.

STR properties still have value even if short term rental is not allowed. The property itself still has value.

Counsel Bloom concluded his comments and said he was available for questions during Discussion. Deliberations began with the full Planning Commission membership discussing some of the following points which had been under consideration by this body since April, 2023.

1. If some STRs are approved, limiting the **numbers** allowed in the Township especially around lakes. The numbers of existing ones put forward by the Group were not accurate. It was agreed upon, as a compromise, to place a limit of one STR for every 10 acres of lake based on the Newaygo County GIS. Previous policy protected the rights of local property owners who might only rent out their cottage or cabin a few weeks a year to cover expenses. Suggested total of 25 in the Township.
2. Factors in our Zoning Ordinance regarding Wilderness recreation, rural residential, MDR, LDR and Commercial Zones.
3. Complaints by residents of **private roads** where STR guests with ORVs had torn up their private road which had recently been repaired at local property owners' expense. County and Township are not responsible for Grandfathered private roads. One family has a family compound with a private road built and maintained by a property owner. One person wants to build a campground and STR on it.
4. Legality of a **For-Profit business** where the owners live elsewhere and are not a Home-Based business.
5. **Length** of rentals.
6. Planning Commission's responsibility to represent taxpaying residents and property owners in Lilley Township. Looked at **tax dollar expenses** already incurred to accommodate STRs at 9 meetings this year instead of the usual 4.
7. **Lack of infrastructure** to accommodate STRs and protect local residents from various reported abuses.
8. Local authorities are **part-time**, with no local police force, many different Governmental units with **jurisdiction** over lakes, roads, national forests, State campgrounds and a County Sherriff's Department unable to enforce Township Ordinances.
9. **Cost** of Amending the Zoning Ordinance then setting up a Licensing Procedure Ordinance and the cost and procedure of implementing them. Bloom said the Licensing procedure will be tough.
10. What would be the result of allowing the STR for profit businesses to locate in a residential area and what other businesses would then be allowed to locate in residential areas? Bloom - should not be problem.
11. Restricting possible licensed STRs to rent to only **one family** and not large groups with large numbers of cars and trailers parked on the rural roads impeding emergency vehicles. Vehicles and trailers have also been parked on neighboring properties. This problem also applies to private roads.
12. **Shared driveways and shared access points** can violate property rights and cause many problems. There has been a death threat made caused by the confusion over a shared access and property ownership.
13. Renting without a license would result in ticketing and possible fines under the Licensing Ordinance to be written following Board Approval of the Zoning Ordinance.

**14. Discussion of limits to how many months per year rental would be allowed or no yearly limits.**

Moving on Israels asked if all Members had read the proposed Ordinance and if there were any additions or deletions. Counsel Bloom proposed revisions to the wording on the October 31 draft, page 7, C. (3) regarding Tiny Houses to read “Any “tiny house” or any dwelling that does not meet the minimum size requirements of this Ordinance.”

In addition, on page 8 of the Oct. 31<sup>st</sup> draft, C. (8) to read “Any dwelling or structure that does not comply with all applicable Zoning Ordinance requirements, building codes, fire safety codes and the maintenance code.”

**Per Bloom STRs do not have to comply with commercial building codes if there is single family occupancy.**

All members agreed to these revisions to the proposed Zoning Ordinance.

There being no more business to complete, Israels called for a motion to recommend the November 13, 2023 Zoning Ordinance Amendment, as revised and amended, to the Township Board for final approval.

Motion by Moore, second by Hoving to recommend to the Lilley Township Board approval of the Zoning Ordinance regarding Short Term Rentals to be approved as amended and revised.

Roll Call: Doornbos, No, Bonnett, Yes, Moore Yes, Israels, Yes, Hoving, Yes – Motion Carried

This approval information to be presented at the next Lilley Township Board Meeting on November 13<sup>th</sup>, 2023 in the Planning Commission portion of their agenda.

Israels announce that the 3 multi-page emails received just prior to this meeting will be archived as they contain information already seen and considered at many previous meetings.

An audience member asked about the licensing as discussed. The Licensing Ordinance is not ready yet. The Board will consider the Zoning Ordinance and if approved, the Licensing Ordinance will follow.

The next regular meeting of the Planning Commission will be January 18<sup>th</sup>, 2024 at 7:00 PM. We are going to consider moving all future meetings to a starting time of 7:00 PM.

Even though this Annual Report is much more detailed than previous reports it is suggested that even more detailed information can be found on the Township website where the Minutes of each Planning Commission meeting can be found. The topics covered this year are much too important to the Township’s future to go unreported in more detail.

**SEE THE ATTENDANCE FOR THE YEAR ON THE NEXT PAGE.**

## LILLEY TOWNSHIP PLANNING COMMISSION ATTENDANCE RECORD FOR 2023

### January 19<sup>th</sup>, 2023 – Regular Meeting

CHAIRPERSON	CINDY ISRAELS	PRESENT
VICE-CHAIR	ROBERT DOORNBOS	PRESENT
RECORDING SECRETARY	JUDITH HOVING	PRESENT
MEMBER	ANNA BONNETT	ABSENT
MEMBER	CHRIS MOORE	PRESENT

### February 9<sup>th</sup>, 2023 – Public Hearing – Special Land Use - For Dollar General Store

CHAIRPERSON	CINDY ISRAELS	PRESENT
VICE-CHAIR	ROBERT DOORNBOS	PRESENT
RECORDING SECRETARY	JUDITH HOVING	PRESENT
MEMBER	ANNA BONNETT	PRESENT
MEMBER	CHRIS MOORE	PRESENT

### April 20<sup>th</sup>, 2023 – Regular Meeting and Short Term Rentals

CHAIRPERSON	CINDY ISRAELS	PRESENT
VICE-CHAIR	ROBERT DOORNBOS	PRESENT
RECORDING SECRETARY	JUDITH HOVING	PRESENT
MEMBER	ANNA BONNETT	PRESENT
MEMBER	CHRIS MOORE	PRESENT

### May 25<sup>th</sup>, 2023 – Public Hearing – Short Term Rentals

CHAIRPERSON	CINDY ISRAELS	PRESENT
VICE-CHAIR	ROBERT DOORNBOS	PRESENT
RECORDING SECRETARY	JUDITH HOVING	PRESENT
MEMBER	ANNA BONNETT	PRESENT
MEMBER	CHRIS MOORE	PRESENT

### June 22<sup>nd</sup>, 2023 – Special Meeting – Ordinances regarding STRs and Keeping of Chickens

CHAIRPERSON	CINDY ISRAELS	PRESENT
VICE-CHAIR	ROBERT DOORNBOS	PRESENT
RECORDING SECRETARY	JUDITH HOVING	PRESENT
MEMBER	ANNA BONNETT	PRESENT
MEMBER	CHRIS MOORE	PRESENT

### July 20<sup>th</sup>, 2023 – Regular Meeting and Public Hearing regarding Short Term Rentals

CHAIRPERSON	CINDY ISRAELS	PRESENT
VICE-CHAIR	ROBERT DOORNBOS	PRESENT
RECORDING SECRETARY	JUDITH HOVING	PRESENT
MEMBER	ANNA BONNETT	PRESENT
MEMBER	CHRIS MOORE	PRESENT

### September 28<sup>th</sup>, 2023 – Public Hearing - Special Land Use Application for a Proposed Cell Tower

CHAIRPERSON	CINDY ISRAELS	PRESENT
VICE-CHAIR	ROBERT DOORNBOS	PRESENT
RECORDING SECRETARY	JUDITH HOVING	PRESENT
MEMBER	ANNA BONNETT	PRESENT
MEMBER	CHRIS MOORE	ABSENT

### October 19<sup>th</sup>, 2023 – Regular Meeting – Keeping of Animals Zoning Ordinance & Special Use Application

CHAIRPERSON	CINDY ISRAELS	PRESENT
VICE-CHAIR	ROBERT DOORNBOS	PRESENT
RECORDING SECRETARY	JUDITH HOVING	PRESENT
MEMBER	ANNA BONNETT	PRESENT
MEMBER	CHRIS MOORE	PRESENT

### November 9<sup>th</sup>, 2023 – Public Hearing – Short Term Rentals

CHAIRPERSON	CINDY ISRAELS	PRESENT
VICE-CHAIR	ROBERT DOORNBOS	PRESENT
RECORDING SECRETARY	JUDITH HOVING	PRESENT
MEMBER	ANNA BONNETT	PRESENT
MEMBER	CHRIS MOORE	PRESENT