

Porter Township
Planning Commission
August Public Hearing Minutes
August 4, 2021

Start Time: 7:00 pm

Members Present: Doug Noble, Jr. John Miller, Andrew Nesbitt, Steve Cornish, Tim Seppala, Tonya Blanchard, Bob Angle, Heather Smith

Members Not Present: David Kindt

Zoning Administrator: Rich McGrew, present

Doug Noble Jr, Planning Commission Chairperson, announced that this Public Hearing is to get input on the Short-Term Rental proposed ordinance. He explained the township ordinance process, and with township attorney Harold Schuitmaker's approval of overview discussion, began the public hearing.

Heather Smith stated that there is a sentence on page one of the proposed ordinance that needs clarification or rewording. The definition of short-term rental was intended to classify between short and long term rentals, not to limit the total number of nights a residence can be rented. Heather stated that during the regular Planning Commission meeting, she will request the definition of short-term rental be changed from 'the rental or subletting of a single-family dwelling for compensation for terms of not more than 27 nights total in a calendar year' to 'the rental or subletting of a single-family dwelling for compensation for any period of less than 28 days (removing – in a calendar year).'

Doug Noble Jr referenced Senate Bill 446 and asked Township Attorney Schuitmaker to explain the significance of that. Mr. Schuitmaker explained that Senate Bill 446 has not become a law yet. He read the bill and gave explanations. He also reiterated that the Township Board and Planning Commission want constructive input on this ordinance, which is why a public hearing was called.

Correspondence: Tim Seppala read correspondence that the Planning Commission received from an Holstrom Law Office representing Revele Properties, LLC, Andrew and Kathryn Stefo, owners of riparian (waterfront dwellings) properties in Porter Township.

Citizens Comments: There were many comments and discussions from citizens. Highlights of the discussion topics were:

- Yearly cost/registration fee a concern
 - Oversight – who will enforce, will it be fair?
 - Definition of public nuisance
 - Procedure to submit complaints not at policing level – ex. Excessive trash. Response that police, zoning and/or blight administrators will be handling complaints, and habitual offenders could lose their right to rent short-term. Suggestion of adding a link and phone number on township webpage to submit complaints.
 - Designated agent if homeowner is more than a certain distance away – Is agent a keyholder only? Do they need to be accredited? How much authority do owners have to give them?
 - Concerns with one rental term in a Sunday – Saturday week being too limiting
 - Can someone short term rent for 28 days, sign new 28 day agreement, and end up renting for several months to get around longer term rental laws?
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- Clarification that the ordinance won't affect Miracle Camp or Pioneer Point Campground
 - Homeowners who only stay here on weekends are causing more problems than short term renters.
 - Allows homeowners to have excessive trash, but not renters. Homeowners can be worst offenders. This proposed ordinance is enforcing things to renters that we don't enforce to homeowners. Big parties on lakes are not from renters, they are from homeowners, and/or homeowner's teenage kids.
 - Suggestion to limit this ordinance to owners who rent as a business and/or advertise. Explained a homeowner allows neighbor's extended family to rent his house occasionally when it is unoccupied, but does not rent out to general public. Also suggested homeowners who only rent once or twice a year to be exempt from registering & fees.
 - Several questions on how many problem situations and complaints we have. Is it only one neighbor complaining? Is problem concentrated in a certain area with habitual offender, or several locations?
 - How much notice will be given for inspections? Will inspections be conducted while renters are on site?
 - Will there be plenty of notice before ordinance takes effect? Some dwellings already have rentals set up for the rest of the year.
 - Homeowners should try to handle issues with neighbors directly. Ordinance not needed. This is more of a neighborhood issue and not a governance issue.
 - Proposed ordinance is heavy handed and too limiting.
 - Ordinance limits number of people renting but no limit to large families in small homes. Ordinance should allow more people to stay in a dwelling.
 - Would ordinance apply if someone is renting a room, when homeowner is on premises?
 - Should have advertised early on that Planning Commission is working on this ordinance, didn't like being notified at the end of the process. Public hearing should have been held before tax money was used to write this ordinance.
 - There may be more neighbors who have complaints but haven't voiced them because there is no ordinance to enforce. Most items in the proposed ordinance are safety oriented, recreation oriented. There needs to be more included for safety – some homeowners are also renting boats, ATV's, to people with no safety training or instruction.
 - Lake people are in vacation mode – perhaps we need a noise ordinance and parking ordinance, not a rental ordinance. Should have ordinance for everyone, not just renters.
 - This ordinance is micromanagement.
 - Should not limit number of daytime guests.
 - This ordinance has unintended consequences.
 - VRBO & Airbnb have system to rate guests and report issues. Homeowners don't want bad renters any more than neighbors do.
 - Is township only pursuing because Michigan Township Association is pushing this agenda?
 - Proposed ordinance states concerns of safety, but the safety issue is we have too many people using the access and putting boats in the water. This ordinance will not stop boats on boat ramp.
 - We need a bigger police presence on lakes – there is no way for police to determine of offenders are renters or homeowners.
 - Allows bitter neighbors to repeatedly turn others in.
 - Will put short-term renters out of business.
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- Registering rental homes is a good thing, doesn't want to see all available properties turned into rentals and bought up by owners who are never here.
- Gravel Lake Association President is willing to get lake association input if we are interested.

Comment from Attorney Schuitmaker – if we don't have responsible homeowners, it is not fair to surrounding property owners. This ordinance is not aimed to stop short term rentals, but to put parameters on them.

Attorney Schuitmaker reminded everyone this is not a zoning ordinance, this is a public safety ordinance. Our Board incurred no attorney fees to write this. Blight and zoning officers report to the Township Board monthly, he doesn't know total number of complaints. Attorney Schuitmaker suggests we consider asking lake associations to give input and submit ideas.

Andy Nesbitt commented that the Township Board is trying to be proactive, not reactive.

Doug Noble Jr. asked three times if there were any further citizens comments.

Motion to adjourn public hearing made by Heather Smith, seconded by Andy Nesbitt. Public Hearing adjourned at 8:50 pm.
