



POSTED 03/21/2023 5 PM

UPDATED 04/01/2023 5 PM

Special Meeting of the
EAST BAY CHARTER TOWNSHIP BOARD
East Bay Township Hall at 1965 North Three Mile Road
Wednesday, April 5, 2023 at 6:30 PM

- A. Call Meeting to Order
- B. Pledge of Allegiance
- C. Roll Call
- D. Agenda
 - 1. Review for Conflict of Interest
 - 2. Approval of the Agenda
- E. Public Comment
- F. Business before the Township Board
 - 1. Short-term Rentals
 - 2. East Bay of Grand Traverse Bay Bottomland Conveyance
 - a. 2155 US 31 N
 - b. 1773 US 31 N
 - 3. East Bay Ambulance
 - 4. Job Description – Part-time Building & Groundskeeper
- G. Public Comment
- H. Upcoming Meeting Dates: April 10, 2023 Regular Meeting
- I. Adjournment

*Information regarding meeting agendas, minutes, and packets are located at eastbaytwp.org.
Meetings are livestreamed at tacm.tv/eastbaylive.*

*If you are planning to attend this public meeting and are disabled requiring any special assistance,
please notify the Township Clerk by calling at (231) 947-8647 as soon as possible.*

www.gonitro.com

PUBLIC COMMENT

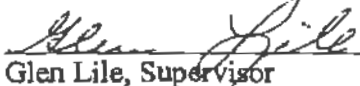
Any person shall be permitted to address the Township Board which is required to be open to the public under the provision of the Michigan Open Meetings Act, as amended. (MCLA 15.261, et seq.) Public Comment shall be carried out in accordance with the following Board Rules and Procedures:

- Any person wishing to address the Board will be asked to stand up to the microphone and state his or her name and address.
- No person shall be allowed to speak more than once on the same matter, excluding time needed to answer Board's questions. The Chairperson shall control the amount of time each person shall be allowed to speak, which shall not exceed three (3) minutes.
- When ever individuals want to trade their minutes for a group, and a group wishes to address the Board, the Chairperson may require that the group designate a spokesperson; the Chairperson shall control the amount of time the spokesperson shall be allowed to speak, which shall not exceed fifteen (15) minutes, this should be prearranged at the beginning of the meeting or just prior.
- In order to avoid unscheduled debates, the Board generally will not comment or respond to presenters. Silence or non-response from the Board should not be interpreted as disinterest or disagreement by the Board.

Brought before the East Bay Charter Township Board of Trustees at a Regular Township Meeting on Monday, November 10, 2008,

Motion by: Friend second by: Strait

The motion passed without opposition

 12-2-08
Glen Lile, Supervisor Date

 11/11/08
Susanne M. Courtade, Clerk Date



Meeting Date: April 5, 2023 Special Meeting
Agenda Item: Short term Rentals
Contact: Claire Karner, Preston Taylor, Jacob Witte

Description:

The Board of Trustees last reviewed and discussed the STR ordinance amendments and policy February 13, 2023. The Board provided guidance to staff on (1) edits to the draft amendments to Ordinance 5 of 2019, (2) edits to the draft policy presented, and (3) a request for staff to return with more detail on individuals who may have inadvertently let their licenses laps prior to the moratorium.

Attachments:

- Amended draft language for amendments to Ordinance 5 of 2019, dated 03.30.23
- Amended draft policy language, dated 03.30.23
- Staff memo regarding proposed amendments
- Staff memo regarding possible policy decision to allow a retroactive grace period for renewal of lapsed expired licenses.
- Communications related to STR ordinance amendments

Possible Action(s):

- Based on Board discussion, the Board may choose to officially introduce the draft amendments of Ordinance 5 of 2019 at a subsequent meeting.
- The Board may also choose to allow a grace period retroactively for Short Term Rental license holders who may have failed to renew their license on time, as detailed in the staff memo dated April 5, 2023.

EAST BAY CHARTER TOWNSHIP
Short-Term Rental Licensing Ordinance No. 5 of 2019

AN ORDINANCE PURSUANT TO ACT 359 OF THE PUBLIC ACTS OF 1947,
AS AMENDED, TO PROVIDE FOR THE PUBLIC PEACE AND HEALTH AND
FOR THE SAFETY OF PERSONS AND PROPERTY IN EAST BAY CHARTER
TOWNSHIP BY THE LICENSING AND REGULATION OF SHORT-TERM
RENTALS, TO PROVIDE PROCEDURES FOR THE SUSPENSION AND
REVOCATION OF SHORT-TERM RENTAL LICENSES, AND TO PROVIDE
PENALTIES FOR VIOLATIONS OF THE ORDINANCE

EAST BAY CHARTER TOWNSHIP HEREBY ORDAINS:

Section 1. Purpose.

This ordinance is intended to protect and promote the health, safety and welfare of all the citizens of East Bay Charter Township, as well as those visiting the area, by requiring the licensing of short-term rentals within the Township. It is also the intent of this ordinance to allow for the purchase and continued ownership, rental, and maintenance of properties where renting the dwelling unit for short periods of time will allow the owner(s) to keep the property for their future use and enjoyment, while protecting the integrity and preserving the character of those residential neighborhoods which were developed with the intent of single-family occupancy and minimizing conflicts between different land uses. This ordinance is further intended to protect the availability of long-term rental properties within the Township, which are recognized as providing an important and affordable long-term housing option.

Section 2. Applicability.

This ordinance requires all persons who desire to operate a short-term rental located anywhere within East Bay Charter Township to obtain a license from the Office of Planning & Zoning under the terms and conditions of this ordinance.

Section 3. Definitions. As used in this ordinance,

"Bedroom" means a room which is intended, arranged, and designed to be occupied by one or more individuals primarily for sleeping purposes, as determined by the Office of Planning & Zoning.

"Dwelling unit" means a group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, sanitation, cooking, and eating purposes. A dwelling unit, however, shall not include an "adult motel," "bed and breakfast," ~~cabin court,~~ "hotel" or "motel," "lodging house," and "camps," and campgrounds" as those terms are defined and regulated under the East Bay Charter Township Zoning Ordinance, nor shall a dwelling unit include recreational vehicles, campers, houseboats, or cabin courts.

"Immediate neighbors" means the owners and occupants of property that are located within three hundred (300) feet of the premises on which the short-term rental is located.

"License holder" means the person who applies for and receives a short-term rental license from East Bay Charter Township. A license holder may or may not be the owner of the dwelling unit where the short-term rental is located.

"Local agent" means the individual designated by the license holder to perform obligations under this ordinance and to serve as the contact person for issues relating to a short-term rental. The designated agent must reside or maintain a physical place of business within 45 miles of the short-term rental.

"Maximum occupancy" means the maximum number of allowable occupants and ~~the guests of those occupants for visitors of~~ a short-term rental, as established in Section 6(c) of this ordinance.

"Occupant" means an individual living in, sleeping in, or otherwise having possession of a short-term rental. An individual present in a dwelling unit during the term of a short-term rental shall be presumed to be an occupant unless circumstances clearly indicate that the individual is a visitor, as defined herein.

"Owner" means any person holding legal or equitable title to a property or to real improvements upon a property solely, jointly, by the entireties, in common, or as a land contract vendee.

"Person" means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.

"Premises" means the property on which a short-term rental will be located.

"Property" means land, firmly attached structures, and integrated equipment (such as light fixtures or a well pump), and anything growing on the land.

"Sleeping room" means a bedroom or any other room where bunk beds, cots, rollaway beds, or hide-a-beds are made available for overnight sleeping purposes.

"Short-term rental" means a dwelling unit that is available for use or is used for accommodations or lodging of guests, paying a fee or other compensation, for a period of less than 30 nights at a time.

"Violation notice" means a written notice issued by the Office of Planning & Zoning advising the license holder and/or the local agent of a violation of this ordinance.

"Visitor" means an individual visiting a short-term rental between the hours of 8:00 am and 11:00 pm, who will not stay overnight. A visitor shall not be considered an occupant, as defined herein.

Section 4. License required.

An owner of any dwelling unit located anywhere within East Bay Charter Township, with the exception of dwelling units located within the Township's Regional Business Zoning District, shall not rent, or allow to be rented, a dwelling unit to another person for less than 30 nights at a time, unless the owner or the owner's authorized agent has obtained a short-term rental license for that dwelling unit in accordance with the requirements of this ordinance.

Section 5. Application for short-term rental license.

- (a) Responsibility. The owner, either directly or through an authorized agent, shall apply for a short-term rental license through the submission of a short-term rental license application.
- (b) Application Information Required. A person seeking a license under this ordinance shall submit a complete application, certified as being true, to the Office of Planning & Zoning. The application shall include documentation and information reasonably required to demonstrate current and continuing compliance with the standards and regulations contained in Section 6 of this ordinance and all of the following information:
 - (1) The name, address, telephone numbers (home, work, or cell phone), and email address of the owner of the proposed short-term rental. If the owner of the proposed short-term rental is a corporate entity, it must also provide a signed affidavit from an individual corporate representative stating that the short-term rental license, if issued, will be held by that individual.
 - (2) An affidavit signed by the owner of the proposed short-term rental granting authority to the applicant to act on behalf of the owner to request a license under the ordinance, if the applicant is not the owner.
 - (3) The name, address, telephone numbers (home, work, or cell phone), and email address of the applicant, if different than the owner.
 - (4) If the owner of the proposed short-term rental does not qualify as, or does not desire to be, the local agent as defined in this ordinance, then the written designation by the owner of a local agent, including the name, address, telephone numbers (home, work, or cell phone), and email address of the local agent.
 - (5) The address of the proposed short-term rental.
 - (6) Parcel Identification No. for the proposed short-term rental.
 - (7) Documentation showing the owner's valid tenancy, ownership, or other legal interest in the proposed short-term rental premises, which may include, but is not necessarily limited to, a deed, land contract, or lease agreement. If the owner possesses less than fee ownership in the proposed short-term rental premises, a notarized affidavit from the owner of such premises authorizing the use of the same for a short-term rental must also be included.
 - (8) Any deed restrictions or use limitations in the subdivision covenants and restrictions or the condominium master deed and/or bylaws applicable to the short-term rental premises.
 - (9) A floorplan drawing of the proposed short-term rental that includes the number of bedrooms intended to be occupied as part of the short-term rental.

(10) The proposed frequency for and maximum occupancy of the short-term rental.

(11) A drawing of the premises on which the short-term rental will be located that includes all buildings on the premises and the location where all motor vehicles, boats, campers and trailers will be parked.

(12) Documentation that the posting and notification requirements concerning the local agent has been and will continue to be completed.

(13) Documentation that the waste/recycling, advertising, safety, and wastewater disposal requirements of the ordinance have been and will continue to be met.

(14) Documentation that copies, summaries, or website addresses of the Township Noise Ordinance and Fireworks Ordinance, as they may be amended from time to time, will be provided to the occupants of the short-term rental prior to occupancy.

~~(15) A list of names and addresses of all immediate neighbors, as defined in this ordinance, so that the Township can provide such immediate neighbors with a notice including the address of the short term rental premises and contact information for the local agent.~~

(15) Photographs of the short-term rental premises documenting compliance with the Township Junk Ordinance.

(16) A septic and well status report from the Grand Traverse County Health Department indicating the number of bedrooms the septic system servicing the short-term rental premises was designed to accommodate. If no such report exists, a report from a qualified inspector acceptable to the Township indicating the number of bedrooms the septic system servicing the short-term rental premises was designed to accommodate.

~~(17) Documentation that the short term rental premises is located at least five hundred (500) feet from any existing short term rental licensed pursuant to this ordinance.~~

- (c) Application fee: eligibility. The application shall be accompanied by an application fee as established and set forth in the Township fee schedule. This fee schedule shall also establish an "after the fact" fee that must be paid when an otherwise lawful short-term rental is operated but without first complying with the procedural requirements of this ordinance. This "after the fact" fee is not intended to be a penalty, but shall consist of the normal application fee plus an amount equal to the legal and administrative costs incurred by the

Township as the result of the applicant's failure to initially comply with the requirements of this ordinance. In addition, to be eligible for a short-term rental license, applicants must have no outstanding Township taxes, permit or inspection fees, escrow deposits, or other amounts due and owing to the Township.

- (d) Complete application. A short-term rental license application shall not be considered accepted until the Office of Planning & Zoning deems it to be complete. The Office of Planning & Zoning shall determine whether a short-term rental license application is complete within fourteen (14) calendar ~~ten (10) business~~ days after the application is submitted. If the Office of Planning & Zoning determines that all required information was not supplied and/or if the applicant fails to pay the required fee, then the Office of Planning & Zoning shall send written notification to the applicant of the deficiencies. If the applicant fails to provide all the information required by this ordinance and/or fails to pay the required fee within fourteen (14) days after being notified of the deficiencies, then the application shall be deemed incomplete and shall be denied by the Office of Planning & Zoning on that basis.
- (e) License. Once deemed to be complete, if an application complies with all the standards and regulations of this ordinance, and if there are available licenses, the Office of Planning & Zoning shall approve the short-term rental license within fourteen (14) calendar ~~ten (10) business~~ days. All short-term rental licenses issued under this ordinance shall be sequentially numbered.
- (f) Total Number of Licenses.

(1) The total number of short-term rental licenses approved pursuant to this ordinance shall not exceed one hundred and seventy-fourty-five (170145) licenses, which is approximately two and a half percent (2.5%) of the total housing units within the Township.

(2) Short-term rental licenses shall be processed and approved on a first come, first serve basis, based on the date and time the application for a short-term rental license is submitted to the Office of Planning & Zoning. An incomplete application for a short-term rental license shall not lose its priority for approval unless the applicant fails to correct any deficiencies within fourteen (14) calendar days after being notified of such deficiencies by the Office of Planning & Zoning, as set forth in subsection (d) above.

(3) Once the total number of short-term rental licenses issued pursuant to this ordinance reaches the limit of one hundred and seventy-fourty-five (14570) licenses, the Office of Planning & Zoning shall not accept or approve any additional applications for short-term rental licenses until an existing license expires or is revoked or voided, thus creating an available license.

(4) ~~Short term rental licenses transferred pursuant to an approved transfer application will not result in an available license. However, if a short term rental license~~

~~is voided upon the transfer of ownership of the dwelling unit being used for a short-term rental, or upon the transfer of a controlling interest in a partnership, corporation, limited liability company, trust, or other legal entity that owns the dwelling unit being used for a short-term rental without a transfer application being first approved, that license will become available~~The Office of Zoning & Planning will develop a policy, which shall be approved by the Township Board and made available to the public, for providing notice of available short-term rental licenses and for receiving and approving applications for the same once the number of active short-term rental licenses falls below the limit of one hundred and forty-five (145) licenses set forth herein. Within no less than ninety (90) days after a short-term rental license becomes available, the Office of Zoning & Planning will circulate a notice within the Township specifying how many licenses are available and how and when applications may be submitted to the Office of Zoning & Planning.

(5) The Township Board may review and amend this limit on short-term rental licenses as it determines to be advisable. Such revisions shall not be the basis for termination or non-renewal of a license previously issued.

Section 6. Short-term rental standards and regulations.

A license for a short-term rental shall be issued by the Office of Planning & Zoning when all of the following standards and regulations are met.

- (a) Deed restrictions/bylaws. The short-term rental is not in violation of any deed restriction or use limitations contained in a condominium master deed and/or bylaw applicable to the premises.
- (b) Short-term rentals. The short-term rental is for any period from one (1) night to thirty (30) nights and no more than one (1) short-term rental occurs in any ~~four~~seven (47) night period. For purpose of this subsection, the first night of a subsequent short-term rental shall be no less than ~~four~~seven (47) nights from the first night of the previous short-term rental. Provided, however, any contracts that were entered into before the effective date of this ordinance for short-term rental occupancy dates in 2019 shall not be subject to the requirements of this subsection.
- (c) Occupancy. The maximum occupancy for ~~the short-term rentals is no more than two (2) persons per bedroom, plus four (4) other individuals.~~shall be determined as follows:
 - (1) The maximum number of occupants shall be two (2) per each bedroom the septic system is designed to accommodate plus an additional four (4) occupants.
 - (2) The maximum number of visitors shall be equal to the maximum number of occupants as calculated above multiplied by a factor of 1.5. Visitors are

permitted only between the hours of 8:00 am and 11:00 pm.

~~(2)~~ —

- (d) Designation of a local agent. If the license holder does not qualify as, or does not desire to be, a local agent, then the license holder designates a local agent and authorizes in writing the local agent to act as the license holder's agent for any acts required of the license holder under this ordinance.
- (e) Information. Documentation is submitted that all notification information for the owner, license holder, and local agent shall be kept current and up-to-date.
- (f) Parking. All motor vehicles, boats, campers, and trailers associated with the short-term rental, whether owned or operated by the owner, local agent, occupants, or visitors, shall be parked solely on the short-term rental premises in areas designated for parking and not parked on or along any public or private roadway.
- (g) Waste/recycling disposal. Documentation is submitted that occupants of the short-term rental will be notified prior to occupancy that they are not allowed to leave, or others are not allowed to leave, trash, rubbish, refuse, or garbage within public view, except in proper waste or recycling containers for the purpose of collection or disposal. No commercial dumpsters shall be allowed on the premises containing the short-term rental.
- (h) Advertising. Documentation is submitted that all advertising for the short-term rental shall display the number of the license issued under this ordinance.
- (i) Safety. Documentation is submitted that all of the following safety requirements have and will continue to be met:
 - (1) Each sleeping room within a short-term rental shall have one (1) properly functioning smoke alarm.
 - (2) A properly functioning smoke alarm shall be installed outside each sleeping room and on each level of the short-term rental.
 - (3) A minimum of one (1) properly functioning carbon monoxide detector shall be provided for each floor of the short-term rental unit. In addition one (1) properly functioning carbon monoxide detector shall be located near the furnace or other fuel burning appliance.
 - (4) The street address of the premises and emergency contract phone numbers shall be clearly displayed in the short-term rental for access by the occupant(s).
 - (5) Each sleeping room shall have two (2) legal means of egress to the exterior from the short-term rental. (A legal door and another means to escape to the

exterior, such as a legal egress window, second door, etc.)

(6) The street address for the short-term rental shall be a minimum of four (4) inch numbers and posted on both sides of the mailbox and on the building, and be clearly visible from the street.

- (j) Wastewater Disposal. All septic systems servicing short-term rentals shall be fully functional and shall meet the minimum requirements imposed by the Grand Traverse County Health Department. For those short-term rentals not connected to a public sewer system, the wastewater disposal system shall be properly functioning, be maintained in a properly functioning condition, and be inspected a minimum of once every three (3) years. As used in this subsection, "properly functioning" may include, but shall not be limited to, written documentation from a commercial ~~septic-septage~~ hauler or licensed inspector that the holding tank is being pumped on a regular basis given the size and use of the holding tank ~~and-or~~ that at least once every three (3) years the septic tank and/or dry-well has been pumped or that pumping is not required at the time of the examination. Written documentation of inspection of wastewater disposal systems shall be submitted to the Office of Planning & Zoning at least once every three (3) years.
- (k) Rules and regulations to be provided to occupants. Documentation is submitted that the license holder or local agent will provide all occupants of a short-term rental with the following information prior to occupancy and will post such information in a conspicuous place within each short-term rental:
- (1) The name of the license holder and/or local agent responsible to perform obligations related to the short-term rental under this ordinance, that individual's telephone number(s), and an email address at which that individual may be reached on a 24-hour basis.
 - (2) Notification of the maximum number of overnight occupants permitted in the short-term rental.
 - (3) Copies, summaries, or website addresses of the Township Noise Ordinance and Fireworks Ordinance, as they may be amended from time to time.
 - (4) A copy or website address of this ordinance, as it may be amended from time to time.
 - (5) Notification that an occupant and/or a guest-visitor of an occupant may be cited for a violation of this ordinance, the Township Noise Ordinance, and/or the Township Fireworks Ordinance, in addition to any other remedies available to the Township.
- (I) Violation of township ordinances. Documentation is submitted that the occupants of a

short-term rental and the ~~guests-visitors~~ of those occupants will be informed prior to occupancy that they can be held responsible for violations of the Township Noise Ordinance and the Township Fireworks Ordinance.

- (m) Pets. Documentation is submitted that the occupants of a short-term rental and the ~~guests-visitors~~ of those occupants will be informed prior to occupancy that all pets must be secured on the premises or on a leash at all times.
- (n) Taxes. The person who rents a short-term rental shall pay any applicable sales tax and/or required Michigan Use Tax for any stay of 30 nights or less.
- (o) Compliance with township junk ordinance. Prior to the issuance of a license and at all times during which a license remains in effect, the short-term rental premises is kept in compliance with the Township Junk Ordinance.
- (p) Separation Distance. No short-term rental premises shall be located closer than ~~five hundredone thousand~~ (1,0500) feet to any other short-term rental premises licensed pursuant to this ordinance, with the minimum distance measured from the address point of each property, as established by the Grand Traverse County Equalization Department. This limitation shall not apply to applications to renew short-term rental licenses issued prior to [the effective date of this amendment], 2022, but will apply if any such license expires or is terminated and a new license is thereafter sought.
- ~~(p)(q)~~ Aquatic Invasive Species and Boat Washing: Owners and occupants of short-term rental premises shall comply with all applicable state law related to aquatic invasive species and boat washing.
- ~~(q)~~ Principal Residence Exemption. ~~Given the commercial nature of short-term rentals, no short-term rental license may be issued or renewed for a premises to which a Principal Residence Exemption is claimed pursuant to the General Property Tax Act, Public Act 206 of 1893.~~

Section 7. Duration of License; Renewal.

- (a) A license issued under this ordinance shall remain in effect for a period of one (1) year from the date it was issued.
- (b) The license holder or local agent may request the renewal of a license upon submitting an application for such renewal to the Office of Planning & Zoning and the payment of the renewal fee, as determined from time to time by the Township Board in the Township fee schedule.
- (c) All information submitted with the prior application(s) shall be deemed submitted with the application for renewal. Except for new photographs of the short-term rental

premises documenting continued compliance with the Township Junk Ordinance, which shall be submitted with any application for renewal, the license holder or local agent shall only be required to submit new information with the application for renewal when that application information has changed since the last application was filed.

(d) A renewal license for a short-term rental shall be issued when all of the standards and regulations then in effect in Section 6 of this ordinance are met.

~~(d)~~(e) If, at the time of renewal, the short-term rental premises does not meet all the requirements of Section 6 of this ordinance, the Office of Planning & Zoning shall promptly notify the license holder. Upon receiving such notice, all rental activity shall immediately cease and shall not resume until the Office of Planning & Zoning verifies that the premises is in full compliance with Section 6 of this ordinance. The license holder shall have sixty (60) calendar days from the renewal deadline to cure any deficiencies, unless the Office of Planning & Zoning extends the cure period upon good cause shown. Requests to extend the cure period must be delivered in writing to the Office of Planning & Zoning before the expiration of the cure period. If the license holder cannot demonstrate full compliance with Section 6 of this ordinance at the end of the cure period, the short-term rental license will not be renewed and will be deemed expired.

Section 8. Duty to remedy violations.

The license holder and/or local agent shall have the duty to remedy any violation of this ordinance, the Township Noise Ordinance, and the Township Fireworks Ordinance by the occupants of a short-term rental and/or the ~~guests-visitors~~ of such occupants. For any violation of the above ordinances, the Township may (in addition to other remedies) notify the license holder and/or local agent for the short-term rental of such violation by telephone or return receipt email. The license holder and/or local agent shall be deemed to have received notice of the violation upon receiving the telephone call or when a return receipt email message is received by the Township, whichever is sooner. Upon receiving notice of the violation, the license holder and/or local agent shall ensure that the violation is remedied within two (2) hours of receipt of such notice. Failure to remedy the violation within two (2) hours after receiving notice of the violation, without good cause, shall constitute a violation of this ordinance and may subject the license issued under this ordinance to suspension or revocation pursuant to Section 9 of this ordinance and may subject the license holder and/or local agent to court enforcement proceedings and the penalties under Section 10 of this ordinance.

Section 9. Suspension and Revocation of License.

- (a) Violation notice. If the Office of Planning & Zoning has reason to believe the application material on which a license was issued contained false, incorrect, or misleading information and/or statements; that the short-term rental no longer complies with the standards for approval of a new license; and/or the short-term rental is in violation of the regulations in this ordinance, the Office of Planning & Zoning may, but is not required to, prepare or cause to be prepared a written notice specifying the false, incorrect, or misleading information and/or statements in the application material or specifying the

East Bay Charter Township
Ordinance No. 5 of 2019

Page 19 of 11

approval standards or regulations that are allegedly being violated and the factual basis for this belief.

- (b) Service of notice. The written notice, along with the time, date, and place of the hearing before the Township Board, shall be served on the license holder either personally or by certified mail, restricted delivery and return receipt requested, no less than twenty-one (21) days before the hearing.
- (c) Violation hearing. If such a violation notice is prepared and served, the Township Board shall hold a hearing at which time the license holder shall be given an opportunity to show cause why the short-term rental license issued under this ordinance should not be suspended or revoked. At the hearing before the Township Board the license holder shall be given an opportunity to confront adverse witnesses and present evidence and legal arguments. The license holder may also be represented by an attorney. The Township Board's decision shall be in writing and shall specify the factual evidence upon which it is based. A copy of the Township Board's written decision shall then be provided to the license holder.
- (d) Subsequent violations. After a short-term rental license has been suspended, any additional violation(s) committed by the license holder and/or local agent within two (2) years of the expiration of the last suspension shall be grounds for a second suspension. If it has been more than two (2) years since the expiration of an initial suspension of a short-term rental license, a subsequent violation shall be deemed to be a first suspension. Upon a determination that the short-term rental license holder has committed a total of three (3) or more violations of this ordinance within five (5) years, the Township Board may permanently revoke the short-term rental license.
- (e) Length and timing of suspensions and/or revocations. Suspensions and revocations shall generally be effective immediately. Provided, however, if any portion of the suspension time falls outside the primary tourist season of May through September, then the balance of the suspension time shall carry over to the next primary tourist season. Suspensions/revocations shall be for the following periods:
 - (1) First suspension -three (3) months.
 - (2) Second suspension - six (6) months.
 - (3) Revocation - permanent.
- (f) Existing contracts. Existing short-term rental contracts up to 60 nights beyond the beginning date of any suspension/revocation may be honored by the license holder with approval by the Township Board. Those existing contracts beyond 60 nights shall be canceled. The time period approved to honor existing contracts shall be added to the end of any suspension period.
- (g) Fraudulent complaints. Any person who knowingly files a fraudulent, false, or fictitious complaint about a short-term rental shall be deemed to be in violation of this ordinance and may be subject to court enforcement proceedings and the penalties under Section 10 of this ordinance.

Section 10. Violations and penalties.

- (a) Any person who violates any provision of this ordinance, including the continued operation of a short-term rental after the license for that short-term rental has been suspended or revoked as provided in this ordinance, shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Each day this ordinance is violated shall be considered as a separate violation.
- (b) The Zoning Administrator, deputies of the Grand Traverse County Sheriff, and other persons appointed by the Township Board are hereby designated as the authorized Township officials to issue municipal civil infraction citations directing alleged violators of this ordinance to appear in court.
- (c) A violation of this ordinance is hereby declared to be a public nuisance or a nuisance per se and is declared to be offensive to the public health, safety and welfare.
- (d) In addition to enforcing this ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this ordinance.

Section 11. Transfer of ownership.

Short-term rental licenses are nontransferable and a short-term rental license issued under this ordinance shall become void upon the transfer of ownership of the dwelling unit for which the license is issued. In such event, or upon the transfer of a controlling interest in a partnership, corporation, limited liability company, trust, or other legal entity that owns the dwelling unit, unless a transfer application confirming to the requirements and regulations set forth in this ordinance is first obtained by the transferee from the Office of Planning & Zoning. If such transfer occurs prior to the approval of a transfer application, a new short-term rental license must be obtained by the new owner of the dwelling unit from the Office of Planning & Zoning before short-term rentals may be resumed in the dwelling unit. However, nothing in this Section shall be construed to prohibit a transfer of a short-term rental license between immediate family members, provided that a transfer application conforming to the requirements and regulations set forth in this Ordinance and indicating the relationship of the transferor to the transferee is first obtained from the Office of Planning & Zoning. As used in this Section, "immediate family member" means a spouse, child, grandchild, sibling, parent, or grandparent.

Section 12. Administration and Interpretation.

The Director of the Office of Planning & Zoning shall have the authority to administer and interpret this Ordinance. This shall include, but shall not be limited to, developing and enacting policies and procedures pertaining to short-term rental licenses and interpreting or construing

provisions of this Ordinance so as to give effect to the Township Board's intent underlying the enactment of this Ordinance.

Section 1~~3~~². Repeal.

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed, specifically including tThe East Bay Charter Township Short-term Rental Licensing Ordinance, being Ordinance No. ~~52~~ of 201~~9~~⁸, which is hereby repealed in its entirety.

Section 1~~4~~³. Severability.

If any section, clause, or provision of this ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the ordinance. The Township Board hereby declares that it would have passed this ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Section 1~~5~~⁴. Effective date.

This ordinance shall become effective the day following its publication by the Township as required by Section 8 of the Charter Township Act, MCL 42.8.

Ordinance No. ~~5 of 2019~~ _____ was adopted on ~~July 8, 2019~~ _____, by the East Bay Charter Township Board as follows:

Motion by:

Seconded by:

Yeas:

Nays:

Absent:

CERTIFICATION

I Susanne M. Courtade, being the duly elected and acting Clerk of the Charter Township of East Bay, Grand Traverse County, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of an Ordinance duly adopted by the Township Board at a regular meeting held on July 8, 2019, at which meeting a quorum was present and remained throughout, (2) that an original thereof is on file in the records of the Township, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended), and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

ORDINANCE DATES

Introduced: June 10, 2019

Introduction Posted: June 11, 2019

Introduction Published: June 16, 2019

Adopted: July 8, 2019

Adoption Posted: July 9, 2019

Adoption Published: July 14, 2019

Effective: July 15, 2019

EAST BAY CHARTER TOWNSHIP OFFICE OF PLANNING & ZONING
SHORT-TERM RENTAL LICENSE NOTIFICATION AND ISSUANCE POLICY

Intent and Purpose

The East Bay Charter Township Short-Term Rental Ordinance, Ordinance No. __ of ____, (“STR Ordinance”) imposes a cap on the maximum number of short-term rental licenses (“STR licenses”) that may be issued by the Township. Under the STR Ordinance, once the number of active STR licenses falls below the maximum number of licenses, the public must be notified that STR licenses are available and will be processed and issued on a first-come, first-serve basis.

The following policy is intended to provide administrative guidance as to how applications for STR licenses will be received, processed, and approved by the Office of Planning & Zoning, consistent with the STR Ordinance. This policy is intended to compliment and coincide with the STR Ordinance, which provides some flexibility as to how it is administered. However, to the extent this policy conflicts with or is contradicted by any provision of the STR Ordinance, the STR Ordinance will control.

Approval and Posting of Policy

This policy shall not become effective until it is approved by a majority vote of the Township Board at a regular or special meeting. Once approved by the Township Board, this policy shall be posted on the Township’s website and otherwise made available to the public.

Notice; Publication

- When the number of active STR licenses falls below the maximum cap of licenses available pursuant to the STR Ordinance, the Office of Planning & Zoning shall prepare and circulate a notice to the public. The notice shall:
 - Be published in a newspaper of general circulation, posted on the Township’s website, and posted at the Township Hall, no later than 90 calendar days after the STR license or licenses become available.
 - Indicate how many STR licenses are available.
 - Indicate the application window, including the exact date and time that applications for STR licenses will be received by the Office of Zoning & Planning, and that applications will be considered in the order that they are received.
 - Indicate the manner in which applications must be submitted to the Office of Planning & Zoning (e.g., through ~~Host Compliance~~ third-party software used by the Township).
 - Indicate that copies of this policy are available on the Township’s website.
 - Provide contact information for questions concerning the application process.
- The Office of Planning & Zoning shall not be required to provide notice of available STR licenses more than once per year. Beyond this minimum requirement, the Office of Planning & Zoning may, but is not required to, provide notice of available STR licenses more than once per year.

- If additional STR licenses become available between the time notice is published and the date selected for the application window, the Office of Planning & Zoning may, but is not required to, circulate a second notice indicating the new number of available licenses and establishing a new application window. Otherwise, a separate notice must be circulated for such additional available licenses, along with a separate application window as set forth herein.

Submission of Applications

- Applications for STR licenses shall contain all of the information required by the Township's STR Ordinance and be accompanied by the required application fee.
- Applications shall be accepted by the Office of Planning & Zoning during an application window which shall be no sooner than 14 calendar days after and no later than 90 days after the publication of the most recent notice provided for above.
- The application window shall open at 8:00am on the day designated by the Office of Planning & Zoning and shall close at 8:00pm that same night.
- Applications shall be submitted through third-party software used by the Township ~~the Township's Host Compliance software~~ and shall be processed on a first-come, first-served basis.
- Applications will be deemed received on the date and time indicated by the third-party software used by the Township ~~Host Compliance software~~.
- If two applications are submitted at the exact same time, they will be deemed received in the order they are displayed by the third-party software used by the Township ~~Host Compliance software~~.
- Applicants may submit only one application per proposed short-term rental location. If the Office of Planning & Zoning receives duplicate applications, all such applications shall be rejected. Attempts to circumvent this limitation may also result in the rejection of applications.
- Applications received outside of the application window by any increment of time shall be rejected.
- After the application window closes, the Office of Planning & Zoning shall review applications in the order they were received.

Processing of Applications

- The Office of Planning & Zoning shall begin its review by processing only a number of applications equal to the number of available licenses, in the order applications were received (the "initial applications").
- These initial applications will be reviewed for completeness. If any required information is missing or the applicant failed to pay the required application fee, the Office of Planning & Zoning shall provide notice to the applicant consistent with Section 5(d) of the STR Ordinance. If the applicant does not remedy any deficiencies within 14 calendar days after receiving such notice, the application shall be deemed incomplete and rejected.
- After the Office of Planning & Zoning verifies the completeness of the initial applications, they will be reviewed for compliance with the standards and regulations of the STR Ordinance. If these standards

are met, the Office of Planning & Zoning shall approve the applications and issue the STR licenses consistent with the provisions of the STR Ordinance.

- If at any point in this process an application is withdrawn or rejected, the Office of Planning & Zoning shall process the next application in line.
- As soon as the Office of Planning & Zoning approves a number of STR applications equal to the number of available STR licenses, it will cease its review and processing of applications, and all remaining applications will be deemed rejected.
- Application fees shall be deemed nonrefundable for applicants whose applications are reviewed by the Office of Planning & Zoning, regardless of whether an STR license is issued. After the Office of Planning & Zoning issues all available STR licenses, application fees will be refunded to any applicants whose applications were not reviewed.
- The Office of Planning & Zoning shall provide notice via email and regular mail to each applicant whose application is rejected.
- If there are still available licenses after the Office of Planning & Zoning completes its review of all applications submitted during the application window, the Office of Planning & Zoning shall again publish notice and establish an application window as set forth herein.

Amendment of Policy

- The Office of Planning & Zoning may amend this policy from time to time as it sees fit to carry out the fair and efficient administration of the STR Ordinance. Any such amendments must be approved by a majority vote of the Township Board before they will become effective.

MEMORANDUM

TO: Board of Trustees
East Bay Charter Township

FROM: Claire Karner, AICP, Director of Planning & Zoning
Jacob Witte, Associate, Fahey Schultz Burzych Rhodes

DATE: April 5, 2023

RE: **Short Term Rental Amendments**

At the Board of Trustees meeting on February 13, 2023, Board members discussed and reviewed proposed edits to the STR Licensing Ordinance and reviewed a proposed policy related to noticing and distribution of licenses as they become available. The following edits were provided by Board members and directed to staff to work towards addressing.

Board discussion regarding edits to STR Ordinance 5 of 2019:

- Section 7 – clarify timeline for approving license with failing septic system (no rental activity permitted)
- Add definition of address point of property (as defined by GT County Equalization)
- Stick with current rule on number of guests per building.
- Add ability of transfer for siblings (to current draft list)
- 6(f) shall be tied to parking definition in designated spaces.

Board discussion regarding edits to Policy on License Issuance:

- Be consistent with 14 calendar days.

Based on the direction from the Board and additional conversations with P&Z staff about implementation of the policy, the following edits are proposed:

Changes to Short-Term Rental Ordinance (*from email correspondence with attorney Jacob Witte*):

- Revised Section 6(c) to a hybrid approach of the Township's prior controls on occupancy plus our more recent controls based on bedrooms the septic system is designed to accommodate. The current proposed language provides for 2 occupants per bedroom the septic system is designed to accommodate plus 4 additional occupants. I retained the cap on visitors (1.5x the maximum number of occupants) and the language regarding rentals where only certain bedrooms are rented. It was not clear to me from the Township's direction (even after re-watching the video of the meeting) whether the desire was to revert to the original ordinance language or the prior amended language, so I tried to reconcile the two. I know there were some concerns about how easy this section would be to understand, so if you would like to remove the restrictions on visitors and rentals where only some of the bedrooms are being used, I can certainly simplify this section further.
- Revised Section 6(f) as follows: "All motor vehicles, boats, campers, and trailers associated with the short-term rental, whether owned or operated by the owner, local agent, occupants, or visitors, shall be parked solely on the short-term rental premises in areas designated for parking and not parked on or along any public or private roadway."

- Revised Section 6(p) to refer to the “address point of each property, as defined by the Grand Traverse County Equalization Department.”
- Revised Section 7 to add a new subsection (e) which sets forth a cure period for renewal applications, noting that no rental activity may occur during this period. In the faulty septic system hypothetical, this would allow the Township to provide the license holder with notice that all rental activity must cease immediately and cannot resume until the problem is corrected. The license holder would then have 60 days (or more if the Township grants an extension) to resolve the faulty septic system. If it is not resolved within 60 days and no extension is granted, the license will not be renewed. The way this new language is drafted will allow the Township to impose this cure period for any violation of Section 6 of the ordinance, not just problems with septic systems. In recognition of the increased interest a person has in an already-issued license, this is a longer cure period than the 14 days for incomplete applications for new licenses. 60 days is a placeholder and can be revised as the Board sees fit.
- Revised Section 11 to include transfers to siblings.

Short-Term Rental License Notification and Issuance Policy (*from email correspondence with attorney Jacob Witte*):

- Updated the notice and publication section to note that the Township will only be obligated to provide notice of available STR licenses once per year.
- All references to “days” are now to “calendar days.”
- Replaced reference of Host Compliance to third part vendor.
- Regarding a question from staff about issuing a partial refund: I believe this is something that would be established in the Township’s fee schedule rather than in the Ordinance—see Section 5(c): “The application shall be accompanied by an application fee as established and set forth in the Township fee schedule.” As to whether this is a mechanism the Township should include in its fee schedule, a partial refund might be reasonable if the Township actually incurs only a fraction of the administrative expenses in processing an application that cannot be issued, but I think it would be easier (and still legally defensible) to provide that all application fees are nonrefundable as soon as the Township begins processing the application. This would be consistent with the STR Policy, which provides as follows: “Application fees shall be deemed nonrefundable for applicants whose applications are reviewed by the Office of Planning & Zoning, regardless of whether an STR license is issued. After the Office of Planning & Zoning issues all available STR licenses, application fees will be refunded to any applicants whose applications were not reviewed.”

MEMORANDUM

TO: Board of Trustees
East Bay Charter Township

FROM: Claire Karner, AICP, Director of Planning & Zoning
Preston Taylor, MiCZA, Zoning Administrator

DATE: April 5, 2023

RE: **Short Term Rental License Expiration Policy Options**

At the Board of Trustees meeting on February 13, 2023, Board members discussed the possibility of allowing a grace period retroactively for Short Term Rental license holders who may have failed to renew their license on time. This is due to the fact that the moratorium, which went into effect on June 22, 2022, substantially changed the ramifications for not renewing a license. If a license was not renewed on time, then the individuals missed out on an opportunity to renew, thus losing their license altogether.

The Board of Trustees may consider allowing any license holder whose license lapsed between June 2021 (one year before the moratorium went into effect) and present, to apply for a new license. This timeframe would ensure that anyone who decided to hold off renewal until the rental season would be included. Planning & Zoning Department estimates this situation applies to 29 individuals. There are also two (2) licenses in currently in the que that may be appropriate to approve.

If the Board decides to go in this direction, it may be advisable to require a penalty fee to help cover the additional staff time associated with relicensing. Staff also recommends a 30-day deadline for all renewals, from the date that the Board approves the policy.

Sue Courtade

From: Megan Pollard [REDACTED]
Sent: Tuesday, February 14, 2023 9:49 AM
To: Beth Friend; Sue Courtade; Tracey Bartlett; Mindy Walters; Glen Lile; Matt Courtade; Matt Cook
Subject: Short-term rental ordinance

To whom it may concern:

My name is Megan Pollard, and I own a small cleaning business in Traverse City. Many of my cleaning jobs are for short-term rentals within East Bay township.

The proposed ordinance regarding short-term rentals having a 7-night minimum stay, would greatly impact my business in a negative way.

There are multiple short-term rentals I clean, in East Bay Township. Many of those rentals require two cleanings/turns per week for the same rental unit. This ordinance change would cut the amount of business I conduct by a minimum of 50%.

This ordinance would not just affect my business, but also those who I employ.

Several of my employees are single parents who rely on their job to provide for their children & family. If the amount of my business is cut by 50%, then I would be forced to lay off employees.

Overall, this ordinance of a 7-night minimum stay at short-term rentals, wouldn't just affect those who own the short-term rentals; but it would also negatively affect businesses (such as mine) by putting people out of jobs, which they rely on to support their families.

I would greatly appreciate if the board would please take into consideration, people like myself that this change would negatively effect.

Thank you for taking the time to read my concerns on this particular matter.

Sincerely,
Megan Pollard

Get [Outlook for iOS](#)

Saturday February 18, 2023

Preston Taylor
MiCZA, Zoning Administrator
East Bay Charter Township
cc: Susanne M. Courtade CMMC/MMC, Township Clerk

Preston,

My correspondence to you today is in response to the letter I received yesterday regarding "Possible Short -Term Rental Ordinance Violation , Parcel #0365002401.

We were first issued our STR License in East Bay Charter Township back on July 18, 2019, the first year of the rental license program. Different reminders had been issued in the past to our property manager, Sally Washington , regarding renewal status . For example , on Tues. Oct. 27, 2020, Jacob Myers had reached out to Sally with a reminder on our expiring license. It was always my assumption that notices were through our property manager. For myself and my wife Denise, there has never been a direct communication from East Bay Charter Township regarding license expiration. Sally has checked her communication records and has attested to the same, at least in the latest predicament that we find ourselves in. On a side note, we do however get our property tax bills in a timely and organized manner. I get the argument , we the owners are ultimately responsible !

This recent expiration of our license was a simple oversight with nothing but honorable intentions of maintaining our license. We have not made any effort of hiding our intentions, but rather just hoping this situation is given a chance to right itself.

As owners of an STR property our goals have always been strict adhere to the rules and making sure we create a positive atmosphere and contribution for our neighbors and community. We accomplish this by having 1) Sally Washington and her husband Matt manage the property as next door neighbors. They run a tight ship, and keep a close eye on the property.

2) We are not some absentee owners run by an out of town LLC. We love Northern Michigan and intend to end our three month STR within the short term . In the mean time we pay our state use taxes to Lansing, and put every bit of what we make back into our property in the form of improvements.

I end this letter by appealing to your good graces and allow us to bring our STR license account up to date .

Thank You Very Much !



Sincerely , Tom and Denise Pell

10-16-2020

SECURITY SANITATION, INC

BELANGER SEPTIC SERVICE


2233 M-37 SOUTH

TRAVERSE CITY, MI 49685

Ph.(231) 943-2634 Fax(231) 943-5250


Invoice

DATE	INVOICE #
10/16/2020	137552

BILL TO
TOM PELL


PAID
10/19/2020

P.O. NO.	TERMS
	Due on receipt

QTY	DESCRIPTION	RATE	AMOUNT
	 CHANDLER RD		
	PUMPING CHARGE	175.00	175.00
1,000	DUMP CHARGE AT TREATMENT PLANT	0.18	180.00
	PROPER LEVEL ONLY PUMPED 1ST TANK - 2ND TANK UNDER DECK MEDIUM SOLIDS & SLUDGE SHOULD PUMP TANK EVERY 4-5 YEARS		
	D		
THANK YOU FOR YOUR BUSINESS!!		Total	\$355.00

PLEASE PAY FROM THIS INVOICE

THIS IS THE ONLY COPY YOU WILL RECEIVE.

Sue Courtade

From: Tom [REDACTED]
Sent: Monday, March 6, 2023 3:08 PM
To: Sue Courtade
Subject: Tom Pell's Phone Call
Attachments: East Bay Charter Township, STR Letter 2-18-2023.pdf; Septic Service, 2500 Chandler Road, 10-16-2020 (2).pdf

Hi Susanne,

I just got off the phone with you regarding a letter that I had mailed, USPS, and copied to you back on Feb.18, 2023 regarding my expired STR. You indicated that it was not received, and now I am going to send off an email copy as well. One additional comment that I wanted to add was that the Township's violation letter sent to me on Feb.8, 2023 identified my parcel as #0365002401, but referenced as parcel #03-650-024-10 in my tax records. Wondering of course if this discrepancy hasn't created some additional confusion. I have some bookings to cancel if I can't come to some sort of resolution. Thank You Very Much !

Best Regards, Tom Pell

[REDACTED]

TRAVERSE

ATTORNEYS & ADVISORS

Austin
Detroit
Los Angeles
Traverse City

February 21, 2023

Beth Friend
Supervisor East Bay Township
1965 N Three Mile Road
Traverse City, MI 49696

Re: Short Term Rental Amendments

Dear Supervisor Friend:

On behalf of my clients I want to thank you and the Board for the consideration received in the review of the proposed East Bay Township Short Term Rental Ordinance Amendment at last Monday's meeting. It is evident by the meeting discussion the Board is attempting to consider and address all concerned and is devoting significant time and effort on this issue. As you observed, neither side will be entirely satisfied with whatever the outcome. This letter is written understanding that sentiment, and as a follow up to the meeting with suggestions for further consideration of select issues mentioned at the meeting, but certainly not all of the short term rental ordinance issues the STR group has with the proposed ordinance amendments. We hope that by focusing on only a few items of primary concern we can resolve those and all concerned can move forward and work with the Township going forward to continue to make implementation smooth and effective.

The first item at issue is the proposal in Section 6(b) to limit rentals to no more than once per week from no more than once in four days. We would prefer the ordinance remain as is without such amendment. At a glance this proposal may not appear significant but based on rental histories within our group it would appreciably impact rental revenue by as much as 40%. The vast majority of short term rentals are for four days or less as people seem to stay shorter periods in order to travel and see other areas of the northern Michigan region or simply to stay for long weekends. During the school year, families come for weekends or seven-day stays. But during May, half of June, half of August, September, and October, virtually no families come for seven-day stays because of school. There is also a severe secondary impact on service providers hired to turn the property for new guests.

I did not hear commentary at the meeting concerning what issue this amendment was designed to address but certainly it would result in fewer people visiting the area which also negatively impacts service providers (cleaners and maintenance workers) and other local businesses. If the theoretical concern is more groups of people equate to more problems, the information provided by your Enforcement Officer at the meeting does not support this concern as there have been only a handful of complaints over the several years the ordinance has existed and of those few complaints ninety percent have emanated from only two short term rental properties, which appears

February 21, 2023

Page 2

to be an isolated property management problem that should not be borne by the larger host community. It would not seem this proposed amendment is supported by a compelling need for drastic change, and so we would respectfully request the Board leave this provision as is and not amend it. These issues can always be studied. My clients are happy to work with the Township to collect such data for future reference and policy discussions.

The next item is the cap on permits at 2.5% of available housing stock. I heard comment at the meeting suggesting the Board did not know how that percentage was determined, and will result in a significant decrease in the overall number of licenses available which necessarily also creates a scarcity conflict, especially at the present time where the number of licenses exceeds the cap. An ordinance such as a short term rental ordinance should have factual findings or at a minimum information provided to support the cap so it is not subject to legal challenge. I am attaching a recent article I ran across in searching for what is typical for an SRT ordinance license cap in the event it may be useful information for you and the Board, suggesting the average cap in neighboring Leelanau County for instance is 6.4% of housing stock for communities with an STR ordinance. We realize every community has unique factors to consider in selecting a percentage and would be interested to learn more concerning your rationale for the 2.5% cap as currently proposed, and which would result in the reduction in STR licenses.

We would like to see current license holders be able to effect a license transfer on sale provided all other requirements are met as a way to protect their current investment. It is our position that when the ordinance was adopted those who were renting their properties were doing so lawfully and were vested in that endeavor and should be able to continue without the penalty or the transfer restriction. Those applying hereafter would not be able to make that same legal argument.

We also acknowledge and appreciate the concession in your proposed amendment to allow for family cottages that depend in part on short term rentals to be sustainable for future generations. Nevertheless, the issue here in Section 5(b)(1) is the requirement that a short term rental license be held by an individual person. A primary purpose for incorporation is liability protection. We believe that requiring a license be "held by that individual" exposes that individual to personal liability associated with the rental including injuries to guests in addition to the Corporation or LLC designed to absorb such liability. As an attorney representing an injured party, I would certainly name both the owner and the individual license holder that allows for the rental as Defendants in a lawsuit, which is a concern for many in our group. We would propose that the license be held by the corporate entity but require the corporate entity to designate a person responsible to the Township for representing the corporate entity to address Township concerns regarding the license, rather than making an individual associated with the corporate entity the actual license holder. If the purpose of the proposal is to make an individual the license holder to facilitate license transfer among immediate family members, then we would suggest naming an individual owner of the corporate entity for that purpose only which leaves the license in the name of the corporate entity and which also preserves liability protection for individuals.

February 21, 2023

Page 3

The final comment is with regard to the septic system issues which can be a challenge to address when they arise and can take many months from both the permitting and contracting sides to complete any necessary work, and may serve to problems in the renewal of a license. While we believe all residents should be held to the same standard of compliance with regard to a working septage system without specific findings to justify targeting STR owners with greater regulation, perhaps then some flexibility would be in order if STR owners would be subject to this additional regulatory burden. The ordinance itself may not be the best place to address this narrow issue and perhaps the best place to provide for some allowances for this issue could be the Guidelines developed for ordinance implementation and which is subject to Board approval at a later date.

I am available at [REDACTED] or my email is [REDACTED] if you should have any questions. We thank you for your timely consideration of this matter and look forward to your March meeting.

Very truly yours,
Traverse Legal, PLC



Mark Clark



cc: East Bay Township Board
East Bay Hosts Association

[Business](#)
[Local Government](#)
[State Government](#)

What's next in the fight over regulating short-term rentals in Michigan?

Legislation passed the House last year with little debate or compromise

By: [Marie R. Miller](#) - November 27, 2022 5:21 am



Susan J. Demas

New Buffalo Mayor John Humphrey has been outspoken about his opposition to the rise of Airbnb-style rentals in his community, which held several packed public meetings in 2021 as the City Council took up the issue.

Tackling short-term rentals was a tumultuous two-year process that included a moratorium on city-issued licenses for rentals in May 2020, and a Nov. 23, 2021, special session where the [City Council approved a zoning ordinance](#) amendment that prohibits new short-term rentals in certain residentially zoned districts.

Many lakeshore communities have enacted similar ordinances in recent years in an effort to preserve housing stock and residential neighborhoods, maintaining that short-term rentals are a commercial use of property.

But [House Bill 4722](#) narrowly passed the House in a late-night session last October, a move that surprised many who have followed the legislation.

The bill targets those efforts and essentially strips a local municipality's ability to regulate short-term rentals through local zoning ordinances or make them subject to a special-use or conditional-use permit.

It's now up to the Senate to move on the bill in the lame duck session following the Nov. 8 election. While the Legislature is currently controlled by Republicans, Democrats won both chambers, which adds to the uncertainty of what might be on the last session agendas of the year.

There has been some movement. The Republican-led Senate Regulatory Reform Committee in late September moved the legislation to the floor in a 6-3 vote.



Michigan Capitol | Susan J. Demas

“We’re on high alert on that bill,” said Jennifer Rigerink, assistant director of state and federal affairs for the Michigan Municipal League, one organization that opposes the legislation. “There’s definitely work being done to try to get it to a vote.”

Humphrey opposes attempts to legislate the issue from Lansing and says HB 4722 “is a giveaway to private interests at the expense of the taxpayer.” Humphrey said more than 20 community leaders in lakeshore communities in Southwest Michigan have united to oppose the legislation by adopting formal resolutions and contacting legislators.

“It wipes out local zoning control from every municipality,” Humphrey said. “The people in Lansing have no concept about what this bill will do to local municipalities.”

Humphrey said short-term rentals have been “destroying our town for the last seven years.” He moved to New Buffalo, a Southwest Michigan lakefront community 35 miles from Chicago, with a young family and lived the experience in his own neighborhood. A single-family home was sold and renovated into a short-term rental.

“They replaced it as a 20-person Airbnb that completely wrecked our neighborhood,” he said.

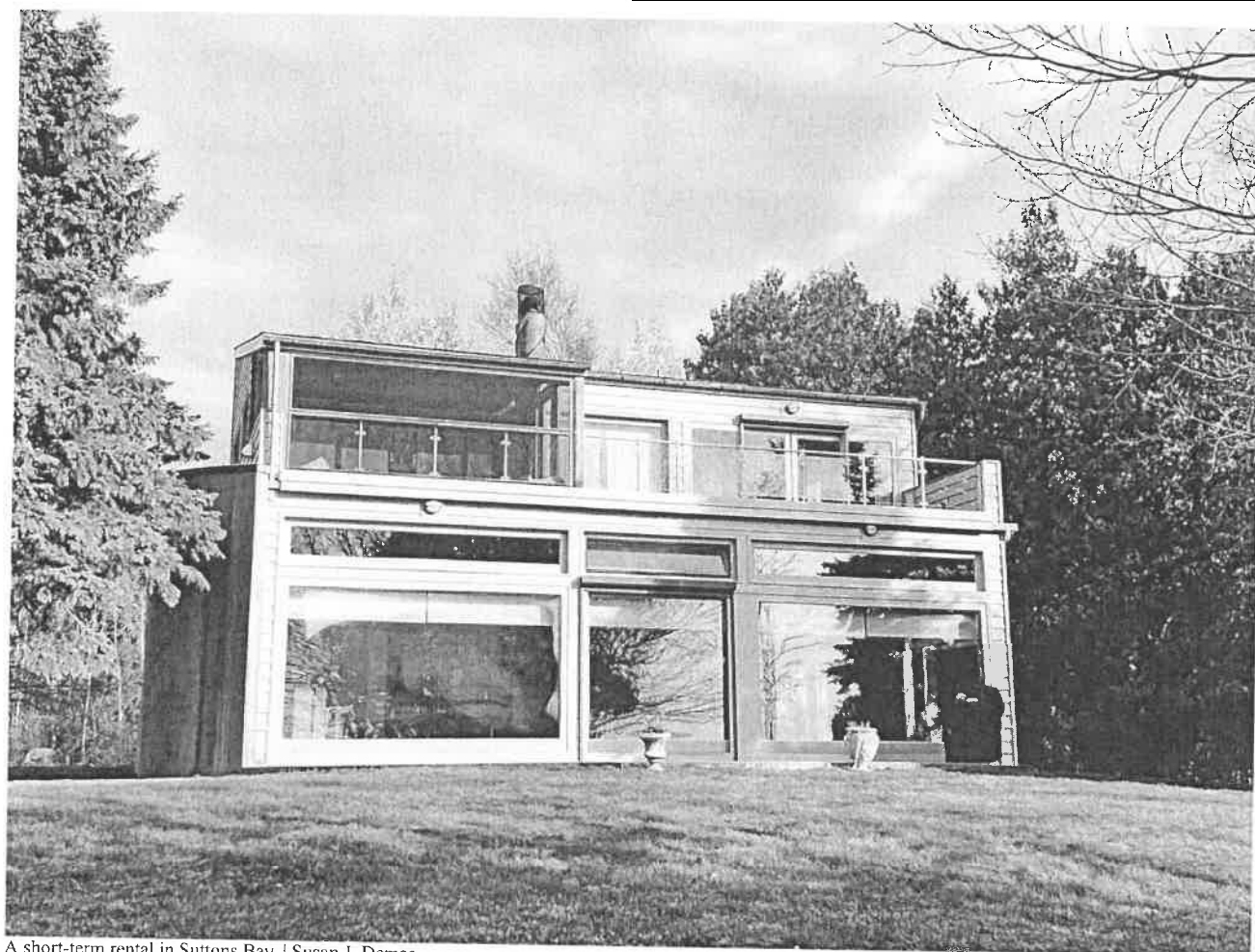
At the heart of the issue is whether short-term rentals are a residential or commercial use of property. HB 4722 would amend the Michigan Zoning Enabling Act of 2006 to define and add the term “short-term rental” to the Code as a residential use of property that is permitted in all residential zoning districts.

The legislation aims to protect Michigan property owners’ fundamental right to use their dwelling or home as a short-term rental, according to proponents. In addition, it also codifies the right for counties, cities and townships to continue to, or begin to, require the issuance of a locally issued STR license, limit local licenses to two per person, and implement license enforcement policies to meet the community’s standards.

HB 4722 is supported by Airbnb, the Michigan Association of Realtors and the Rental Property Owners Association. Michigan Municipal League, Michigan Township Association and Michigan Restaurant & Lodging Association oppose the legislation and have offered compromises.

“We still oppose it and there’s been no negotiation,” Rigerink said. “We’re still at the table, ready and willing to negotiate if the opportunity arises.”

Proponents of the bill argue that property owners have the right to do what they want with their property, including renting it out as a vacation home without cumbersome regulations. They maintain local communities are in essence banning short-term rentals by limiting the number of licenses and restricting where they can be located.



A short-term rental in Suttons Bay. | Susan J. Demas

"There is a growing trend in local government to enact zoning bans that preemptively tell property owners they are unable to rent," according to a statement on the Michigan Realtors [website](#). "The rental of residential property is important to Michigan second home markets and in urban areas around event destinations. Banning the right to rent harms property owners and local businesses in many communities all over Michigan."

Both the Realtors Association and Airbnb maintain Michiganders have been renting their second homes for decades when not in use, long before online platforms rose to prominence. Short-term rentals also are popular among tourists throughout Michigan. The practice helps Michigan property owners cover the cost of property taxes and maintenance.

In addition, with inflation and the rising cost of living across the country, many short-term rental hosts rely on the additional income. Listings on Airbnb comprise 0.3% of total dwellings across the state, according to data from Airbnb, and 61% of Michigan hosts are women and over 25% are over the age of 60.

Airbnb says HB 4722 and HB 5605 would modernize Michigan's regulation of short-term rentals. [HB 5605](#), which Rep. Graham Filler (R-DeWitt) introduced in December 2021, proposes an excise tax on short-terms at a rate equal to the tax of traditional lodging, along with a requirement that accommodation intermediaries such as Airbnb be responsible for the remittance of all their hosts' taxes.

"Families across Michigan rely on home sharing to supplement their income and welcome visitors whose spending supports the state's businesses and tourism economy," said Vincent Frillici, a public policy regional manager for San Francisco-based Airbnb, in a statement. "Airbnb will continue to work with leaders across the state on balanced rules that protect property rights, help address community concerns, and support the state's tourism economy."

Those in opposition counter that year-round residents also have rights to live in residential areas without the issues that come with short-term rentals, such as trash, noise, parties, and parking issues, and local zoning ordinances are designed to minimize conflicting land uses in neighborhoods.

"By common sense, these are commercial uses of property," said Keith Van Beek, city manager of Holland. "You can't all of a sudden convert a single-family house into a store or an auto mechanic shop. ... It just doesn't make sense and it does nothing to protect against the rights of the property owners that live around that vacation rental."

Holland is another West Michigan community that has enacted local ordinances to manage short-term rentals, permitting them in commercially zoned areas such as the downtown. The city also launched a [pilot program for non-owner occupied short-term rentals](#) in residential areas with various regulations that was adopted as part of its local zoning ordinance.

"In general, we definitely feel that the bill as proposed really doesn't have any compromise built into it," Van Beek said. "We're not fundamentally opposed to short-term rentals. We feel local communities are best equipped to deal with planning and zoning issues. We have had a long history of dealing with short-term rentals and a set of regulations that are strongly supported by our community."

In addition, many lakeshore communities are grappling with a [shortage of available, affordable, year-round housing](#) for service-industry workers or people who want

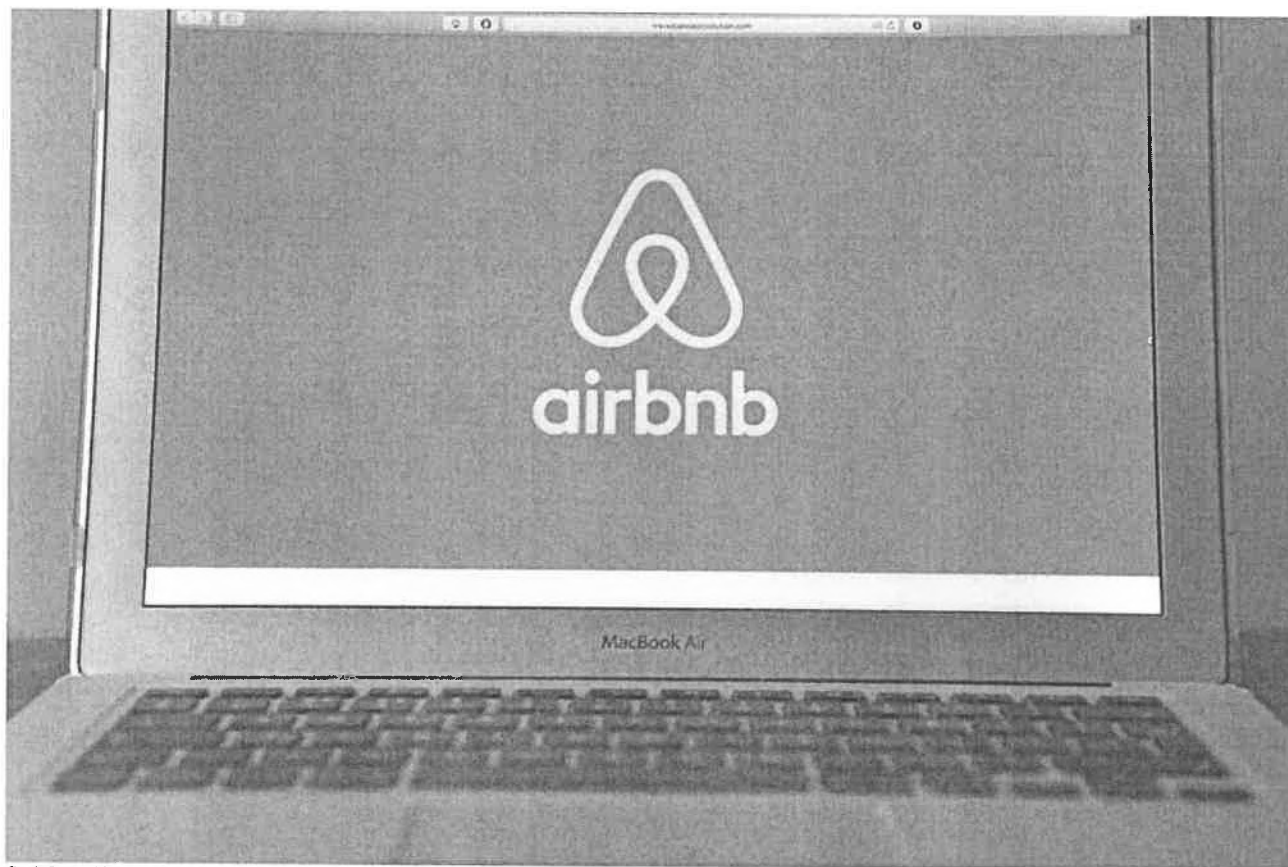
to relocate to the community for employment.

"My biggest fear is housing and apartments for our seasonal and everyday laborers in Petoskey; that it will take up those spaces with short-term rentals knowing someone can make one month's rent in a week during the busy season of the year," said Petoskey Mayor John Murphy.

Petoskey has an ordinance that permits short-term rentals in a business district with a city license. The ordinance has been in place since 2014, prohibiting new vacation rentals in residential districts, but Petoskey still has a problem with STRs operating illegally. The city even took an illegal STR operator to court after they were cited numerous times and won.

Murphy said the bill would "void our efforts and the will of the people here in Petoskey."

In Leelanau County, another popular vacation destination, villages and townships continue to grapple with the issue. The Village of Suttons Bay, Suttons Bay Township, Village of Northport, Bingham Township, Empire Township, Leelanau Township, Leland Township and Elmwood Township have adopted short-term rental ordinances.



Carl Court/Getty Images

The Village of Suttons Bay is reexamining its current ordinance after complaints from residents and even hired a firm, Beckett & Raeder of Ann Arbor, to research short-term rental regulations in communities around Leelanau County and elsewhere. The village issued a moratorium on short-term rental licenses in June and recently extended it for an additional 90 days.

Based on the Beckett & Raeder report, the village currently has 61 operating short-term rentals, which represents 13% of the community's total housing stock. The current ordinance permits short-term rentals in residential areas.

The average limit is 6.4% of the housing stock based on other Leelanau County communities that have short-term rental caps. Under HB 4722, the cap is up to 30% of a community's existing housing stock, which opponents say is unreasonable for small communities.

"I do support the [HB 4722] legislation, but I think that a local government's ability to police these, which still seems to be preserved in that legislation, is still the most important angle," said Jason A. Metcalf, an attorney and short-term rental owner in Suttons Bay who has been monitoring the developments at the local and state level. "If 30% becomes the number, then enforcement becomes a huge issue."

The Village of Suttons Bay has decided to grandfather in existing short-term rental licenses and reduce the number through attrition, while looking at ways to update the ordinance and right-size the number of short-term rentals.

Metcalf lives in the area and has several short- and long-term rentals in and around Suttons Bay, which he manages and maintains. He rallied STR owners to attend Suttons Bay council meetings on the issue.

"It was sounding a lot more like they were going to limit it down to nothing, which concerned me," Metcalf said. "There is a tradition up here, long before Vrbo and Airbnb, of short-term rentals. It was just done through less formal means."

While Metcalf feels for people who live next to problematic short-term rentals, he said local communities need to focus on enforcement of occupancy limits, noise, parking and nuisance violations. He also worked to dispel arguments that short-term rentals are driving up prices and displacing locals.

"It's a misnomer; it's a fallacious argument," Metcalf said, noting his Airbnbs often help subsidize the units he rents out to year-round workers. "It's the desirability of the area. If short-term rentals didn't exist here at all, either they would be sold at high prices or they would be rented at high prices, which would preclude workforce housing."

Local officials maintain a one-size-fits-all approach does not work when it comes to short-term rentals because each community has different needs, demographics and public safety and housing concerns.



Old Mission Peninsula | Susan J. Demas

"To me, this is a prime example of cities being allowed to legislate for themselves," Murphy said. "Local elected officials know better what is good for a small community such as ours rather than it being dictated to us out of Lansing."

The legislation would give local governments the authority to limit the number of short-term rentals owned by the same person in an effort to prevent investors from buying up multiple homes. It also caps the total number of short-term rentals as a percentage of all residences, but officials say the proposed 30% cap is unreasonable for small communities.

"If it's 30% as proposed, right now it would allow up to 500 short-term rentals in the city of Petoskey, and I think that's way too much," Murphy said.

Humphrey agrees, saying New Buffalo has 150 rentals with active licenses plus a number of illegal rentals that the city struggles to police. Under HB4722, that number could increase to 750 short-term rental units.

Local governments could still enforce ordinances related to parking, noise and nuisance complaints as long as such regulations are applied consistently to owner-occupied residences as well.

Humphrey argues that short-term rental owners don't pay any additional taxes, other than the non-homestead tax rate, or fees to local communities, like a lodging or tourism tax. But short-term rentals do bring added traffic, nuisance and public safety issues. They also create added costs for inspections and code enforcement, which are a strain on public resources.

"Short-term rentals incur a much larger cost due to the number of people they bring in," Humphrey said. "They should be paying lodging taxes, a tourism tax to supplement the municipality."

An unintended consequence is a decline in population, school enrollment and quality of life for year-round residents.

"We've had a 33% decrease in school population in 10 years," Humphrey said. "They [legislators] don't understand that people need to live here to pay for public safety and infrastructure."

Lawmakers and opposing groups have worked to introduce compromise legislation that recognizes the difference between homeowners who rent their properties a



few weekends a year and those who buy up properties to operate them as “mini hotels.” House Bills [5465](#) and [5466](#) are supported by a coalition of organizations representing local government, public safety, the restaurant and lodging industry.

Representatives from Michigan Township Association testified in opposition to HB 4722 at early House committee hearings and worked on the compromising legislation, but it hasn’t gained traction, said Judy Allen, MTA’s director of government relations.

“We have put forth compromise after compromise,” Allen said. “Each community is different. I don’t have two identical townships. Each one has different needs and different makeups. ... The state wants to come in and say, ‘We know better,’ preempting them from the work that they have done.”



Suttons Bay | Susan J. Demas

Zoning is intended to regulate conflicting land uses and problems that ensue, and communities zone based on master plans, local needs, and the Michigan Zoning Enabling Act.

“If the sole purpose is to be a commercial activity to make money that is different from families who live, work, raise their children there, and want to have a quality of life in a community,” she said.

Those looking for a compromise say HB 4722 fails to address a key issue, which is how to distinguish between homeowners with a second home who occasionally rent it out versus owners and investors that buy up homes and operate them from out-of-state as for-profit enterprises. They often never visit Michigan, or the city where the home is located, and have no stake in the community other than profit.

Although short-term rentals have been a concern in resort communities for several years, the issue has expanded to inland cities and rural townships due to a general housing shortage. Businesses that want to relocate to a community worry about housing for their employees.

“Homes are being purchased and not available when they have a business locate in their community,” Allen said. “Where are people going to live, and is there a quality of life that employees are going to want?”

SUPPORT NEWS YOU TRUST.

DONATE



Republish

Our stories may be republished online or in print under Creative Commons license CC BY-NC-ND 4.0. We ask that you edit only for style or to shorten, provide proper attribution and link to our web site. Please see our republishing guidelines for use of photos and graphics.

February 24, 2023

East Bay Township Board Members
1965 N. Three Mile Rd.
Traverse City, MI 49696

Dear Township Board Members,

I am in receipt of your enforcement letter of February 8.

I am one of at least five STR hosts who lost our licenses in 2021 due to the moratorium and the proposed lower cap on new licenses. I inadvertently let my license expire because I did not receive a renewal notice. The last email I received from Host Compliance is dated Jan. 5, 2021 with approval of my renewal for that year. I don't know whether a renewal notice was ever sent to me for 2022 or not, but I did not receive one. It was not until another STR host obtained a list of licensed properties that I realized, to my horror, that our family cottage was not on the list. By that time, the moratorium was in place. The proposed cap on licenses, which is significantly below the current number of operators, virtually guarantees that I will never get my license back. This is more than heartbreaking since we rely on a few weeks of rentals to pay the taxes and maintenance on a cottage that has been used by 4 generations of our family.

I've made numerous calls to township staff begging to be allowed to renew, but was refused. However, February's board meeting gave me a glimmer of hope. You finally seemed to realize that your enactment of the moratorium has had some very serious (and for a number of us catastrophic) consequences. My hopes were dashed when I received your cease & desist order.

I understand that maintaining our license is my responsibility. However, since Host Compliance had sent renewal notices in the past, it set an expectation that we'd receive one each year. That did not happen. There are a hundred reasons a single email can go missing – spam filters, a changed name, a changed address, incorrect data contained in your database, the list goes on. I am familiar with the licensing process in Lansing and Grand Rapids for full-time rentals. Those cities and many others send a paper renewal notice in the mail. It's far more difficult to miss. They also have a grace period and a process for allowing landlords to renew their license by paying a late fee. If cities with thousands of licensees can do this, why can't East Bay Township?

I have spoken with other hosts who received a notice of non-compliance from the township when they failed to renew their license. The non-compliance letter was sent very soon after they failed to renew. I received no such notice. My license expired in January of last year. Had I received a notice, I would have immediately renewed. Instead, the only communication I've received from the township is this cease & desist order. Little did I know, as I watched you pass the moratorium, that you were slamming the door on me and my family. There is either something wrong in the process of overseeing licenses and their renewals, or you are picking winners and losers. Regardless, it's unfair.

The Board's treatment of a handful of otherwise compliant hosts and our families is unreasonably harsh and undeserved. None of us have ever had a complaint against us.

After talking to Preston, I understand that around 50 of these cease & desist letters were sent out, and that this is part of a process to either bring non-compliant hosts into compliance or shut them down. I'm hoping that you don't spend the township's funds on trying to shut down 50 STRs – that would be an incredible waste of money. The cost of that effort alone rekindles a tiny shred of hope...

Whether you are working to bring us into compliance or are in the process of trying to shut us all down, please keep in mind that you are dealing with three different groups of people: Those like me who missed a deadline but want to be in compliance; those who for whatever reason may simply be unaware of the entire licensing program; and finally those who are deliberately flouting the law. Please don't treat us all the same. And, I would ask that as you decide what to do with us, you prioritize those of us in my situation. The threat of having \$500/day fines levied against us is very stressful.

The township board seems to have lost sight of what's most important. Your job is to protect the health and welfare of our community. How does the punishment of otherwise compliant STR hosts do that? Does refusing us the ability to renew solve behavior problems that have nothing to do with us? Frankly, I don't see how most of the proposed STR ordinance amendments address the actual problems you're having with a handful of STRs. In my opinion, the township needs to more aggressively educate residents, so they know how to submit complaints. And you need a robust, timely and fair process for addressing those complaints or other violations.

I am asking you to do what is right and fair. Take the most expeditious and lowest cost route and let those of us who want to renew do so as soon as possible. Despite how angry I am at the township right now, it's hard to believe that you actually *want* to inflict this kind of strain on our families. At least I hope that's not the case.

Please allow this small handful of hosts to put the agony and stress of this situation behind us by letting us renew our licenses.

Respectfully submitted,



Gayle Miller
Lake George Trail
Traverse City, MI 49696
[Redacted Address]

cc: Preston Taylor

Dear East Bay Township Board of Trustees,

As a resident, managing member of Rivershire LLC and short-term rental (STR) owner in East Bay Township (EBT), I appreciate the opportunity to voice my concern over the proposed changes to existing STR ordinances. Before voicing those concerns, I would like to applaud East Bay Township and the Board of Trustees for their action and accountability relative to the housing crisis currently being felt in the Grand Traverse Region, as well as the beautiful natural environment in which we live. I thoroughly enjoy the hiking trails, inland lakes and rivers and the peacefulness that is found here. Thank you for the part you play in ensuring the stability of our environment!

Concerns

LLC ownership of STR in EBT. Before purchasing our property located in East Bay Township in 2005, my sister and I, as co-owners, were legally advised to purchase the property under our existing LLC, Rivershire LLC, to protect ourselves. When we toured the property, and BEFORE making an offer to purchase, we did recognize the income potential of the property's secondary dwelling cabin (ADU). The income potential of this property combined with East Bay Township's STR ordinance has allowed us to indeed capitalize on that prospect. I am close to retirement age and this income stream does influence my ability to retire.

Once a week rental. Our ability to continue to enjoy a thriving income stream would be greatly affected by the regulation of a once-a-week rental. Currently, most of our rentals are 4-to-5-day rentals, mostly long weekends. However, we do have renters that wish to rent for a shorter stay of three nights. By regulating one rental per week, we would be losing any additional income derived for the remainder of the week. In addition, we are not certain how this regulation would be enforced by the Township.

Transferrable STR license. We take great pride in our property investment of Rivershire and have spent valuable resources in order to ensure the success of our STR business. This IS our business and my home. When the time comes for us to sell the property, we would appreciate the ability to offer our STR license as a benefit to the next owner. It will absolutely, unequivocally reduce our property value if we cannot offer it. We have never violated STR regulations and do not intend to. We respect and appreciate our partnership with EBT. How can we protect our personal investment in EBT and restrict corporations or individuals coming in solely for the purpose of the rental business, driving up housing costs and limiting available properties for local residents? There must be another way that does not negatively affect our investment and selling potential.

Thank you for the opportunity to respectfully voice our concern over the proposed amendments to the current STR ordinance. This is my home and our business. We appreciate our community and environment and our partnership with EBT. Let's work together to ensure the success of our businesses not only for today, but for the long-term success of our community.

Tricia Frey, resident of EBT, managing member of Rivershire LLC

██████ E River Road

Sue Courtade

From: amy bacon [REDACTED]
Sent: Monday, March 6, 2023 2:36 PM
To: Bot; Preston Taylor
Subject: Requesting a review

Hello,

We are the Bacon family. My husband, Steve, who is 64 years old, has been living in this community for 40 years. We have a combined family of 5 children and 3 grandchildren who all live here in Traverse City except for 1 daughter and granddaughter who still have not moved here...but we keep hoping!

Steve is a trusted plumber, which many reputable builders in Traverse City prefer, due to his meticulous eye for detail, pride in his work and his reliability. He only works on referrals and is busier than a cat on a hot tin roof, since it is only he and our son in his company. Steve holds 3 trade licenses in the state of Michigan and has never lost one due to not renewing them. He only has had to pay a late fee, like with many other license ie; Driver's license for example.

The reason for this letter is to ask for your help. We are finding our plans for my husbands retirement lost and are hoping to present you with enough details to reverse these circumstances.

Our story began in the spring of 2013. Here is a excerpt from our visitor book at our rental home we share with guests that include details of it:

Hello there!

We are Steve and Amy Bacon and we would like to warmly welcome you to The Firefly Place.

We had walked this property many times when we lived just behind here at #450. We had heard that it was going to be developed to support condominium buildings. While walking we dreamed about how nice it would be to own this piece of land and be able to preserve the beautiful setting. As it turned out, all our dreams just fell into place and now we are able to share this beautiful place with you!

We have been living among trees most of our lives. Steve, dodging them on his dirt bikes for the past 50 years and Amy, climbing, hanging and jumping out of them into rivers, lakes and onto the back of her horse.

One of our first dates was a visit to Mackinac Island. If you've been there you may have seen the very old, giant tree at the base of the hill. Being from California, seeing a tree that size left Amy no choice, but to remove her shoes and reveal to Steve that he was on a date with... a tree hugger! His reaction was one that bonded them for life. As Amy turned to look for him, she felt Steve's hands meet hers on the other side of that tree. That's when she realized he was just as silly as she was.

If you want to visit the hugging tree on our property, you can! It's marked with a ribbon. It's the only big tree left that the previous owners didn't chop down and sell. Take a walk through the woods and give it a big hug together.

We want to hear about what adventure your visit to Traverse City brought to you. Please leave your favorite place or what you enjoyed most about your visit on the following pages, along with your name and date of stay.

We hope to see you again soon!

*In Gratitude,
Steve and Amy Bacon*

Cute story, right?

Anyways, our plan was to move into a place we were building which was on the same property as the proposed weekly rental, where we were we had been residing. The place was designed to be a small apartment above a 2 car garage with our 93 year old mother living in a granny flat on the first floor. Once Covid hit the planet, the building was detained and we never used the license we were granted in March of 2020 until May of 2022.

In addition to the delay due to Covid, the health of Mom took a turn for the worst requiring a permanent move to a full time facility and we inherited our grandson.

After I submitted the paperwork and paid the fees, I never gave the license another thought. We never received any renewal notices or even a hard copy of the actual license because, it apparently was in our spam email! I never thought to look there until the kind zoning administrator, Preston Taylor, asked if I received renewal notices and that if I did not, I should check my spam, and what do you know, there they all were!

Had we received them, of course they would have been paid in a timely manner.

In conclusion, our desire is to remain part of this beautiful community with the weekly rental being our retirement. It works out great because we live right on site and can keep a close watch on the guests. In addition, we do not have an LLC and only use the weekly rental option during the summer, while renting to the traveling nurses program the rest of the time. As you know, there is a quite a shortage of health care workers here in Traverse. We're hoping to do our part in alleviating that.

Please, is there anything we can do to keep our weekly rental license active? The retirement of my husband, the support of our grandson and the preservation of our property weighs in the balance. This is going to severely alter our lives for the worst.

In sincerity, your neighbors,

Steve and Amy Bacon
[REDACTED] Peninsula Trail
Traverse City, MI 49696
[REDACTED]

Sue Courtade

From: Jim Egbert [REDACTED]
Sent: Monday, March 6, 2023 6:24 PM
To: Bot
Cc: Preston Taylor
Subject: STR2019-0061 License
Attachments: ScanEastbay.pdf; ScanSTRA.pdf; ScanSTRB.pdf; ScanSTR Notarized notification.pdf; Scan_Doc0062.pdf; ScanSTR59.pdf; ScanSTR63.pdf; ScanSTREmergencynotice.pdf; Scan_Doc0064.pdf; STRC.pdf; STR66.pdf; STR67.pdf

To : Board of Trustees, East Bay Charter Township

From: James and Audrey Egbert
[REDACTED] Spider Lake Road
Traverse City, MI 49696
[REDACTED]

3-6-2023

To: East Bay Charter Township Board of Trustees
1965 N Three Mile Road
Traverse City, MI 49696

CC:Preston Taylor, Zoning Administrator

Dear Board Members

My wife and I are the owners of Parcel 28-03-102-079-30, [REDACTED] Celery Bay Drive, Traverse City, MI.

We live next door to this property a [REDACTED] N Spider Lake Road, and the lot lines are connected by a 99' length of land. We have never had a single issue of noise or complaint from anyone for the many years we have rented. We have enjoyed renting the cottage to people who want to experience up north Michigan for one week each year.

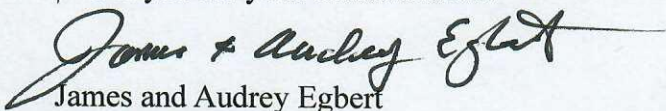
When East Bay ordinance adopted STR Ordinance 5 in 2019, we applied for the license and were granted STR2019-0061 . We renewed the license in 2020, and in 2021 we mistakenly missed the window of opportunity to renew the license. When we became aware of this we immediately tried to renew online but the portal would not allow it. We then tried to submit a new application (rather than a renewal) through the portal, and that was not allowed either.

It is very important for us to be able to rent the 1 bedroom cottage on the property during the summer months, so that we can pay the property taxes (\$7548.50), insurance and upkeep of the cottage and the property. Without the rental income we would not be able to afford to keep the property .

We rent for 7 day minimums, and we we limit the occupancy to 4 persons. All most all of our rentals have been to 1 married couple. We do not rent from October through May.

We are asking that we please be allowed to renew our STR license that lapsed.

Thank you for your consideration.

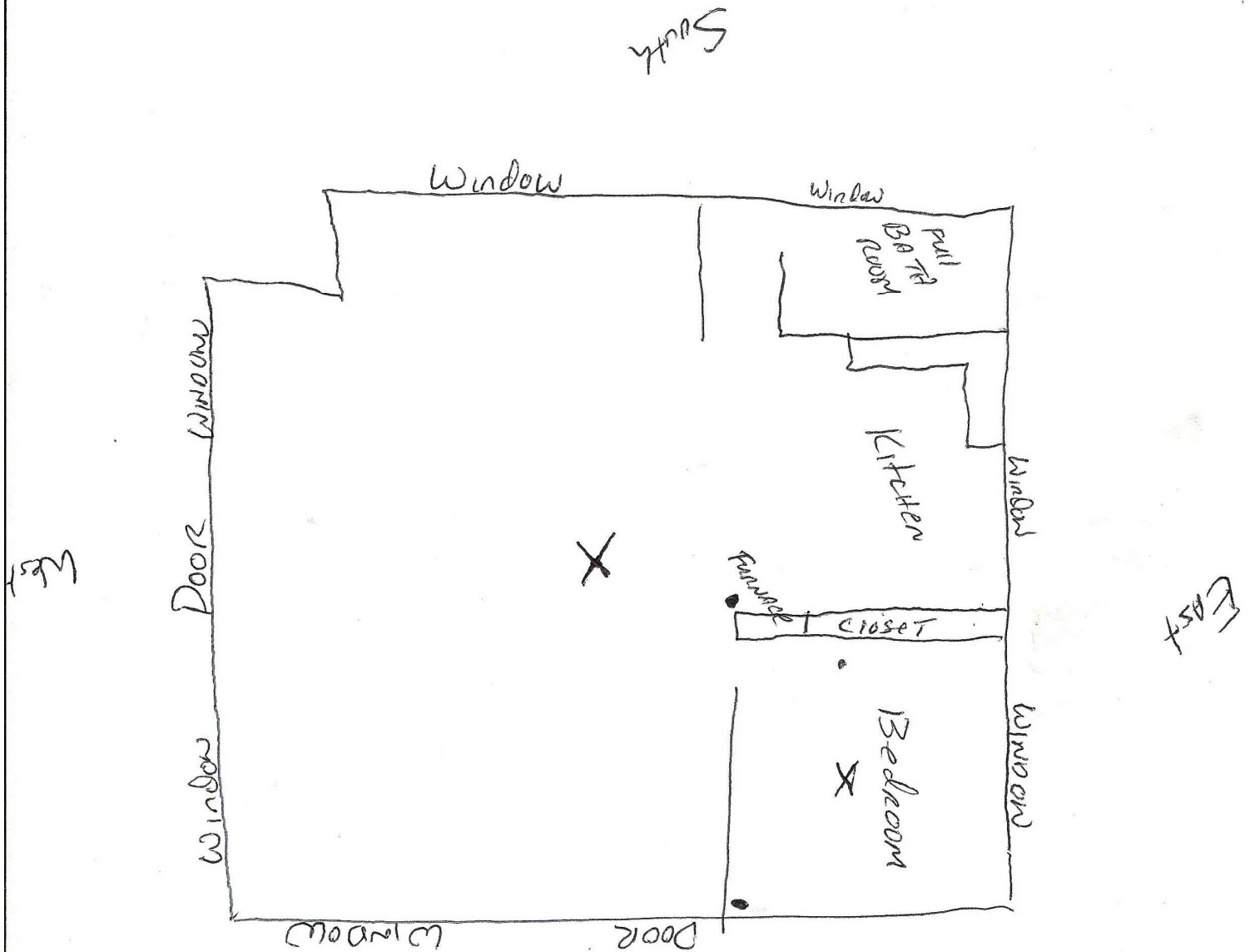


James and Audrey Egbert
[REDACTED] Spider Lake Road
Traverse City, MI 49684
[REDACTED]
[REDACTED]

412

4050 Celery BAY DRIVE
TOWNSE CNY, MI 49996
231-731-8831

Sketch of Residence
North



- Carbon Monoxide Detector
- X - Fire Smoke Alarm

EAST BAY CHARTER TOWNSHIP 2022 SUMMER TAX NOTICE

7548.50

PAYMENT INFORMATION

PAYABLE TO: EAST BAY CHARTER TOWNSHIP
1965 N. THREE MILE
TRAVERSE CITY, MI 49696
231-947-8647

TRACEY BARTLETT - TREASURER
DEB HAMILTON - DEPUTY TREASURER

This tax is due by: 09/14/2022

PROPERTY INFORMATION

Owner/Taxpayer:

28-03-102-079-30



EGBERT JAMES & AUDREY
[REDACTED] NORTH SPIDER LAKE RD
TRAVERSE CITY MI 49696

[Extended Legal Descriptions on File]
Legal Description- [REDACTED]

CELERY BAY DR
PRT OF NW 1/4 OF GOVT LOT 14 SEC 2 T26N R10W
COMM AT NW 1/4 OF SEC 2 TH N 89 DEG 48'00" E
226.98' ALG TH N LN OF SD SEC TO POB; TH CONT N
89 DEG 48'00" E 99.80' TH S 13 DEG 11'26" E

MESSAGE TO TAXPAYER

Tax Receipt

The bottom portion of this bill is your receipt of payment upon cleared check.

DUE AT TWP: JUL 01 TO SEP 14, 2022 WITHOUT INTEREST.
SEP 15-30, INT OF 1% ADDED, PLUS 1% ON THE 1ST OF
EACH FOLLOWING MONTH. FEBRUARY 15, 2023, 3% PENALTY
WILL ADDED.

**OFFICE HOURS: MONDAY - THURSDAY 7:00 - 5:30,
DROP BOXES AVAILABLE ANYTIME**

Date Printed 06/16/22

SEE BACK OF BILL FOR IMPORTANT INFORMATION

OPERATING FISCAL YEARS

The taxes on bill will be used for governmental operations for the following fiscal year(s):

County: 01/01/22 - 12/31/22
Township: 01/01/22 - 12/31/22
School: 07/01/22 - 06/30/23
State: 10/01/22 - 09/30/23

Taxable Value: 169,100 PROP CLASS 408

169,100 School# 28010

Homestead %: .0000

TAXING AUTHORITY	TAX RATE	TAX AMOUNT
COUNTY	4.72680	799.30
STATE ED	6.00000	1,014.60
NMC-OPERATING	1.02880	173.97
TCAPS-OPERATING	18.00000	3,043.80
TCAPS-DEBT	3.10000	524.21
NORTH ED (TBAISD)	2.88710	488.20
BATA	0.47880	80.96

Total 36.22150 **6,125.04**

PAID SEP 13 2022

SEC 2
N. R. 10 W.

WOOD SHED AND
PLAY STRUCTURE

#59

NORTH LINE OF SECTION 2 AS MONUMENTED

N89°48'00"E (R&M)

326.78'

100.00'(R) 99.8'

S73°59'00"W 65.00' (R)

S74°05'48"E 65.14'

N00°28'06"W

55.27'(R)

N00°33'09"W

55.31'

N05°28'05"E

104.00'(R)

N05°23'02"E

103.96'

N30°42'18"E(R)

34.19'(R)

N30°29'57"E

34.26'

N64°28'32"E(R)

N64°23'19"E

65.38'

N00°07'43"W

146.72'

N00°28'00"W

174.00'(R)

HOUSE WITH
ATTACHED
GARAGE

WOOD DECK

WELL

161.20'

269.79'

N22°59'31"E

151.25'

158.78'

GRAVEL DRIVE

STORAGE
SHED

SMALL CABIN

WOOD DECK

CONCRETE

WOOD DECK

CABIN

Possible
septic Area

S41°17'20"W

84.95'

S41°15'40"W

85.0' (R)

S00°14'13"E

142.00'(R)

S00°14'13"E

142.00'(R)

SPIDER LAKE

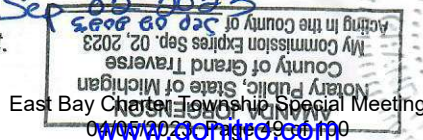
SHORELINE LOCATED
9-06-00

Spider
Lake

SHORELINE LOCATED
9-06-00

East Bay Charter Township Special Meeting

04/06/2023 www.sonsr.com



SECURITY SANITATION, INC

BELANGER SEPTIC SERVICE

2233 M-37 SOUTH

TRAVERSE CITY, MI 49685

Ph.(231) 943-2634 Fax(231) 943-5250

Invoice

DATE	INVOICE #
7/13/2022	163733

BILL TO
JIM EGBERT 4016 N SPIDER LAKE RD TRAVERSE CITY, MI 49696

PAID
07/14/2022

P.O. NO.	TERMS
	CC ON FILE

QTY	DESCRIPTION	RATE	AMOUNT
	CELERY BAY		
	PUMP SEPTIC TANK	190.00	190.00
300	DUMP CHARGE AT TREATMENT PLANT	0.18	54.00
	R		
THANK YOU FOR YOUR BUSINESS!!		Total	\$244.00

****PLEASE PAY FROM THIS INVOICE****
THIS IS THE ONLY COPY YOU WILL RECEIVE.



Notification of Short-Term Rental to Neighboring Property Owner

Neighboring Property Owner:

This document serves to inform you that property located at [REDACTED] CELEERY BAY, TRAVERSE CITY has applied for a short-term rental license under East Bay Charter Township's Ordinance 5 of 2019. As a property which abuts the above address and under the terms of the Short-Term Rental Licensing Ordinance, you must be supplied a 24-hour contact number for the owner or local agent of the short-term rental. Please familiarize yourself with this ordinance. It can be seen on the township's website at eastbaytwp.org or by visiting the township hall for a copy.

While rental property owners seek renters who behave responsibly and according to the township's ordinances, if an issue ever does occur, please use the following contact information to address the issue. Start with the first contact listed and graduate through the contacts if there is no resolution. Please understand the property owner or legal agent has two hours from the point of contact to mitigate any issue on-site.

1. Contact the property owner or local agent at the following 24-hour contacts:

Name: JAMES EGBERT, AUDREY EGBERT

Phone: (231) [REDACTED]

Email: [REDACTED]

2. Contact the Short-Term Rental hotline at (231) 222-0163.

3. Contact East Bay Charter Township Community Police Officers non-emergent line at (231) 947-3631.

4. Contact Grand Traverse County's non-emergent central dispatch line at (231) 922-4550.

As always, in cases of emergencies, call 911.

Again, please become familiar with Ordinance 5 of 2019, East Bay Charter Township's Short-Term Rental Licensing Ordinance, as there are ramifications for property owners, both short-term rental owners and year-round neighbors, for ordinance violations.

For any questions regarding this property, please refer to the property owner or local agent contacts. For any questions on the ordinance, please contact the township's Department of Planning & Zoning at (231) 947-8681.

photo

66

From : [REDACTED]

Subject : photo

Celeny BAY DRIVE





**Affidavit of Notification of Short-Term Rental
to Neighboring Property Owner(s)**

Notarize upon completion

In compliance with East Bay Charter Township Short-Term Rental Licensing Ordinance 5-2019, I have notified immediate neighbors (including those across the street) of the following address which has applied for a short term rental license.

Address: [REDACTED] CELERY BAY DRIVE, TRAVERSE CITY MI 49696

Immediate neighbors have been supplied the following 24-hour contact information for any issues related to the above noted short-term rental:

Name:

JAMES EGBERT / James Egbert

Phone:

Email address:

[REDACTED]

The following immediate neighbors were provided contact information for the local agent:

Name:

SHAWN ANTOL - [REDACTED]

Address:

[REDACTED] CELERY BAY DRIVE, TRAVERSE CITY MI

Method of Delivery: ☒ U.S. Mail ☒ Hand-delivered Date Provided: 1-14-23

Name:

MIKE CANAN [REDACTED]

Address:

[REDACTED] CELERY BAY DRIVE, TRAVERSE CITY MI

Method of Delivery: ☒ U.S. Mail ☒ Hand-delivered Date Provided: 1-14-23

Name:

James - Audrey Egbert. [REDACTED]

Address:

[REDACTED] N. SPIDER LAKE RD. TRAVERSE CITY MI

Method of Delivery: ☐ U.S. Mail ☒ Hand-delivered Date Provided: 1-14-23

Name:

Address:

Method of Delivery: ☐ U.S. Mail ☐ Hand-delivered Date Provided:

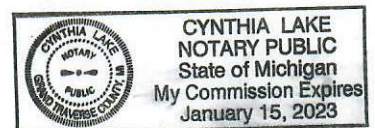
☒ Please check to acknowledge the same 24-hour contact information must be provided to renters.

Notary:

State of MI, County of Grand Traverse

The foregoing instrument was acknowledged before me this 15 day of July, 2019, by James Egbert, who is personally known to me or who has provided satisfactory evidence of identification.

Print Name (Notary): Cynthia Lake
Notary Signature: Cynthia Lake
My Commission Expires: 01-15-2023
Affix seal/stamp to the right.





Welcome, you have just booked a short-term rental located in Michigan's East Bay Charter Township. The township contains a wide variety of scenic northern Michigan land forms from the East Arm of Grand Traverse Bay to State-forested areas to wetlands to agricultural lands to inland lakes. With a population over 11,000 residents, East Bay Township enjoys a healthy mix of residential neighborhoods, tourist districts, and commercial, agricultural, and industrial land uses.

While residents and officials hope you enjoy your visit to East Bay Charter Township, this notice provides you information on the current ordinance related to short-term rentals. East Bay Charter Township licenses short-term rentals under Ordinance 5 of 2019 which can be found on the township's website at eastbaytwp.org. The Short-Term Rental Licensing Ordinance requires prior notification to your stay of the following information:

- ✓ You have reserved a short-term rental located at:

 CELERY BAY DRIVE, TRAVERSE CITY MI
And the license number is:
STR 2019.0061

This rental has a maximum occupancy of 6 overnight guests.

- ✓ If you have any issues when you are visiting the rental, please contact the responsible party listed below:

Name: James Eahert

Phone: [REDACTED]

Email: [REDACTED]

- ✓ Guests or occupants of a short-term rental must comply with the East Bay Charter Township's Noise Ordinance and Fireworks Ordinance and understand behavior at the rental may affect the license issued through the Short-Term Rental Ordinance. These ordinances can be found in their entirety on the township's website at eastbaytwp.org and any person deemed in violation of the ordinance may be cited. In planning your visit, please realize that under these ordinances:

No person shall ignite, discharge, or use consumer fireworks within East Bay Charter Township at any time, except during any of the following days and times:

- (a) After 11 a.m. on December 31 and until 1 a.m. on January 1.
- (b) After 11 a.m. and until 11:45 p.m. on the Saturday & Sunday immediately preceding Memorial Day.
- (c) After 11 a.m. and until 11:45 p.m. on June 29 through July 4.
- (d) If July 5 falls on a Friday or Saturday, then after 11:00 a.m. and until 11:45 p.m. on July 5.
- (e) After 11 a.m. and until 11:45 p.m. on the Saturday and Sunday immediately preceding Labor Day.

Acts defined in the Noise Ordinance are declared to be noise disturbances and prohibited. Please visit this ordinance at eastbaytwp.org to learn how playing loud music, boisterous behavior, or the constant bark of dog, as examples, to an audible level which disturbs the quiet, comfort, or repose of the persons in the vicinity may be an ordinance violation.

- ✓ All pets must always be secured on the premises or on a leash.
- ✓ Trash, refuse, recycling must not be left within public view and should be placed in a proper waste or recycling container for the purpose of collection or disposal or removed from the property. Make sure you or your rental owner/manager have a plan for refuse disposal.

Enjoy your time spent in East Bay Township alongside year-round residents
and have a great time 'Up North'!



Welcome, you have just booked a short-term rental located in Michigan's East Bay Charter Township. The township contains a wide variety of scenic northern Michigan land forms from the East Arm of Grand Traverse Bay to State-forested areas to wetlands to agricultural lands to inland lakes. With a population over 11,000 residents, East Bay Township enjoys a healthy mix of residential neighborhoods, tourist districts, and commercial, agricultural, and industrial land uses.

While residents and officials hope you enjoy your visit to East Bay Charter Township, this notice provides you information on the current ordinance related to short-term rentals. East Bay Charter Township licenses short-term rentals under Ordinance 5 of 2019 which can be found on the township's website at eastbaytwp.org. The Short-Term Rental Licensing Ordinance requires prior notification to your stay of the following information:

- ✓ You have reserved a short-term rental located at:

CELEERY BAY DRIVE, TRAVERSE CITY MI
And the license number is:
STR 2019.0061

This rental has a maximum occupancy of 6 overnight guests.

- ✓ If you have any issues when you are visiting the rental, please contact the responsible party listed below:

Name: James Eabert

Phone: [REDACTED]

Email: [REDACTED]

- ✓ Guests or occupants of a short-term rental must comply with the East Bay Charter Township's Noise Ordinance and Fireworks Ordinance and understand behavior at the rental may affect the license issued through the Short-Term Rental Ordinance. These ordinances can be found in their entirety on the township's website at eastbaytwp.org and any person deemed in violation of the ordinance may be cited. In planning your visit, please realize that under these ordinances:

No person shall ignite, discharge, or use consumer fireworks within East Bay Charter Township at any time, except during any of the following days and times:

- After 11 a.m. on December 31 and until 1 a.m. on January 1.
- After 11 a.m. and until 11:45 p.m. on the Saturday & Sunday immediately preceding Memorial Day.
- After 11 a.m. and until 11:45 p.m. on June 29 through July 4.
- If July 5 falls on a Friday or Saturday, then after 11:00 a.m. and until 11:45 p.m. on July 5.
- After 11 a.m. and until 11:45 p.m. on the Saturday and Sunday immediately preceding Labor Day.

Acts defined in the Noise Ordinance are declared to be noise disturbances and prohibited. Please visit this ordinance at eastbaytwp.org to learn how playing loud music, boisterous behavior, or the constant bark of dog, as examples, to an audible level which disturbs the quiet, comfort, or repose of the persons in the vicinity may be an ordinance violation.

- ✓ All pets must always be secured on the premises or on a leash.
- ✓ Trash, refuse, recycling must not be left within public view and should be placed in a proper waste or recycling container for the purpose of collection or disposal or removed from the property. Make sure you or your rental owner/manager have a plan for refuse disposal.

Enjoy your time spent in East Bay Township alongside year-round residents
and have a great time 'Up North'!

March 5, 2023

Dear Sue,

We are writing this letter that was sent regarding violation of Eastbay Township STR ordinance. We would like to appeal on our behalf.

We had our STR license and have kept up with all the requirements that EBT had. In 2020, we went through the proper channels to continue our license through Host Compliance. HC sent me the renewal link and I filled out all the requirements necessary. However, as I went to pay for the license, it would not allow me to. I tried consistently for several days until HC then said my license was not recognized.

This was also during the pandemic, we assumed that licenses were not being issued, and this is why we thought HC would not except our money. We never heard another word from HC or EBT about our STR license renewal.

This was also the year our father became ill and passed away, our plate was full and because we did not hear from EBT or HC we thought we were fine. Again, with no notice given a moratorium was put in place.

I am a elementary school teacher and live in Virginia. In the summers I live with my mother, next door to take care of her. We rent only in the summer when I am there, and am readily available if anything is needed by our renters.

We are VERY selective in who we rent. We are not an LLC but a sister team that purchased this home next door to our parents house. This will be where I will retire so I can continue taking care of our mom daily.

The hardship of not being able to rent our house during summers will be detrimental, we will end up losing this house. This is the only way we will be able to afford to live in Traverse City and allow our mom to remain here as well. She bought her property in 1955, to think about her possibly leaving is absolutely crushing to our family.

We respectfully ask you take our case into consideration and reinstate our license. If we are not allowed to rent we will lose our home.

Thank you for your time,

Pamela Palmer
Jane Dulude

Sue Courtade

From: Brenden Stark [REDACTED]
Sent: Monday, March 6, 2023 1:48 PM
To: Sue Courtade
Subject: [REDACTED] Lakeview Trail
Attachments: Short Term Rental Certificate of Approval - Spider Lake.pdf; Property Transfer Affidavit for [REDACTED] Lakeview Trail.pdf; Notice of Possible Short-Term Rental Ordinance Violation.jpg; Septic info.pdf

Hi Susanne,

My name is Brenden Stark and I hope this letter finds you well. I have reached out to Preston, Beth Friend, and Matt Courtade as well but I wanted to reach out to each board member as well because this is a very important and serious matter to me. We have not formally met, but I am the owner of [REDACTED] Lakeview Trail. I was recently forwarded a communication from your office regarding my property. It appears that perhaps your office has not had a chance to update the property record, as it was sent around February 8th to 2 of the previous title-holders, Jon and Tara Reibel. I have attached the letter that they shared with me on Monday, February 20th. I was previously unaware that this issue existed, and never received a renewal notice that my license is expiring, as it appears that any prior notices may have been sent to the Reibels, from whom I purchased the property from on August 3, 2020.

I have been a partial title holder of this property with the Reibels since November 30, 2018, when I took over the position of Annette Stark (who transferred her interest in the property to me via quit-claim deed on March 1, 2019), who had initially been on the purchase of the property because she wanted the family to have a lake cottage, which I have worked to continue to obtain for her. This included purchasing the remaining interest in the property from the Reibels. Following my purchase of the entire property, my lawyer filed a Property Transfer Affidavit, which is attached, and then applied for a short-term rental lease, which process did not include the Reibels (who had no interest in the property at the time I applied). Once I applied, I was issued license number STR2019-0044 on November 5, 2020, which was before the ordinance involving transfer of these interests was drafted.

While I had purchased the property in the hopes of fulfilling my mother's dream in the long-term, I bought it knowing that it could be used as a short-term rental, which would allow me to defray the costs in order to make the purchase of the home achievable. I have worked to operate and maintain the property to the utmost standards, and to provide value to the community. To date, I am aware of no complaints regarding myself, my guests, or the property.

I certainly understand your goals in developing and enforcing ordinances, and I do appreciate the job you do to make sure that our community remains vibrant and thriving. Had I been aware of any licensing issues, I certainly would have done everything in my power to meet with any requests and timelines you may have asked of me. I have also worked to keep the property maintained to a high standard.

Should I not be able to continue short-term rentals of this property, I believe that I would have to forego my family's dream of a lake cottage, as I could not afford the property as a secondary property at this time. And given the restrictions of the ordinance put in place following my licensing, the property value would sink to a level that would cause catastrophic financial harm to myself and my family.

My septic tank is large, pumped and is serviced yearly. I just put in a new well pump and pressure switch at significant cost, but with the understanding that it was important. I also have regular checks on my furnace and water heaters, I just did that 2 weeks ago. By renting part time, I need that money to pay for these updates, otherwise I would not have done them. This puts me in another financially stressful situation.

Additionally, I have a very good relationship with my neighbors and consider them friends. They both have my number should any issues ever occur. No issues have ever occurred, and we look out for each other's

properties. My neighbor to my right, doesn't rent, and my other neighbor is selling his house so his license won't be transferred according to the newly-proposed ordinance changes.

Unfortunately, I was unable to attend the latest board meeting, but did watch the video of the meeting, and at the time of 18.10 left in the meeting, Matt Courtade suggested you could possibly look at the handful of expired license situations such as mine. Also, I have heard that you have been able to work with other owners with their properties on this issue, and renew their license after its expiration date and/or after the moratorium had begun. I'm praying that the same courtesy may be extended to me. I am hoping to work with the board to resolve this matter in a matter that is of the most benefit to all parties, including myself, the board, and the community. Once I became aware of the licensing issue, I immediately ceased my rental listing until we can get this issue resolved, with the hope that I would be able to find a path to having my license renewed.

I am hoping that the board will be willing to work with me, given the circumstances surrounding this unfortunate incident, including my commitment to maintaining my property and use to the high standards of this community, and the exigent concern of my lack of notice of the licensing issues. I know that getting a new license through the application process is going to be extremely stressful, as well as statistically difficult to obtain. I have always tried to follow the rules of the community, and would have here as well, had I known there was an issue. I had already struggled following the loss of income due to COVID, this would make things life changingly difficult for me and I was finally working at getting to a stable line again with this property. If I am unable to obtain this renewal, it would devastate my family and I. Please let me know what I can do to work with you to get this matter resolved, and I will do everything in my power to cooperate.

Thank you for your time and consideration in this matter, and I look forward to hearing from you at your earliest convenience. Can you please send me a quick reply so I know you received this email with the important attachments please?

Brenden Stark

EAST BAY CHARTER TOWNSHIP
PLANNING AND ZONING DEPARTMENT
1965 N THREE MILE RD
TRAVERSE CITY, MI 49696



*****AUTO**MIXED ADC 130
REIBEL JON & REIBEL TARA &

PL1 T12 P1 S1206



February 8, 2023

Re: **Notice of Possible Short-Term Rental Ordinance Violation**
Parcel # 0361008800

Dear REIBEL JON & REIBEL TARA &:

East Bay Charter Township implemented Ordinance 5 of 2019, effective July 15, 2019, and known as the *East Bay Charter Township Short-Term Rental Licensing Ordinance*. Short-term rentals are defined as a dwelling unit which is rented less than 30 nights. This ordinance was enacted to allow the short-term rental of licensed properties which meet criteria set to ensure the health, safety, and welfare of the community. Before Ordinance 5 of 2019, short-term rentals were not legally allowed in the community.

Pursuant to the *Short-Term Rental Licensing Ordinance*, property in East Bay Charter Township must first obtain a license from the Planning & Zoning Department to rent a dwelling unit on a short-term basis. To determine eligibility for a license, as all properties may not be eligible, please read the enclosed ordinance and visit eastbaytwp.org for information through the Planning and Zoning Department link. Please note the East Bay Township Board of Trustees adopted a moratorium June 22, 2022, which is in effect until June 22, 2023. This moratorium places a **temporary freeze on new Short Term Rental applications and licenses**.

This letter is to notify you that the Planning and Zoning Department has found a possible violation of Ordinance 5 of 2019 on the above-referenced parcel. Specifically, this parcel is shown as a short-term rental on one or more rental listing websites and does not have an approved *East Bay Township Short-Term Rental License* associated with it. As the owner of this parcel, this notification of a possible violation gives you an opportunity to bring the parcel into compliance with Ordinance 5 of 2019 or offer information to the Planning and Zoning Department which shows this parcel is currently in compliance.

While this letter is simply notification of a possible violation, you are urged to address this issue promptly since lack of responsiveness could result in a *Notice of Violation*. It is expected you will cease using your property as a Short-Term Rental immediately and apply for a license when the moratorium is lifted, as licenses are available. Please be advised that the penalty for violating the *Short-Term Rental Ordinance* may result in fines of \$500 per day from the date of a *Notice of Violation* until a permit is granted or short-term rental activity has ceased.

If you have any questions, please contact the Planning & Zoning Department at (231) 947-868 ext 1. We are here to assist you with the ordinance and its impact on your property.

Respectfully,
Preston Taylor, MiCZA, Zoning Administrator
Enclosure: East Bay Charter Township Ordinance 5 of 2019



SHORT-TERM RENTAL LICENSE NUMBER: STR2019-0044

Parcel Number: 0361008800

Property Address: ██████ Lakeview Trail, Traverse City, MI 49696

License Issued To: Brenden Stark

Date Issued: Nov 05, 2020

License Expiration Date: Oct 26, 2021

This license is to certify that this property has been registered with the East Bay Township for use as a short-term rental



onia Avenue SW, Suite 230
Grand Rapids, MI 49503-4179

August 10, 2020

East Bay Township Assessor
1965 N Three Mile Rd.
Traverse City, MI 49696

Re: Property Transfer Affidavit – Lakeview Trail, Traverse City, MI
PPN: 28-03-610-088-00

Dear Assessor:

Please find enclosed an executed Property Transfer Affidavit, along with a copy of the newly recorded deed in connection with the above-referenced property. Please file in the appropriate manner. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'John Teeples'.

John L. Teeples

JLT/kat
Enclosure(s)

cc: Brenden Stark

Property Transfer Affidavit

This form is issued under authority of P.A. 415 of 1994. Filing is mandatory.

This form must be filed whenever real estate or some types of personal property are transferred (even if you are not recording a deed). The completed Affidavit must be filed by the new owner with the assessor for the city or township where the property is located within 45 days of the transfer. The information on this form is NOT CONFIDENTIAL.

1. Street Address of Property [REDACTED] Lakeview Trail	2. County Grand Traverse	3. Date of Transfer (or land contract signed) 08/03/20
4. Location of Real Estate (Check appropriate field and enter name in the space below.) <input type="checkbox"/> City <input checked="" type="checkbox"/> Township <input type="checkbox"/> Village East Bay	5. Purchase Price of Real Estate 0.00	
6. Seller's (Transferor) Name Jon Reibel and Tara Reibel	7. Property Identification Number (PIN). If you don't have a PIN, attach legal description. PIN. This number ranges from 10 to 25 digits. It usually includes hyphens and sometimes includes letters. It is on the property tax bill and on the assessment notice. 28-03-610-088-00	
8. Buyer's (Transferee) Name and Mailing Address Brenden Stark [REDACTED]		9. Buyer's (Transferee) Telephone Number

Items 10 - 15 are optional. However, by completing them you may avoid further correspondence.

10. Type of Transfer. <u>Transfers</u> include, but are not limited to, deeds, land contracts, transfers involving trusts or wills, certain long-term leases and business interest. See page 2 for list. <input type="checkbox"/> Land Contract <input type="checkbox"/> Lease <input checked="" type="checkbox"/> Deed <input type="checkbox"/> Other (specify) _____		
11. Was property purchased from a financial institution? <input type="checkbox"/> Yes <input type="checkbox"/> No	12. Is the transfer between related persons? <input type="checkbox"/> Yes <input type="checkbox"/> No	13. Amount of Down Payment
14. If you financed the purchase, did you pay market rate of interest? <input type="checkbox"/> Yes <input type="checkbox"/> No		15. Amount Financed (Borrowed)

EXEMPTIONS

Certain types of transfers are exempt from uncapping. If you believe this transfer is exempt, indicate below the type of exemption you are claiming. If you claim an exemption, your assessor may request more information to support your claim.

- ☐ Transfer from one spouse to the other spouse
- ☐ Change in ownership solely to exclude or include a spouse
- ☐ Transfer between certain family members *(see page 2)
- ☐ Transfer of that portion of a property subject to a life lease or life estate (until the life lease or life estate expires)
- ☐ Transfer between certain family members of that portion of a property after the expiration or termination of a life estate or life lease retained by transferor ** (see page 2)
- ☐ Transfer to effect the foreclosure or forfeiture of real property
- ☐ Transfer by redemption from a tax sale
- ☐ Transfer into a trust where the settlor or the settlor's spouse conveys property to the trust and is also the sole beneficiary of the trust
- ☐ Transfer resulting from a court order unless the order specifies a monetary payment
- ☒ Transfer creating or ending a joint tenancy if at least one person is an original owner of the property (or his/her spouse)
- ☐ Transfer to establish or release a security interest (collateral)
- ☐ Transfer of real estate through normal public trading of stock
- ☐ Transfer between entities under common control or among members of an affiliated group
- ☐ Transfer resulting from transactions that qualify as a tax-free reorganization under Section 368 of the Internal Revenue Code.
- ☐ Transfer of qualified agricultural property when the property remains qualified agricultural property and affidavit has been filed.
- ☐ Transfer of qualified forest property when the property remains qualified forest property and affidavit has been filed.
- ☐ Transfer of land with qualified conservation easement (land only - not improvements)
- ☐ Other, specify: _____

CERTIFICATION

I certify that the information above is true and complete to the best of my knowledge.

Printed Name Brenden Stark JOHN L. Teeple		Date 08/03/20
Signature [Signature]		
Name and title, if signer is other than the owner John L. Teeple, attorney	Daytime Phone Number 616-776-7200	E-mail Address [REDACTED]

STATE OF
MICHIGAN

GRAND TRAVERSE CO
08/07/2020
2020R-14091



REAL ESTATE
TRANSFER TAX

103.40 CO
705.00 ST
TTX # 4182020

ERECORDING
2020R-14091

STATE OF MICHIGAN
GRAND TRAVERSE COUNTY
RECORDED 08/07/2020 11:00:45 AM
PEGGY HAINES REGISTER OF DEEDS
PAGE 1 OF 2

QUIT CLAIM DEED

Jon Reibel and Tara Reibel, husband and wife, of [REDACTED] ("Grantors"), hereby convey their joint tenant ownership, right, title, and interest for the total amount of Ninety Three Thousand Six Hundred & Thirty-one Dollars (\$93,631.00) to Brenden Stark, a married man, of [REDACTED] ("Grantee") in the following described premises commonly known as [REDACTED] Lakeview Trail, Traverse City, MI, located in the Township of East Bay, Grand Traverse County, Michigan, described as:

LOT 88, PINWOOD SHORES, ACCORDING TO THE RECORDED PLAT IN LIBER 4 OF
PLATS, PAGE 42, GRAND TRAVERSE COUNTY RECORDS,
PPN: 28-03-610-088-00,

subject to zoning, easements, and building and use restrictions of record, if any and to any liens for taxes which are not yet due and payable, and further subject to any mortgage liens granted by Grantors

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associate conditions may be used and are protected by the Michigan right to farm act.

The Grantors grant to the Grantee the right to make all divisions available, if any under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967.

Dated this 3 day August, 2020

Jon Reibel

Tara Reibel

STATE OF MICHIGAN)
)SS
COUNTY OF ~~KENT~~ OTTAWA) cf

The foregoing instrument was acknowledged before me this 3rd day August, 2020, by Jon Reibel and Tara Reibel.

SUE ANN ENSING
Notary Public, State of Michigan
County of Allegan
My Commission Expires June 22, 2023
Acting in the County of Ottawa

Notary Public
Allegan County, Michigan/Acting in Ottawa County
My commission expires June 22, 2023

Drafted by:
John L. Teeple
Teeple Law, PLLC
25 Ionia, S.W., Suite 230
Grand Rapids, Michigan 49503

When recorded return to:
John L. Teeple
Teeple Law, PLLC
25 Ionia, S.W., Suite 230
Grand Rapids, Michigan 49503

Send Subsequent Tax Bills to:
Grantee

Legal description provided by Grantors. Drafter has not examined title to the property and makes no representations respecting title to the property or the Land Division Act.

GRAND TRAVERSE, LEELANAU & BENZIE DISTRICT HEALTH DEPARTMENT

GRAND TRAVERSE-LEELANAU COUNTIES

P.O. BOX 905
TRAVERSE CITY, MICHIGAN 49685
PHONE 922-4833

BENZIE COUNTY

GOVERNMENTAL BUILDING
P.O. BOX 335
BEULAH, MICHIGAN 49617
PHONE 882-4409

No 15943

NON-TRANSFERABLE PERMIT

DIAGRAM

SEWAGE PERMIT ☒

WELL PERMIT ☒

OWNER Terrance Hardwick
MAILING ADDRESS [REDACTED] T.C. PH. [REDACTED]

TYPE OF ESTABLISHMENT Res
PROPERTY LOCATION Pinewood Shores
TOWNSHIP East Bay SECTION 2
COUNTY G.T. DATE 4/11/88

SOIL:

SOIL TYPES TO A DEPTH OF 6'

SEE ATTACHED
DRAWING

MED.
SAND
12 1/2
5 1/2

DEPTH TO GROUND WATER TABLE

NO. OF BEDROOMS <u>3</u>	NUMBER OF BATHS <u>2</u>
SEPTIC TANK SIZE <u>1200 Comp.</u>	LAUNDRY <u>yes</u>
TILE FIELD <u>/</u>	DISHWASHER <u>yes</u>
TRENCH WIDTH <u>/</u>	GARBAGE DISPOSAL <u>NO</u>
LINEAL FEET <u>/</u>	OTHER <u>/</u>
DRAIN BED <u>✓</u>	
LINEAL FEET <u>250</u>	
SQUARE FEET <u>750</u>	
TILE LINES ON <u>31 or C</u>	
OTHER <u>/</u>	

PERMIT TO INSTALL, CONSTRUCT OR REPLACE
EXPIRES 1 YEAR AFTER DATE OF ISSUE

ISSUED TO TERRANCE HARDWICK
DATE 4-25-88 BY John F. Myers
02393 4/11/88

RECEIPT

RECEIVED 80. - FOR SEWAGE DISPOSAL PERMIT
FOR WELL PERMIT

AGREEMENT

I HEREBY AGREE TO COMPLY WITH REQUIREMENTS OF THE SANITARY CODE FOR THE COUNTIES OF GRAND TRAVERSE, LEELANAU AND BENZIE, AND THE APPLICABLE LAWS OF THE STATE OF MICHIGAN IN THE INSTALLATION OF A SEPTIC TANK SEWAGE DISPOSAL SYSTEM &/OR WELL INSTALLATION ON THE ABOVE DESCRIBED PROPERTY, AND TO CONSTRUCT THE SAME ACCORDING TO THE PLANS AND SPECIFICATIONS AS DESCRIBED AND APPROVED ABOVE; OTHERWISE I UNDERSTAND, THE PERMIT WILL BE VOID

FINAL INSPECTION REQUIRED BEFORE COVERING. ONE DAY NOTICE SHALL BE GIVEN FOR INSPECTION.

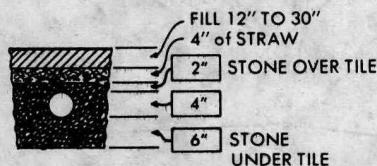
SIGNED Terrance E. Hardwick
OWNER OR AGENT

East Bay Charter Township Special Meeting

04/05/2023 09:05:00

28-003-610-088-00

LAKE VIEW TRAIL



ALLOW 1" SLOPE PER 50 FOOT OF TILE
1/2 - 1 1/2 IN. DIA. CLEAN & OR WASHED STONE
4" OF STRAW TO BE PLACED OVER STONE

ISOLATION DISTANCES FOR PRIVATE HOMES:

SEWAGE DISPOSAL SYSTEM SHALL BE LOCATED AT LEAST 50 FEET FROM ANY POTABLE WATER SUPPLY, WELL, SPRING, OR UNPROTECTED WATER SUCTION LINE. BURIED OR UNEXPOSED SEWERS OR PIPES THROUGH WHICH SEWAGE MAY BACK UP SHALL NOT BE LOCATED CLOSER THAN TEN (10) FEET FROM ANY POTABLE WATER WELL OR SUCTION PIPE. SUCH SEWERS OR PIPES SHALL BE CONSTRUCTED OF SCHEDULE 40 OR OTHER APPROVED (HEALTH DEPT.) MATERIAL.

CERTIFICATE OF INSPECTION (PERMIT TO COVER)

SEWER not in yet SEPTIC TANK not in yet

FINAL DISPOSAL OK ISOLATION DIST. OK

NOTES See attached final diagram

INSPECTION BY TDB 5-12-88

CONTRACTOR Leelanau Redi-Mix & Gravel

APPROVAL OF A PLAN AND THE INSTALLATION CANNOT BE CONSIDERED BY THE OWNER AS A GUARANTEE THAT SUCCESSFUL OPERATION IS ASSURED. THERE ARE MANY WAYS A SYSTEM CAN BE ABUSED CAUSING FAILURE.



GEOLOGICAL SURVEY NO.

02-045

MICHIGAN DEPARTMENT OF PUBLIC HEALTH

WATER WELL AND PUMP RECORD

PERMIT NUMBER

28-03-610-088-00

1. LOCATION OF WELL		TOWNSHIP NAME		FRACTION		SECTION NUMBER		TOWN NUMBER		RANGE NUMBER	
COUNTY		TOWNSHIP NAME		FRACTION		SECTION NUMBER		TOWN NUMBER		RANGE NUMBER	
GRAND TRAVERSE		EAST BAY		N 1/4 N 1/4 SW 1/4		2		26 NIS		10 E/W	
Distance And Direction From Road Intersection											
APPROX 1 MI EAST OF E GRANDVIEW RD ON PENINSULA TAKE LAKE VIEW EAST APPROX 1/2 MILE ON THE SOUTH SIDE											
Street Address & City of Well Location											
LOT 88 PINEWOOD SHORES											
Locate with "X" in Section Below											
Sketch Map:											
2. FORMATION DESCRIPTION				THICKNESS OF STRATUM		DEPTH TO BOTTOM OF STRATUM					
25 SAND & STONES				35		35					
10 CLAY				16		51					
21 FINE SAND				4		55					
10 CLAY				8		63					
20 SAND				2		65					
10 CLAY				15		80					
17 CLAY & GRAVEL				30		110					
10 CLAY				7		117					
25 SAND & GRAVEL				8		125					
3. OWNER OF WELL: TERRANCE HARDWICK											
Address											
Address Same As Well Location? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No											
4. WELL DEPTH: Date Completed											
125 FT. 5/2/88											
5. <input type="checkbox"/> Cable tool <input checked="" type="checkbox"/> Rotary <input type="checkbox"/> Driven <input type="checkbox"/> Dug											
<input type="checkbox"/> Hollow rod <input type="checkbox"/> Auger <input type="checkbox"/> Jetted <input type="checkbox"/>											
6. USE: <input checked="" type="checkbox"/> Domestic <input type="checkbox"/> Type I Public <input type="checkbox"/> Type III Public											
<input type="checkbox"/> Irrigation <input type="checkbox"/> Type IIa Public <input type="checkbox"/> Heat pump											
<input type="checkbox"/> Test Well <input type="checkbox"/> Type IIb Public <input type="checkbox"/>											
7. CASING: Diameter <input type="checkbox"/> Steel <input type="checkbox"/> Threaded <input type="checkbox"/> Height Above/Below											
5 in. to 100 ft. depth <input checked="" type="checkbox"/> Plastic <input checked="" type="checkbox"/> Welded											
Grouted Drill Hole Diameter in. to 125 ft. depth											
7 1/8 in. to 125 ft. depth											
8. SCREEN: <input type="checkbox"/> Not Installed											
Type PVC Diameter 4 INCH											
Slot/Gauze 10 Length 5 FEET											
Set between 120 ft. and 125 ft.											
FITTINGS: <input checked="" type="checkbox"/> K-Packer <input type="checkbox"/> Lead Packer <input type="checkbox"/> Bremer Check											
<input checked="" type="checkbox"/> Blank above screen 1 ft. Other											
9. STATIC WATER LEVEL: 267m											
23 ft. below land surface <input type="checkbox"/> Flow											
10. PUMPING LEVEL: below land surface											
ft. after hrs. pumping at G.P.M.											
ft. after hrs. pumping at G.P.M.											
11. WELL HEAD COMPLETION: <input checked="" type="checkbox"/> Pitless adapter <input type="checkbox"/> 12" above grade											
<input type="checkbox"/> Basement offset <input type="checkbox"/> Approved pit											
12. WELL GROUTED? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes From to ft.											
<input type="checkbox"/> Neat cement <input checked="" type="checkbox"/> Bentonite <input checked="" type="checkbox"/> Other VOLCLAY											
No. of bags of cement Additives											
13. Nearest source of possible contamination											
Type SEPTIC Distance 50 ft. Direction											
Well disinfected upon completion? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No											
Was old well plugged? <input type="checkbox"/> Yes <input type="checkbox"/> No											
14. PUMP: <input type="checkbox"/> Not Installed <input type="checkbox"/> Pump Installation Only											
Manufacturer's name MYERS											
Model number 2W HP 1/2 Volts 230											
Length of Drop Pipe 60 ft. capacity 10 G.P.M.											
TYPE: <input checked="" type="checkbox"/> Submersible <input type="checkbox"/> 1" PVC											
PRESSURE TANK:											
Manufacturer's name WELL X-TRAIL											
Model number 4X202 Capacity 40 Gallons											

USE A 2ND SHEET IF NEEDED

15. Remarks, elevation, source of data, etc.

RECEIVED AUG 15 1988

17. Rig Operator's Name:

ROBERT NELSON

16. WATER WELL CONTRACTOR'S CERTIFICATION:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

PHIL'S WELL DRILLING 0481

REGISTERED BUSINESS NAME REGISTRATION NO.

Address 10755 GRANDVIEW RD TC

Signed Phil's Well Drilling Date 6-21-88

Authority: Completion: Penalty:

Act 368-PA 1978 Required Conviction of a violation of any provision is a misdemeanor.

East Bay Charter Township Special Meeting

04/05/2023 09:08:00

LOCAL HEALTH DEPT COPY

GRAND TRAVERSE-LEELANAU-BENZIE
DISTRICT HEALTH DEPARTMENT

001636

P.O. Box [REDACTED]
10767 Traverse Highway
Traverse City, Michigan
PH: [REDACTED]

Governmental Building
P.O. Box [REDACTED]
Beulah, Michigan
PH: [REDACTED]

SITE SURVEY

28-03-610-088-00

Requested by: Owner (), Agent (X), Purchaser ()

County: Grand Traverse

Name: Bill Stireman PH: [REDACTED]

Township: East Bay

Address: Schmidt Real Estate
[REDACTED] Front St. T.C.

Section: 2

Date: 10/22/80

Location of Property: (Include Driving Directions) See attached diagram.

Subdivision: Pinewood Shores Lot No. 88

Soil Conditions: Soil boring put down to a depth of approximately
5 1/2' revealed well drained, medium textured sands.
No ground water encountered.

On-Site Sewage Disposal Because of limited area for septic system,
home must be restricted to no more than 3 bedroom

Suitable (X)

Unsuitable ()

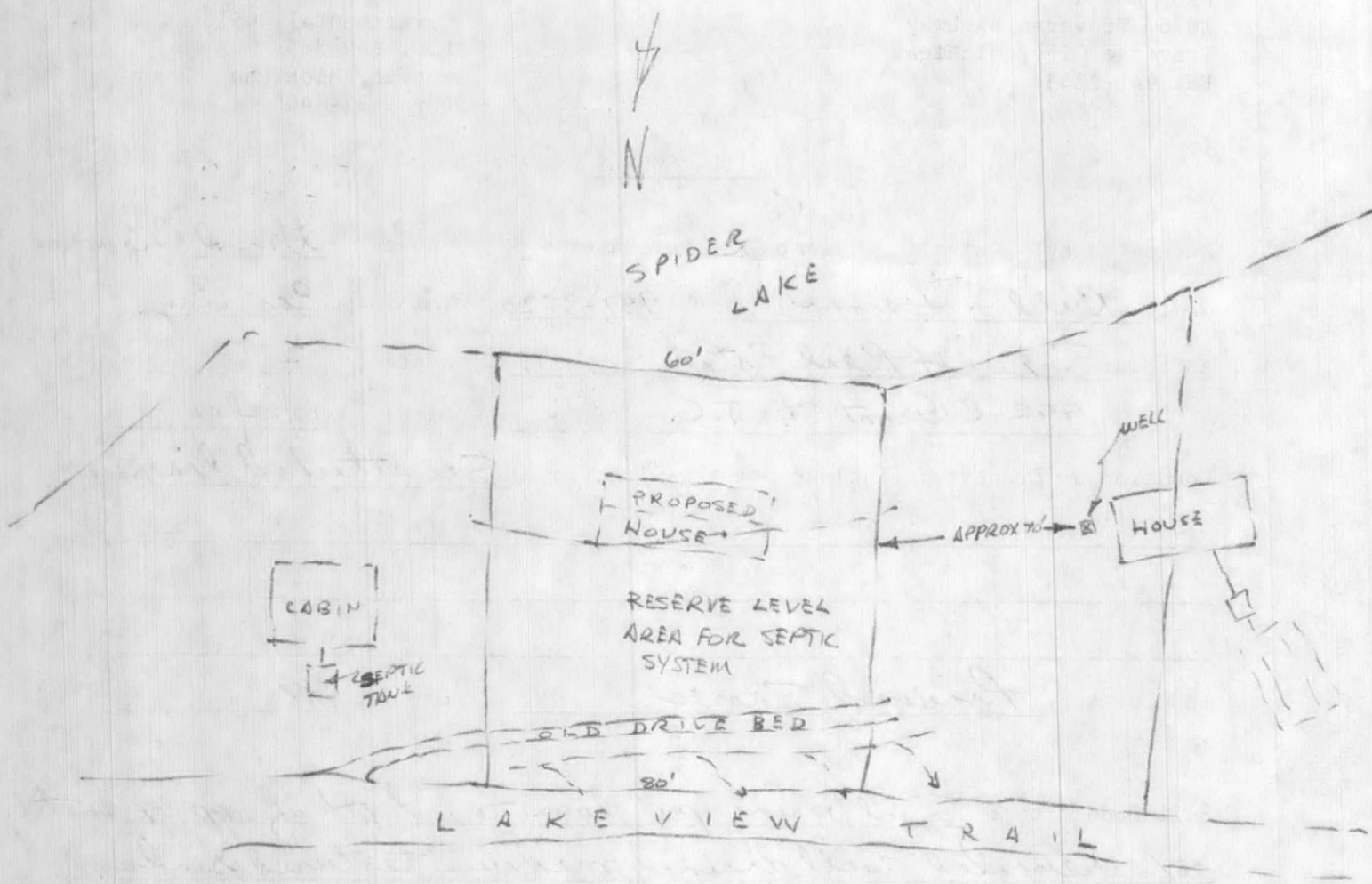
Reasons/Suggestion for Solution: Septic system to be located on
level ridge area as shown on diagram. Home will
have to be held into bank area towards lake in order to
reserve adequate room for septic system. Exact size
and location of system to be determined at time of construction.

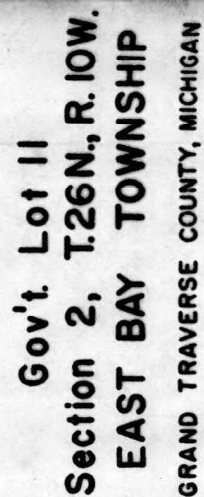
11/24/80
(Date of Inspection)

Thomas A. Buss, R.S.
Environmental Health Representative

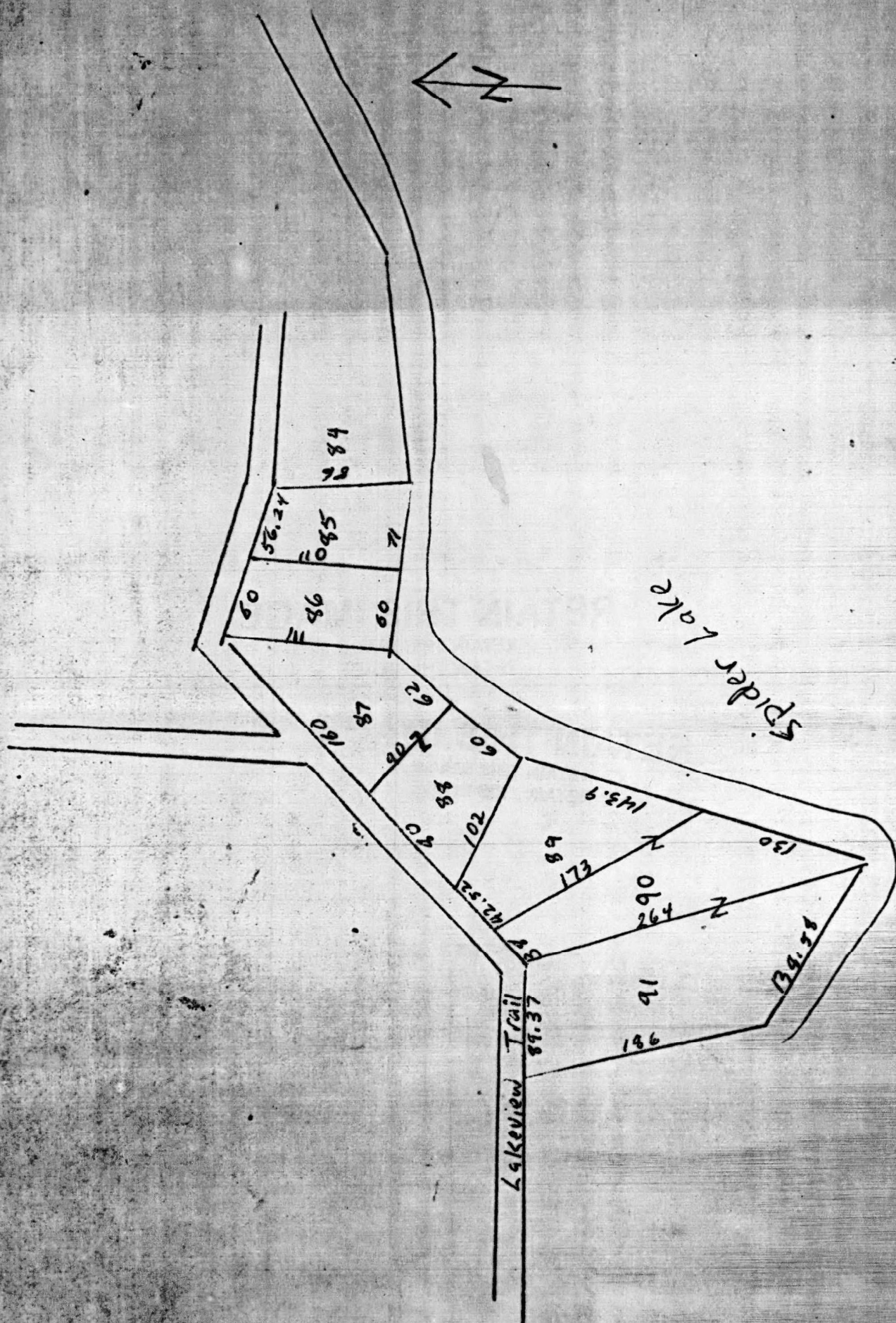
Received: 40.00 for Site Survey

Receipt No. 002879 Date: 10/27/80





COPY



Lee Sherman

RETAIN THIS IMAGE

RETAIN THIS IMAGE
RETAIN THIS IMAGE

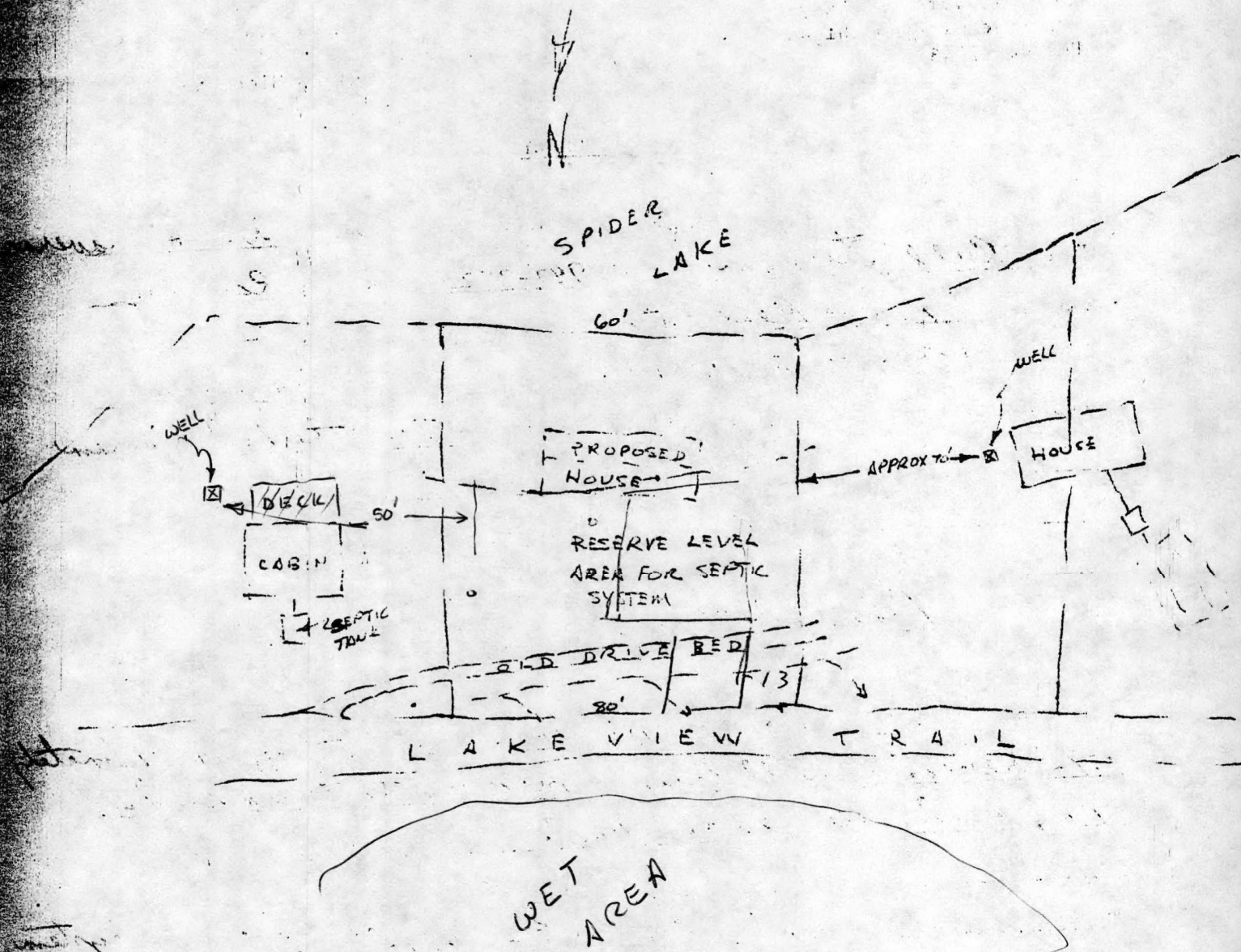
RETAIN THIS IMAGE

RETAIN THIS IMAGE
RETAIN THIS IMAGE

RETAIN THIS IMAGE

RETAIN THIS IMAGE
RETAIN THIS IMAGE

TERRY HARTWICK



Met & Terry Hartwick in Fall 87 regarding finding a building site on this lot. Had problems getting isolation from neighboring well to East, 50' from lake, 50' from wet area across the road. It appears that East Bay township will not allow house to be located in area as shown on my diagram from 1980. They require a 50' set back from lake with house. This does not leave much (if any) room for onsite sewage disposal. Mr Hartwick will try to check out other options on house design and will get back to us.

To: East Bay Charter Township Board of Trustees, Claire Karner, Planner, Preston Taylor, Zoning Administrator.

From: Judy Nemitz

Date: March 7, 2023

Re: Short Term Rental Caps and Density

Thank you for all the time and work you have done over the last several months to create a Short Term Rental (STR) ordinance for our township. Overall, the ordinance addresses many areas that offer solutions to the current concerns and monitoring of STRs.

One area regarding the current data shows that a **substantial density** of STRs is located in the Lakes Area (LA Zoning District). In, October, 2021, there were 126 licensed STR with 46 located on Spider Lake, which was 36.5 % of the STRs (per Planning Commission Packet). Currently, in February, 2023, there are 169 licensed STRs with 71 in the LA district, which is 42% of the STRS (per Preston Taylor, ZA). Therefore, it appears an **EXCESSIVE number and percent of the STRS are located in the LA Zoning District**. A 39% variance from the 3% cap of the overall housing stock located within the township. **I do not believe 42% of the available housing stock is located within the LA Zoning District. Using a 3% cap is good overall, but FAILS to consider density or excessive burden of STRs in one zoning district. The 3% overall housing stock cap is a skewed percentage (not spread evenly or clustered at one end) and does not reflect an excessive density burdened upon one zoning district such as the LA area (these numbers do not include Cabin courts, resorts or B & Bs).**

The excessive numbers of STRs in one area translates into burdens on the infrastructures and the environment of the LA district, which is one of the most sensitive areas of protection. The LA area is not on municipal sewer and water, many roads are not paved, some are two tracks or private roads, parking areas are often limited. Density without protection increases the threat of invasive species damaging the overall watershed. In addition, density seems to burden one district with more nuisance type problems such as noise, alcohol, substance abuse, traffic violations, and the use of emergency services. **Lastly, the "residential neighborhood" we are trying to preserve is at risk given such skewed density in one zoning district.**

Mr. Taylor, ZA also indicated that there were 7 more STRs in the queue to be licensed with 4 of those located in the LA Zoning District, pushing the total number of STRs to 176 and 75, 42.6% in the LA district. This further demonstrates the skewed density and concern with the 3% blanket overall cap which has resulted in an over saturated zoning district within the township, the LA district. The LA has an **excessive number of STRs** as compared to other districts. I do not believe clustering STR to one or two districts was the intent of the 3% cap in an effort to preserve residential neighborhoods. It was one thing to have resorts and cabin courts, but another to add 71-75 STRs to the mix in the LA.

Please ask for a map of the township indicating the location of these STRs, cabin courts, resorts and B & Bs, so you can see the density and location. The distribution of STRs should be capped by a more equitable number per zone to avoid this excessive clustering and burden on one or two areas of our township.

Thank you for your time, consideration and reviewing the location and density of STRs.



Meeting Date: April 5, 2023
Agenda Item: Bottomland Conveyance
Contact: Beth Friend, Claire Karner

Description:

Administration was contacted by EGLE and applicant in March regarding the two approved resolutions, Resolution 2023-07 & 2023-08 (approved on 02/13/2023). Please see the below 02/13/2023 minutes:

TC Watersports – Resolution documenting EGLE Approved bottomland Conveyance (9:52)

For record keeping purposes, the attached resolutions are being brought before the board to ensure the final dock permits for TC Watersports and Sugar Beach Resort, as approved by EGLE, are documented in the final Township records. Additionally, the property owner for 1773 US 31 N has been updated from Hospitality Holdings, LLC to Sugar Beach Resort Partners, LLC.

M. Courtade moved and Bartlett seconded to approve Resolutions 2023-07 & 08, Resolutions Acknowledging the Final Conveyance of Great Lakes Bottomlands, for 2155 and 1773 U.S. 31 North, respectively. With Cook dissenting, the motion carried upon a roll call vote.

EGLE and applicant want to know if the township “approved” the configurations. It was communicated that the previous resolutions, Resolution 2021-08 and 2021-29, were the resolutions that “approved” a bottomland conveyance for the presented configurations, and the 2023 resolutions sought to document the EGLE permit approvals. EGLE and the applicant require the township’s authorization on the EGLE permit based on the presented configuration which requires the proposed bottomland conveyance.

Attachments:

- March 14, 2023 Email from TC Watersports
- 1773 US 31 N:
 - Bottomland conveyance (map) approved on March 8, 2021
 - Bottomland conveyance (map) sought on April 5, 2023
 - Board Resolution 2021-08
 - Board Resolution 2023-08
 - Proposed Resolution 2023-____
- 2155 US 31 N:
 - Bottomland conveyance (map) approved on October 11, 2021
 - Bottomland conveyance (map) sought on April 5, 2023
 - Board Resolution 2021-29
 - Board Resolution 2023-07
 - Proposed Resolution 2023-____
- For further resources or background materials, view online packets from:
 - March 8, 2021
 - October 11, 2021
 - February 13, 2021

Budget Implications: None

Possible Motion: Move to [approve/approve with changes/deny]

Beth Friend

From: TC Watersports <tcwatersports@gmail.com>
Sent: Tuesday, March 14, 2023 5:41 PM
To: Beth Friend; Claire Karner; Saburi Boyer
Subject: Approval of Feb's resolutions

Beth,

Per our conversation today I would like our township resolutions for 2155 US 31 N and 1773 US 31 N to be "approved" as presented at the February meeting.

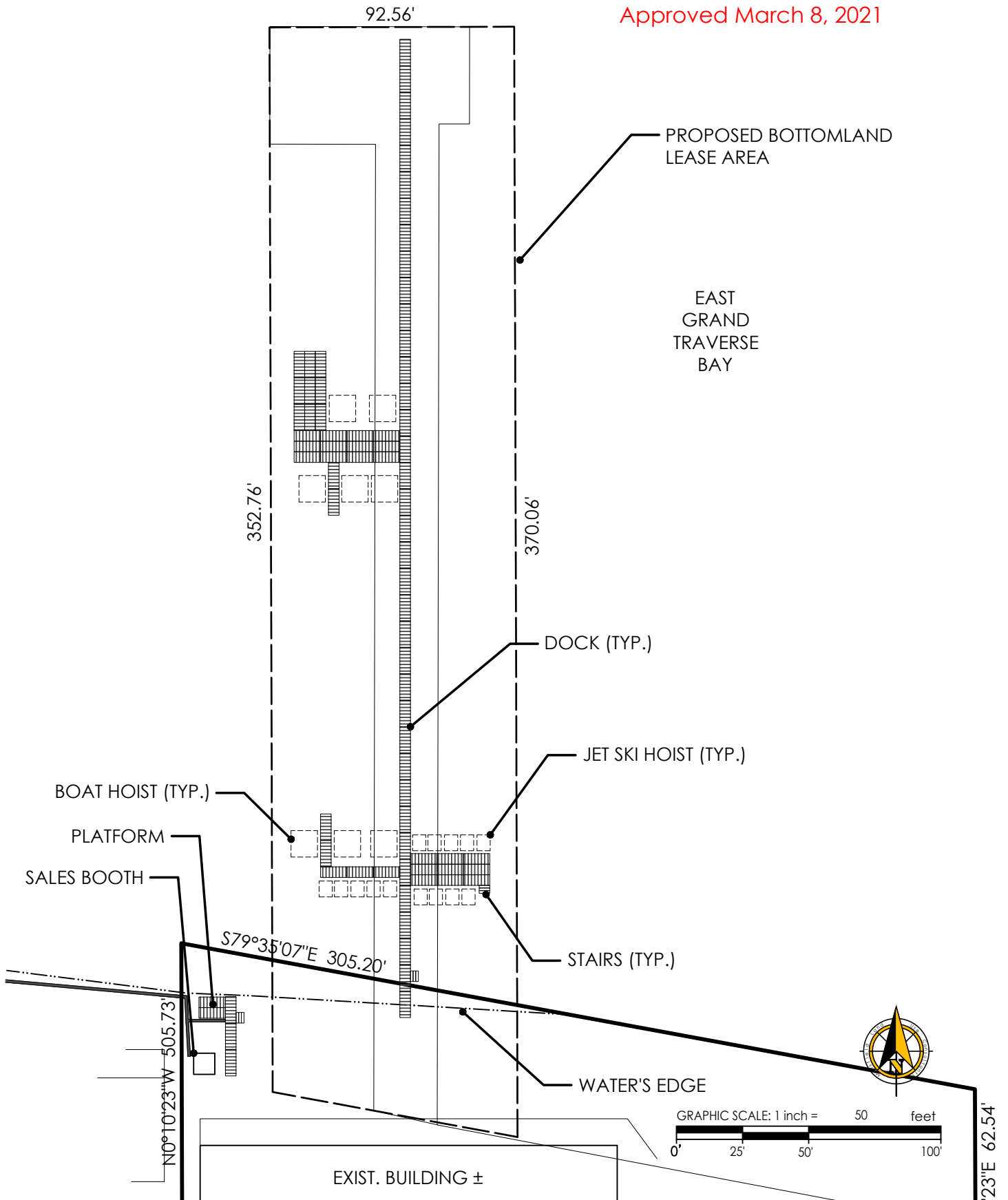
We also request to be on any special meetings that may take place before the April regularly scheduled meeting.

This is very time sensitive, please call me for any questions or clarification 231-941-9411.

Thank you for your help with this matter.

Best,
Jeffrey Bensley

1773 US 31N
Approved March 8, 2021



Mansfield
Land Use Consultants

830 Cottageview Dr., Ste. 201
P.O. Box 4015
Traverse City, MI 49685
Phone: 231-946-9310
www.maaeps.com
info@maaeps.com

Boyer

CONCEPT DOCK PLAN - 1773 U.S. 31 North
Section 8, T27N, R10W
East Bay Charter Township Special Meeting
East Bay Charter Township, Grand Traverse County, Michigan

DRN:mmm CKD:dmc

12.08.20

20127

SHT 1 OF 1

830 Cottageview Dr., Ste. 201
P.O. Box 4015
Traverse City, MI 49685
Phone: 231-946-9310
www.maaeps.com
info@maaeps.com

Mansfield
— **or** —
Land Use Consultants

[illegible]

Proposed Dock and Bottomland Lease
Adjacent Property and Dock Exhibit
East Bay Township, Grand Traverse County, Michigan

dmc

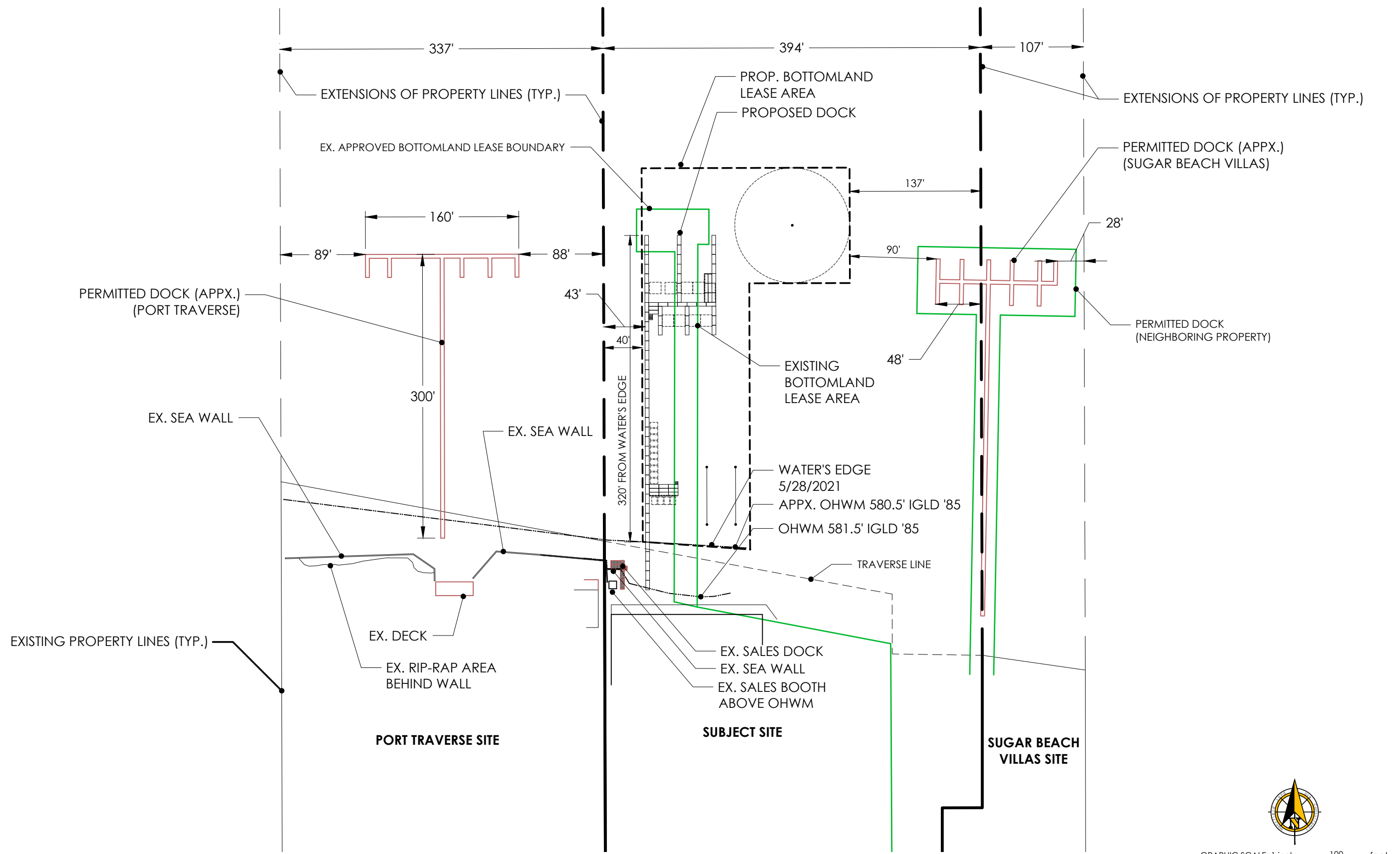
dmc

CKD: dmc

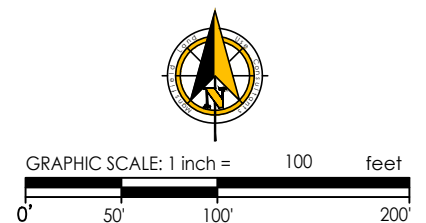
CREATED: 06.24.21

NO: 20127

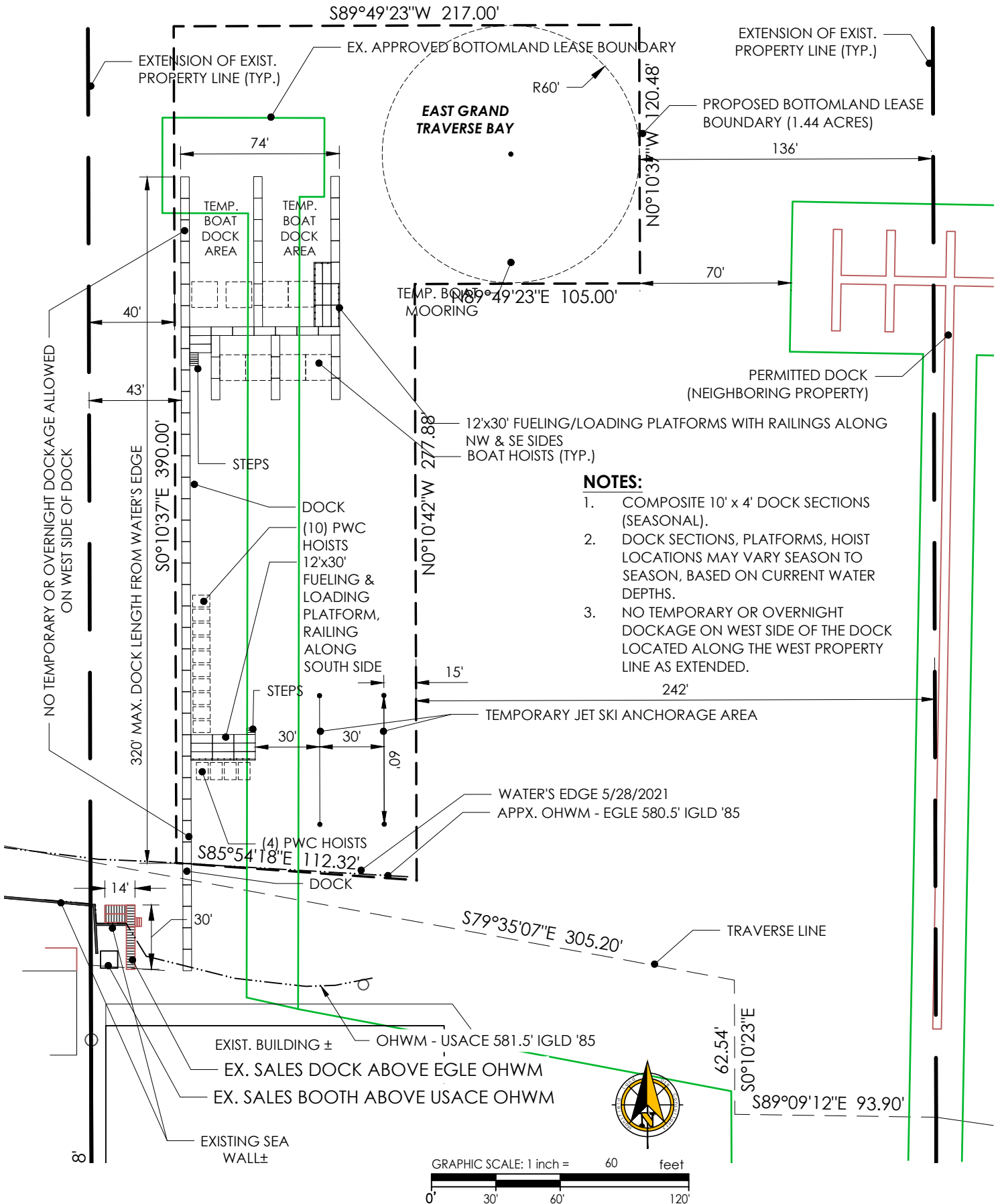
HT 1 OF 1



East Bay Charter Township Special Meeting
04/05/2023 Page 80 of 100
www.gonire.com

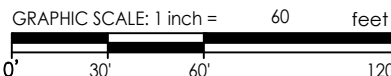


P:\Land Projects\2020\20127 - Boyer\dwg\Plan\20127_plan06.dwg (11x17 dock exhibit) - Aug 02, 2021 4:53pm - Dusty



NOTES:

1. COMPOSITE 10' x 4' DOCK SECTIONS (SEASONAL).
2. DOCK SECTIONS, PLATFORMS, HOIST LOCATIONS MAY VARY SEASON TO SEASON, BASED ON CURRENT WATER DEPTHS.
3. NO TEMPORARY OR OVERNIGHT DOCKAGE ON WEST SIDE OF THE DOCK LOCATED ALONG THE WEST PROPERTY LINE AS EXTENDED.



Mansfield
Land Use Consultants

830 Cottageview Dr., Ste. 201
P.O. Box 4015
Traverse City, MI 49685
Phone: 231-946-9310
www.maeps.com
info@maeps.com

Boyer

SITE PLAN - 1773 U.S. 31 North
Section 8, T27N, R10W

East Bay Charter Township Special Meeting
East Bay Township, Grand Traverse County, Michigan

DRN:mmm CKD:dmc

8.2.21

20127

SHT 2 OF 4

Beth Friend, Supervisor
Susanne M. Courtade, Clerk
Tracey Bartlett, Treasurer



Glen Lile, Trustee
Andrea Hentschel, Trustee
Matthew Courtade, Trustee
Mindy Walters, Trustee

**East Bay Charter Township
Board of Trustees**

Resolution 2021-08

Resolution Approving the Application for Conveyance of Great Lakes Bottomlands

At a regular meeting of the Township Board for the Charter Township of East Bay, Grand Traverse County, Michigan, held in the Township Hall located at 1965 N. Three Mile Road, Traverse City, Michigan, on the 8th day of March, 2021.

PRESENT: Bartlett, M. Courtade, S. Courtade, Friend, Lile, Walters

ABSENT: None (Current Trustee Vacancy previously held by Hentschel)

The following resolution was offered by M. Courtade and supported by Friend and passed upon a roll call vote.

Whereas TC Watersports, LLC, which is the operator of a watercraft rental business, and Hospitality Holdings, LLC, which is the owner of the subject property, are filing an application for a conveyance of the Great Lakes Bottomlands surrounding the proposed dock located at 1773 US-31, Traverse City, MI 49686;

Whereas under the East Bay Township zoning ordinance, TC Watersports is considered an accessory use to Sugar Beach Hotel;

Whereas TC Watersports has agreed not to increase intensity of operations beyond the baseline level in 2020 of 16 jet skis and 10 boats; and

Whereas TC Watersports has the right to apply for a site plan at any time in the future if use or zoning changes; therefore, be it

RESOLVED by the Board of Trustees of East Bay Charter Township that:

1. East Bay Charter Township does hereby approve the application for conveyance of Great Lakes Bottomlands by TC Watersports, LLC and Hospitality Holdings, LLC to the State of Michigan. The Great Lakes Bottomlands to be conveyed are fully described as follows:

THE BOTTOMLANDS OF GRAND TRAVERSE BAY IN PART OF THE SOUTHEAST QUARTER OF SECTION 8, TOWN 27 NORTH, RANGE 10 WEST, EAST BAY TOWNSHIP, GRAND TRAVERSE COUNTY, MICHIGAN BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 8; THENCE S89° 17' 23"E, 1427.44 FEET ALONG THE SOUTH LINE OF SECTION 8; THENCE N00° 10' 23"W, 830.68 FEET TO THE SHORE OF GRAND TRAVERSE BAY; THENCE S85° 54' 18"E, 34.48 FEET ALONG THE SHORE OF GRAND TRAVERSE BAY TO THE POINT OF BEGINNING; THENCE N00° 10' 23"W, 408.56 FEET; THENCE N89° 49' 37"E, 92.56 FEET; THENCE S00° 10' 23"E, 415.47 FEET TO THE SHORE OF GRAND TRAVERSE BAY; THENCE N85° 54' 18"W, 92.82 FEET ALONG THE SHORE OF GRAND TRAVERSE BAY TO THE POINT OF BEGINNING. THE SIDELINES SHALL EXTEND OR BE SHORTEN TO TERMINATE AT THE WATER'S EDGE OF GRAND TRAVERSE BAY.

Upon roll call vote:


YES: M. Courtade, Friend, Bartlett, S. Courtade

NO: Lile, Walters

ABSTAIN: None

THIS EAST BAY CHARTER TOWNSHIP BOARD OF TRUSTEES

**RESOLUTION 2021-08, APPROVED ON THE 8th DAY OF MARCH 2021,
IS DECLARED ADOPTED BY THE TOWNSHIP SUPERVISOR
AND DECLARED CERTIFIED BY THE CLERK.**


Beth Friend, Supervisor

03/08/2021

Date

I, the undersigned, the Clerk of the Charter Township of East Bay, Grand Traverse County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by said municipality of East Bay Charter Township at its meeting, relative to the adoption of the resolution therein set forth, that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267 of 1976, Public Acts of Michigan, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.


Susanne Courtade MiPMC2/MMC, Clerk

03/08/2021

Date

Beth Friend, Supervisor
Susanne M. Courtade, Clerk
Tracey Bartlett, Treasurer



Glen Lile, Trustee
Matt Cook, Trustee
Matthew Courtade, Trustee
Mindy Walters, Trustee

**East Bay Charter Township
Board of Trustees**

**Resolution 2023-08
Resolution Acknowledging the Final Conveyance of Great Lakes Bottomlands**

At a regular meeting of the Township Board for the Charter Township of East Bay, Grand Traverse County, Michigan, held in the Township Hall located at 1965 N. Three Mile Road, Traverse City, Michigan, on the 13th day of February, 2023.

PRESENT: Bartlett, M. Courtade, Cook, Walters, S. Courtade, Friend (Walters excused at 9:17PM)

ABSENT: Lile

The following resolution was offered by M. Courtade and supported by Bartlett and carried upon a roll call vote.

Whereas TC Watersports, LLC, which is the operator of a watercraft rental business, and Sugar Beach Resort Partners, LLC, which is the owner of the subject property, filed an application for a conveyance of the Great Lakes Bottomlands surrounding the proposed dock located at 1773 US-31, Traverse City, MI 49686;

Whereas East Bay Charter Township approved Resolution 2021-08 on March 8, 2021 for a Great Lakes bottomlands conveyance based on the anticipated configuration, as is a required step in the application EGLE dock permit process;

Whereas EGLE issued a dock permit under Part 325, Great Lakes Submerged Lands for this site on August 20, 2021;

RESOLVED by the Board of Trustees of East Bay Charter Township that:

1. East Bay Charter Township does hereby acknowledge and receives the final configuration and Great Lakes Bottomlands conveyance submitted by TC Watersports, LLC and Sugar Beach Resort Partners, LLC to the State of Michigan. The Great Lakes Bottomlands to be conveyed are fully described in the final dock permit number WRP030195 v. 1.

Upon roll call vote:

YES: M. Courtade, Bartlett, S. Courtade, Friend

NO: Cook

ABSTAIN: None

THIS EAST BAY CHARTER TOWNSHIP BOARD OF TRUSTEES

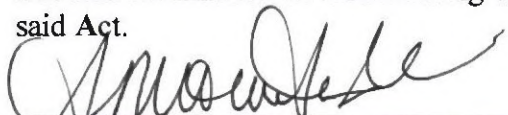
**RESOLUTION 2023-08, APPROVED ON THE 13th DAY OF FEBRUARY 2023,
IS DECLARED ADOPTED BY THE TOWNSHIP SUPERVISOR
AND DECLARED CERTIFIED BY THE CLERK.**


Beth Friend, Supervisor

2/13/2023

Date

I, the undersigned, the Clerk of the Charter Township of East Bay, Grand Traverse County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by said municipality of East Bay Charter Township at its meeting, relative to the adoption of the resolution therein set forth, that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267 of 1976, Public Acts of Michigan, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.


Susanne Courtade MiPMC2/MMC, Clerk

2/13/2023

Date

**East Bay Charter Township
Board of Trustees**

**Resolution 2023-__
Resolution Acknowledging the Final Conveyance of Great Lakes Bottomlands**

At a regular meeting of the Township Board for the Charter Township of East Bay, Grand Traverse County, Michigan, held in the Township Hall located at 1965 N. Three Mile Road, Traverse City, Michigan, on the 5th day of April, 2023.

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____ and supported by _____ and _____ upon a roll call vote.

Whereas TC Watersports, LLC, which is the operator of a watercraft rental business, and Sugar Beach Resort Partners, LLC, which is the owner of the subject property, filed an application for a conveyance of the Great Lakes Bottomlands surrounding the proposed dock located at 1773 US-31, Traverse City, MI 49686;

Whereas East Bay Charter Township approved Resolution 2021-08 on March 8, 2021 for a Great Lakes bottomlands conveyance based on the anticipated configuration, as is a required step in the application EGLE dock permit process;

Whereas EGLE issued a dock permit under Part 325, Great Lakes Submerged Lands for this site on August 20, 2021;

RESOLVED by the Board of Trustees of East Bay Charter Township that:

1. East Bay Charter Township does hereby approve the final configuration and Great Lakes Bottomlands conveyance submitted by TC Watersports, LLC and Sugar Beach Resort Partners, LLC to the State of Michigan. The Great Lakes Bottomlands to be conveyed are fully described in the final dock permit number WRP030195 v. 1.

Upon roll call vote:

YES: _____

NO: _____

ABSTAIN: _____

**THIS EAST BAY CHARTER TOWNSHIP BOARD OF TRUSTEES
RESOLUTION 2023-__, APPROVED ON THE 5th DAY OF MARCH 2023,
IS DECLARED ADOPTED BY THE TOWNSHIP SUPERVISOR
AND DECLARED CERTIFIED BY THE CLERK.**

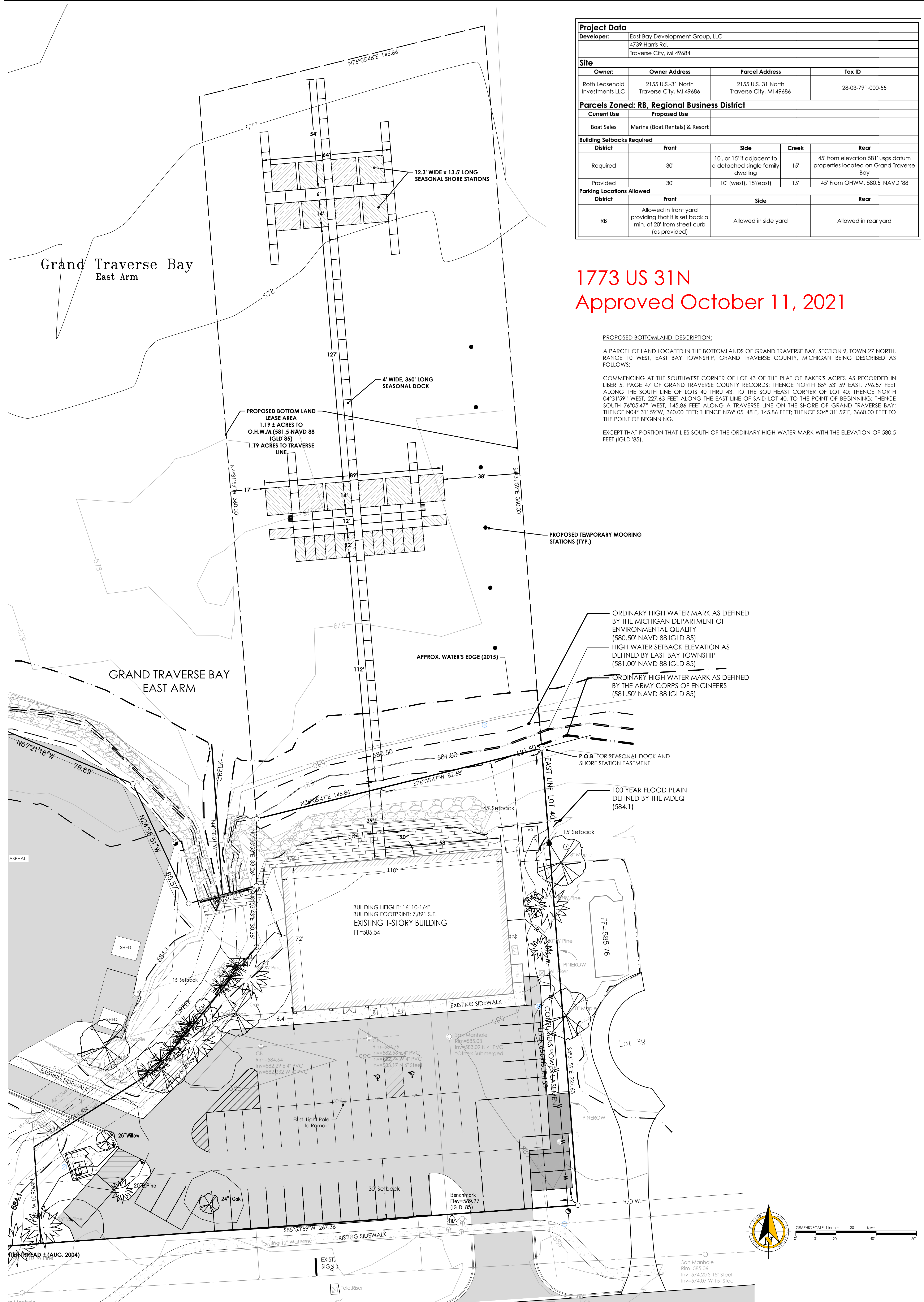
Beth Friend, Supervisor

Date

I, the undersigned, the Clerk of the Charter Township of East Bay, Grand Traverse County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by said municipality of East Bay Charter Township at its meeting, relative to the adoption of the resolution therein set forth, that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267 of 1976, Public Acts of Michigan, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Susanne Courtade MiPMC2/MMC, Clerk

Date



Project Data

Developer:	East Bay Development Group, LLC 4739 Harris Rd. Traverse City, MI 49684		
------------	---	--	--

Site

Owner:	Owner Address	Parcel Address	Tax ID
Roth Leasehold Investments LLC	2155 U.S. 31 North Traverse City, MI 49686	2155 U.S. 31 North Traverse City, MI 49686	28-03-791-000-55

Parcels Zoned: RB, Regional Business District

Current Use	Proposed Use
Boat Sales	Marina (Boat Rentals) & Resort

Building Setbacks Required

District	Front	Side	Creek	Rear
Required	30'	10', or 15' if adjacent to a detached single family dwelling	15'	45' from elevation 581' usgs datum properties located on Grand Traverse Bay
Provided	30'	10' (west), 15'(east)	15'	45' From OHWM, 580.5' NAVD '88

Parking Locations Allowed

District	Front	Side	Rear
RB	Allowed in front yard providing that it is set back a min. of 20' from street curb (as provided)	Allowed in side yard	Allowed in rear yard

1773 US 31N
Approved October 11, 2021

PROPOSED BOTOMLAND DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE BOTTOMLANDS OF GRAND TRAVERSE BAY, SECTION 9, TOWN 27 NORTH, RANGE 10 WEST, EAST BAY TOWNSHIP, GRAND TRAVERSE COUNTY, MICHIGAN BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 43 OF THE PLAT OF BAKER'S ACRES AS RECORDED IN
 LIBER 5, PAGE 47 OF GRAND TRAVERSE COUNTY RECORDS; THENCE NORTH 85° 53' EAST, 796.57 FEET
 ALONG THE SOUTH LINE OF LOTS 40 THRU 43, TO THE SOUTHEAST CORNER OF LOT 40; THENCE NORTH
 04°31'59" WEST, 227.63 FEET ALONG THE EAST LINE OF SAID LOT 40, TO THE POINT OF BEGINNING; THENCE
 SOUTH 76°05'49" WEST, 145.86 FEET ALONG A TRAVERSE LINE ON THE SHORE OF GRAND TRAVERSE BAY;
 THENCE N04° 31' 59"W, 360.00 FEET; THENCE N76° 05' 48"E, 145.86 FEET; THENCE S04° 31' 59"E, 366.00 FEET TO
 THE POINT OF BEGINNING.

EXCEPT THAT PORTION THAT LIES SOUTH OF THE ORDINARY HIGH WATER MARK WITH THE ELEVATION OF 580.5 FEET (IGLD '85).

JOB NO:

21213

C4.1

PKG:

PRELIMINARY

DATE:

09/26/21

DESIGNED BY:

CA1

East Bay Development Group, LLC

DOCK PERMIT AND LEASE SITE PLAN

Section 9, Town 27 North, Range 10 West

East Bay Township, Grand Traverse County, Michigan

REV#	DATE	DES	DIN	CHK	DESC
01	09-07-21	dmc	mmmm	dmc	Original design
02	09-08-21	dmc	mmmm	dmc	Township Submittal
03	09-09-21	dmc	mmmm	dmc	SPR Submittal

Mansfield

OR

Land Use Consultants

830 Cottageview Dr., Ste. 201

P.O. Box 4015

Traverse City, MI 49685

Phone: 231-946-9310

www.maacps.com

info@maacps.com

CERTIFICATE OF SURVEY



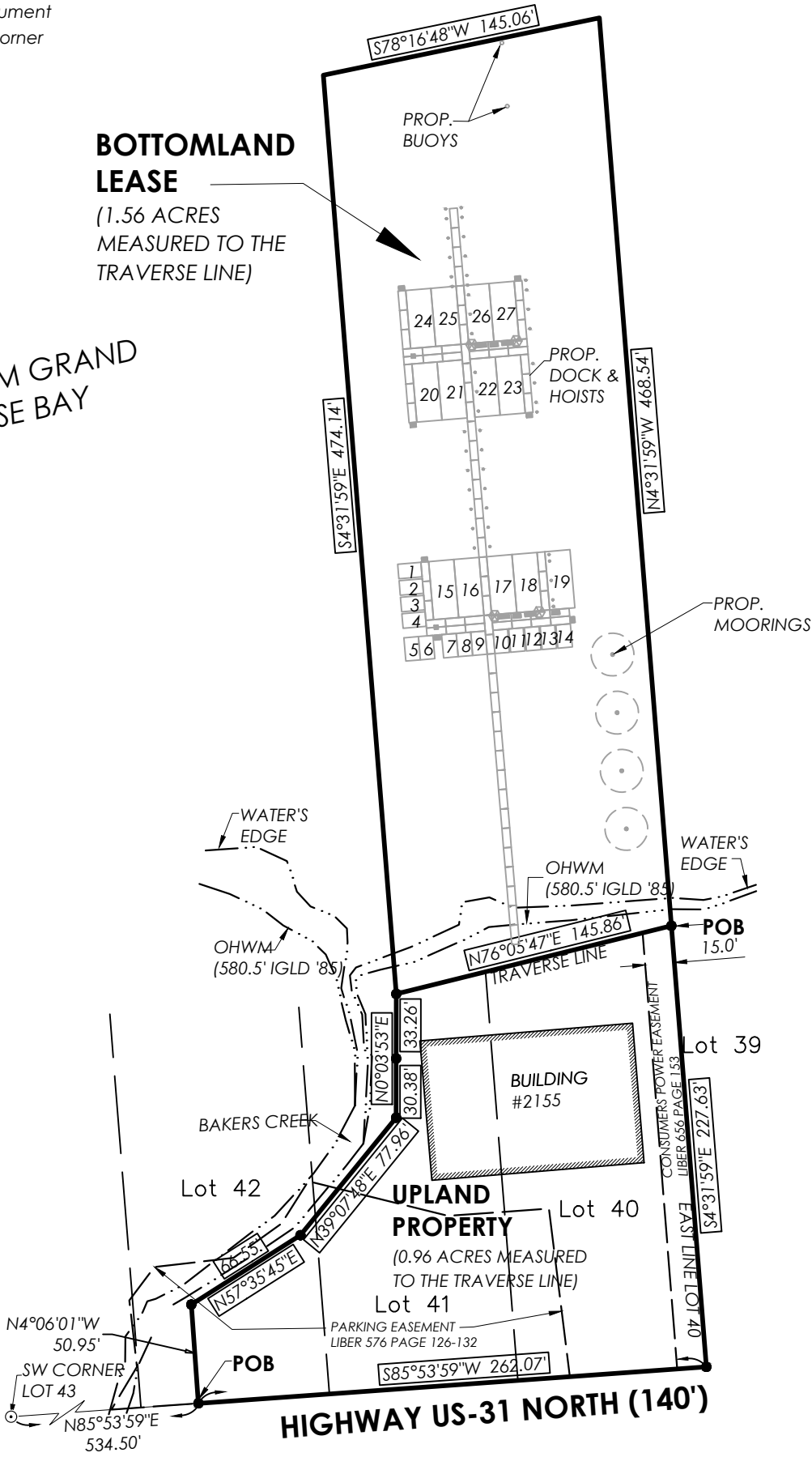
- Legend
- Iron Found
 - Iron Set
 - ⊙ Concrete Monument
 - ⊕ Government Corner
 - Nail Found
 - ⊗ Nail Set
 - (R) Record
 - (M) Measured
 - x-x- Fence

GRAPHIC SCALE: 1 inch = 80 feet

0 40 80 160

EAST ARM GRAND TRAVERSE BAY

BOTTOMLAND LEASE
(1.56 ACRES MEASURED TO THE TRAVERSE LINE)



I, Michael K. Geisert, a Professional Surveyor in the State of Michigan, do hereby certify: That I have surveyed and mapped the herein described parcel(s), that the relative positional precision of each corner is within the limits accepted by the practice of professional surveying and that I have fully complied with the requirements of P.A. 132 of 1970, as amended. This survey plat was prepared for the exclusive use of persons, or entities named in the certificate hereon.

CERTIFY TO:
East Bay Development Group LLC

Mansfield
Land Use Consultants
Planners - Civil Engineers - Surveyors

PO Box 4015
830 Cottageview Dr., Suite 201
Traverse City, MI, 49685
Ph: (231) 946-9310
www.maaeps.com

BEARING BASIS: Tamarack Lodge, Condominium Sub. Plan 287

DRN: BJB CKD: MKG

12/19/22

JOB NO.: 21213

SHT 01 OF 02

Issued On: 12/21/2022
Expires On: 12/21/2027

Survey for Bottomland Lease
Part of SW 1/4, Section 9, T27N, R10W
East Bay Charter Township, Special Meeting
Leelanau County, Michigan

www.gondro.com

Beth Friend, Supervisor
Susanne M. Courtade, Clerk
Tracey Bartlett, Treasurer



Glen Lile, Trustee
Mindy Walters, Trustee
Matt Courtade, Trustee
Matt Cook, Trustee

**East Bay Charter Township
Board of Trustees**

Resolution 2021-29

Resolution Approving the Application for Conveyance of Great Lakes Bottomlands

At a regular meeting of the Township Board for the Charter Township of East Bay, Grand Traverse County, Michigan, held in the Township Hall located at 1965 N. Three Mile Road, Traverse City, Michigan, on the 11th day of October, 2021:

PRESENT: M. Courtade, Cook, Walters, Bartlett, S. Courtade, Lile, Friend

ABSENT: None

The following resolution was offered by Friend and supported by M. Courtade and passed 5 yes/2 no.

Whereas East Bay Development Group, LLC, which is the owner of the subject property, are filing an application for a conveyance of the Great Lakes Bottomlands surrounding the proposed dock located at 2155 US-31 North, Traverse City, MI 49686.; therefore, be it

Resolved by the Board of Review of East Bay Charter Township that:

1. East Bay Charter Township does hereby approve the application for conveyance of Great Lakes Bottomlands by East Bay Development Group, LLC to the State of Michigan.
2. The Great Lakes Bottomlands to be conveyed are fully described as follows:

A PARCEL OF LAND LOCATED IN THE BOTTOMLANDS OF GRAND TRAVERSE BAY, SECTION 9, TOWN 27 NORTH, RANGE 10 WEST, EAST BAY TOWNSHIP, GRAND TRAVERSE COUNTY, MICHIGAN BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 43 OF THE PLAT OF BAKER'S ACRES AS RECORDED IN LIBER 5, PAGE 47 OF GRAND TRAVERSE COUNTY RECORDS; THENCE NORTH 85° 53' 59" EAST, 796.57 FEET ALONG THE SOUTH LINE OF LOTS 40 THRU 43, TO THE SOUTHEAST CORNER OF LOT 40; THENCE NORTH 04° 31' 59" WEST, 227.63 FEET ALONG THE EAST LINE OF SAID LOT 40, TO THE POINT OF BEGINNING; THENCE SOUTH 76° 05' 47" WEST, 145.86 FEET ALONG A TRAVERSE LINE ON THE SHORE OF GRAND TRAVERSE BAY; THENCE N04° 31' 59"W, 360.00 FEET; THENCE N76° 05' 48"E, 145.86 FEET; THENCE S04° 31' 59"E, 3660.00 FEET TO THE POINT OF BEGINNING.

EXCEPT THAT PORTION THAT LIES SOUTH OF THE ORDINARY HIGH-WATER MARK WITH THE ELEVATION OF 580.5 FEET (IGLD '85).

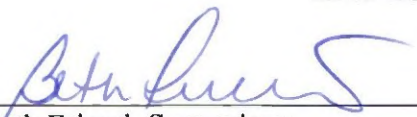
Upon roll call vote:

YES: Friend, M. Courtade, Walters, Bartlett, S. Courtade

NO: Lile, Cook

ABSTAIN: None

**THIS EAST BAY CHARTER TOWNSHIP BOARD OF TRUSTEES
RESOLUTION 2021-29, APPROVED ON THE 11th DAY OF OCTOBER 2021,
IS DECLARED ADOPTED BY THE TOWNSHIP SUPERVISOR
AND DECLARED CERTIFIED BY THE CLERK.**


Beth Friend, Supervisor

10/11/2021

Date

I, the undersigned, the Clerk of the Charter Township of East Bay, Grand Traverse County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by said municipality of East Bay Charter Township at its meeting, relative to the adoption of the resolution therein set forth, that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267 of 1976, Public Acts of Michigan, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.


Susanne Courtade MiPMC²/MMC, Clerk

10/11/2021

Date

Beth Friend, Supervisor
Susanne M. Courtade, Clerk
Tracey Bartlett, Treasurer



Glen Lile, Trustee
Matt Cook, Trustee
Matthew Courtade, Trustee
Mindy Walters, Trustee

**East Bay Charter Township
Board of Trustees**

Resolution 2023-07

Resolution Acknowledging the Final Conveyance of Great Lakes Bottomlands

At a regular meeting of the Township Board for the Charter Township of East Bay, Grand Traverse County, Michigan, held in the Township Hall located at 1965 N. Three Mile Road, Traverse City, Michigan, on the 13th day of February, 2023.

PRESENT: Bartlett, M. Courtade, Cook, Walters, S. Courtade, Friend (Walters excused at 9:17PM)

ABSENT: Lile

The following resolution was offered by M. Courtade and supported by Bartlett and carried upon a roll call vote.

Whereas East Bay Development Group, LLC, which is the owner of the subject property, filed an application for a conveyance of the Great Lakes Bottomlands surrounding the proposed dock located at 2155 US-31 North, Traverse City, MI 49686.;

Whereas East Bay Charter Township approved Resolution 2021-29 on October 11, 2021 for a Great Lakes bottomlands conveyance based on the anticipated configuration, as is a required step in the application EGLE dock permit process;

Whereas EGLE issued a dock permit under Part 325, Great Lakes Submerged Lands for this site on December 21, 2022;

RESOLVED by the Board of Trustees of East Bay Charter Township that:

1. East Bay Charter Township does hereby acknowledge and receives the final configuration and Great Lakes Bottomlands conveyance submitted by East Bay Development Group, LLC to the State of Michigan. The Great Lakes Bottomlands to be conveyed are fully described in the final dock permit number WRP036094 v. 1.0

Upon roll call vote:

YES: M. Courtade, Bartlett, S. Courtade, Friend

NO: Cook

ABSTAIN: None

THIS EAST BAY CHARTER TOWNSHIP BOARD OF TRUSTEES

**RESOLUTION 2023-07, APPROVED ON THE 13th DAY OF FEBRUARY 2023,
IS DECLARED ADOPTED BY THE TOWNSHIP SUPERVISOR
AND DECLARED CERTIFIED BY THE CLERK.**

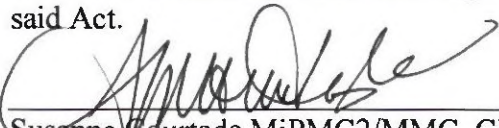


Beth Friend, Supervisor

2/13/2023

Date

I, the undersigned, the Clerk of the Charter Township of East Bay, Grand Traverse County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by said municipality of East Bay Charter Township at its meeting, relative to the adoption of the resolution therein set forth, that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267 of 1976, Public Acts of Michigan, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.



Susanne Courtade MiPMC2/MMC, Clerk

2/13/2023

Date

**East Bay Charter Township
Board of Trustees**

**Resolution 2023-____
Resolution Acknowledging the Final Conveyance of Great Lakes Bottomlands**

At a regular meeting of the Township Board for the Charter Township of East Bay, Grand Traverse County, Michigan, held in the Township Hall located at 1965 N. Three Mile Road, Traverse City, Michigan, on the 5th day of March, 2023.

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____ and supported by _____ and _____ upon a roll call vote.

Whereas East Bay Development Group, LLC, which is the owner of the subject property, filed an application for a conveyance of the Great Lakes Bottomlands surrounding the proposed dock located at 2155 US-31 North, Traverse City, MI 49686.;

Whereas East Bay Charter Township approved Resolution 2021-29 on October 11, 2021 for a Great Lakes bottomlands conveyance based on the anticipated configuration, as is a required step in the application EGLE dock permit process;

Whereas EGLE issued a dock permit under Part 325, Great Lakes Submerged Lands for this site on December 21, 2022;

RESOLVED by the Board of Trustees of East Bay Charter Township that:

1. East Bay Charter Township does hereby approve the final configuration and Great Lakes Bottomlands conveyance submitted by East Bay Development Group, LLC to the State of Michigan. The Great Lakes Bottomlands to be conveyed are fully described in the final dock permit number WRP036094 v. 1.0

Upon roll call vote:

YES: _____

NO: _____

ABSTAIN: _____

**THIS EAST BAY CHARTER TOWNSHIP BOARD OF TRUSTEES
RESOLUTION 2023-__, APPROVED ON THE 5th DAY OF APRIL 2023,
IS DECLARED ADOPTED BY THE TOWNSHIP SUPERVISOR
AND DECLARED CERTIFIED BY THE CLERK.**

Beth Friend, Supervisor

Date

I, the undersigned, the Clerk of the Charter Township of East Bay, Grand Traverse County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by said municipality of East Bay Charter Township at its meeting, relative to the adoption of the resolution therein set forth, that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267 of 1976, Public Acts of Michigan, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Susanne Courtade MiPMC2/MMC, Clerk

Date



Meeting Date: 3/5/2023
Agenda Item: EBA Hiring
Contact: Nick Lemcool
Beth Friend

Description:

In the 2023 Budget, EBA administration added a full-time position to help with consistent scheduling. This position was originally posted in November 2022, this position was reposted this March. EBA received eight applications, all of which were quality candidates for the position. Interviews were conducted and an offer was made to Daniel Cunningham, a current paramedic in the area that has full Medical Control level of function and will easily fit within the EBA organizational culture.

Daniel is eager to start and make the transition to EBA by the end of April.

Attachments:

- D. Cunningham full-time offer

Budget Implications:

No change in the staffing model.

Action Approved through Acceptance of Consent Agenda:

Move to [approve] the hiring of Daniel Cunningham as presented.



"Where compassion and action meet"

March 30, 2023

Daniel Cunningham
[REDACTED] Woodman Rd SW
South Boardman, MI 49680

Dear Daniel,

Thank you for your interest and interview for the position of full-time paramedic. We enjoyed the discussion with you about East Bay Ambulance's goal of continuing to build upon providing the best services for our township.

On behalf of East Bay Charter Township, I am pleased to propose this offer of employment upon the condition of concurrence by the East Bay Charter Township Board of Trustees on April 10th, 2023. You will be working for East Bay Ambulance as a Paramedic. I believe the Supervisor and the Board of Trustees will be as enthusiastic as I am about your joining our team as a full-time member. Per the East Bay Ambulance organizational chart, you will report to the Ambulance Director. I look forward to working with you, to continue making East Bay Ambulance one of the best agencies in the area.

Regarding the specifics of this offer, you will be classified as a non-exempt, full-time employee. The compensation rate offered is \$22.00/ hour (payable biweekly) based upon a 48-hour work week. As East Bay EMS is a stand-alone service, it does not qualify for Section 7(K) of the Fair Labor Standards Act, thus you will be compensated for 40 hours of straight time and 8 hours of overtime each week. This calculation equates to an effective rate of \$23.83 as compared to compensation under a fire or police agency which meets Section 7(K) of FLSA.

Benefits are offered with this position and East Bay Charter Township offers a competitive package that includes:

- *Medical/Vision/Dental plans*
Current East Bay Township employment benefits include full employer-paid medical, vision, and dental plans for individual or family packages. The medical package is a high-deductible package, and the Township provides a funded (\$3000/\$6000) Healthcare Savings Account to fund the deductible and an HRA to cover additional out-of-pocket deductible expenses. Any employee and their dependents become eligible for Medical/ Vision/ Dental plans on the first day of the month following 30 days of employment.
- *Vacation and Personal Time-off (PTO)*
Under the mid-career clause transition and in recognition of the multiple years of employment with your current employers, this offer includes vacation time of two weeks per year established at a service time of five years with eligibility for a third week in 2024.

110 High Lake Road, Traverse City, MI 49696

Phone: 231-947-0299 – Fax: 231-947-0602

East Bay Charter Township Special Meeting

04/06/2023 www.ebaymi.com



"Where compassion and action meet"

Personal time is granted at 48 hours per year per full-time employee and accrued per the personnel policy guidelines.

- *Retirement Funds*

Current East Bay Township employment benefits include an employer-funded account at 11% of straight time. There is also an opportunity for employees to electively invest in an additional retirement plan.

- *Miscellaneous*

A \$65 stipend for use of a personal cell phone is included with this offer of employment.

Upon employment acceptance and the Board of Trustees please schedule time with Township Clerk Susanne Courtade to complete any necessary paperwork and to identify any needed scheduling of physical and drug screening. You will also receive a copy of the Employment Manual and be asked to sign a form recognizing you received this document. Susanne can be reached at (231)947-8647 or scourtade@eastbaytpw.org

In accepting this offer of employment, you certify your understanding that your employment will be on an at-will basis, and that neither you nor any East Bay Charter Township representatives have entered a contract regarding the terms or the duration of your employment. As an at-will employee, you will be free to terminate your employment with the East Bay Charter Township at any time, with or without cause or advanced notice. Likewise, the East Bay Charter Township will have the right to terminate your employment at any time, with or without cause or advanced notice.

I look forward to your joining the East Bay Ambulance team and taking the service to the next steps. Please let me know if you have any questions.

Kind Regards,

Nick Lemcool
Ambulance Director

Cc: East Bay Charter Township Board of Trustees

110 High Lake Road, Traverse City, MI 49696

Phone: 231-947-0299 – Fax: 231-947-0602

East Bay Charter Township Special Meeting

04/06/2023 Page 98 of 100
www.ebaytpw.com



Meeting Date: April 5, 2023
Agenda Item: Job Description – PT Building & Groundskeeper
Contact: Beth Friend
Bob Burns

Description:

The township has employed a full-time building & groundskeeper who is nearing retirement. The Supervisor Friend and Groundskeeper Bob Burns have discussed the viability of having a part-time building and groundskeeper while adding contract services for lawncare, snow removal, and park bathroom janitorial services. This is a good time to try this scenario and RFP's for these services have been drafted and are ready for notice and distribution on April 6th. Additionally, Bob is agreeable to some part-time work for a transitional period of time if needed.

Attachments:

- Job Description – Part time Building & Groundskeeper

Budget Implications:

While savings will be realized from wages and benefits, costs for contract services will increase.

Possible Motion:

Move to [approve/approve with changes/deny] the job description for Part-time Building & Groundskeeper.



East Bay Charter Township

1965 N. Three Mile Road
Traverse City, MI
231-947-8647

Title: Building & Groundskeeper

Reports to: Township Supervisor

Position: Part-Time, Hourly (20 hours/week)

BROAD STATEMENT OF RESPONSIBILITIES

Responsible for maintaining the grounds and facilities of the Township in conjunction with contracted vendors.

SPECIFIC DUTIES AND RESPONSIBILITIES

- Maintain all Township Properties, through individual efforts and with contracted resources.
- Schedule, monitor and evaluate all contracted resources, which include, but is not limited to: snow removal, lawn maintenance, seasonal grounds clean-up, bathroom maintenance, irrigation maintenance, HVAC/plumbing/electrical services.
- Assist Township Supervisor with Requests for Proposals and choice of contractor(s).
- Handyman jobs throughout township parks, as needed.
- Use of hand tools, small power tools, trimmers, mowers, and small tractor. Maintain grounds to reduce risk of danger or injury to persons using grounds and facilities.
- Make recommendations for any park needs.
- Other duties as assigned by the Township Supervisor.

KNOWLEDGE, SKILLS AND ABILITIES REQUIRED

- High School diploma.
- Mature, capable and mechanically oriented person.
- Knowledge of general lawn care, maintenance, and custodial duties. Ability to accept guidance, follow instructions, and work well with others. Ability to complete physical tasks with a degree of strength and stamina. Ability to work outside.
- Self-starter who possesses good organizational skills. Able to work without direct supervision.
- Possess a valid Michigan motor vehicle license.
- Adhere to all Policies and Procedures as printed in the *East Bay Charter Township Employment Manual*.

PROPERTIES MAINTAINED IN EAST BAY TOWNSHIP

- Grace MacDonald Park, 42.3 acres
- Arbutus Lake No. 5, 11.2 acres
- Killingsworth Park, 45 acres
- Kelly Park, 2 acres
- Pinegrove Park, < 0.5 acres
- The Pines, 80 acres
- Gen's Bayfront Park, 0.65 acres
- Township Hall, 3.2 acres

MEMORANDUM

TO: Board of Trustees
East Bay Charter Township

FROM: Claire Karner, AICP, Director of Planning & Zoning

DATE: April 5, 2023

RE: **Housing Units in East Bay Township – a summary**

The following summarizes current trends and data related to housing units in East Bay Township to help inform Township Board discussion related to short term rental policies.

Total Housing Units

The current amendment draft to Ordinance 5 of 2019 Short Term Rental Licensing Ordinance assumes a total of 5,800 total dwelling units in East Bay Township. Based on a total of 5,800 units, the proposed cap is 145 licenses, or 2.5% of total housing stock.

According to Township assessing records, there are currently 5,368 housing units in the Township. This is based on taking all records with a residential building code and removing those resort condominiums with timeshare ownerships such as Tamarack Lodge. The 5,368 total does not include Woodcreek manufactured housing community, with over 200 residential dwellings that are not counted in accessing records as residential buildings.

According to the Census.gov website, East Bay Township has a total of 5,679 housing units, with a margin of error of 281. This would correspond with a range of total housing units of 5,398 - 5,960 housing units in East Bay Township.

New Housing Units

There are currently 444 new multifamily dwelling units under construction and 95 single family units, for a total of 539 units under construction. There are an additional 238 dwelling units that have been approved through site plan review, but have not yet received a land use permit. This does not include the proposed 101 single family units off Three Mile Road (Victoria Farms) or the proposed 313 dwelling units for the Hammond Hills development. Planning & Zoning Department issues land use permits for approximately 40 new single family homes each year.

Sue Courtade

From: Penny Dahlstrom [REDACTED] >
Sent: Saturday, April 1, 2023 5:29 PM
To: Beth Friend; Sue Courtade; Preston Taylor; Tracey Bartlett; Claire Karner; Mindy Walters; Glen Lile; Matt Courtade; Matt Cook
Subject: East Bay Township's Short Term Rental Ordinance

To the esteemed Board of Trustees of East Bay Charter Township and Zoning Board members,

We own a house in East Bay Township that is our second residence. We spend some time there but also rent it out for short term rentals. We have done this since 2016 and wish to continue until such a time as we can make it our permanent home.

We have reviewed the current draft revision for the 2019 Short Term Rental Ordinance No. 5. The only point that greatly concerns us is the proposed change in the required length of stay, limiting the stay to one (1) short-term rental occurring in any seven-night period. We fail to see how extending the current 4-day minimum to 7 days contributes to any of the Board's stated purposes of the ordinance, which are (in summary):

- Protect & promote the health, safety, and welfare of all citizens of EBCT, as well as those visiting the area.
- Allow for the purchase & continued ownership, rental and maintenance of properties where renting the dwelling unit for short periods of time will allow the owner(s) to keep the property for their future use and enjoyment, while protecting the integrity and preserving the character of those residential neighborhoods which were developed with the intent of single-family occupancy and minimizing conflicts between different land uses.
- Protect the availability of long-term rental properties within the Township, which are recognized as providing an important and affordable long-term housing option.

I am not aware of any legitimate complaints to the board regarding short-term rentals that cite the length of stay as a problem.

We rent year-round and find the average length of stay is between 3 and 4 nights. Here are two years of rental stays for the past two calendar years:



If you implement the minimum 7-day provision, the income from our house will be severely impacted, which would challenge our ability to meet our annual expenses, including property taxes, lawncare, utilities and routine maintenance, all of which continue to increase. Additionally, as other short-term rental owners have mentioned to the Board, there are adverse impacts on local residents who clean and maintain our places. In our case, our housecleaner is a single mom with three children who is working another job in addition to handling my house. She relies on the summer turnover (typically two times per week) we have experienced to meet her needs.

While there are approximately 35 hotels, motels and lodges in East Bay Township, we realize the importance that an alternate form of lodging can offer to visitors to the area. Perhaps because our location is not on a local lake, most of the people who stay with us are not on week-long family vacations with Traverse City as their sole destination. More often, they are working adults who are coming to town for a purpose. The majority of the people that have rented our house fall into the following categories: families (mostly extended families like adult children with parents or adult siblings) who are visiting for the area only for a few days, especially to attend weddings, family reunions & visiting their kids at Interlochen, and adult women who are taking a break from their husbands and families for a "girl's weekend". They like the idea of staying in a house with a yard instead of multiple rooms at a hotel or motel because they can really spend quality time together, cooking, eating, playing games, chatting.

We use Airbnb exclusively to book our house and our research indicates their average booking is 4.3 nights. Enforcing a once per 7-day rule penalizes us and other homeowners who provide local tourists comfortable options for shorter terms than a week. We appreciate you considering maintaining the Ordinance's existing 4-day rule for this category of tourist who contribute so much to the East Bay Township economy.

A few additional observations in the ordinance are:

Section 5. Application for short-term rental license:

Subsection b. (16) regarding a septic & well status report. ***Comment:*** *As not all properties have septic systems and/or wells, consider clarifying this section applies only to those said properties.*

Section 6. Short-term rental standards and regulations

c. (1) Occupancy: ***Comment:*** *As this is only applicable for places with septic system, consider clarifying this section applies only to those said properties.*

(f) Parking. All [vehicles, etc.] associated with the STR, when owned or operated by the owner, local agent, occupants or visitors shall be parked solely on the STR rental premises in areas designated for parking and not parked on or along any public or private roadway. **Comment:** *While I have adequate parking, this seems unreasonable considering visitors are allowed during the day and both non-STR residents and/or their visitors are allowed to park in the streets. Our next-door neighbor's vehicles are never parked entirely on their property.*

General comments include running spell-check for misspellings within the document and correcting the reference to year 2019 as it relates to prior statements, e.g., "any contracts that were entered into before the effective dates of this ordinance for STR occupancy dates in **2019** shall not be subject to the requirements of this subsection".

Our ask for you is to strike the proposed revision of 7-days and keep it at 4-days as it currently is.

Thank you for your thoughtful consideration.

Gary and Penny Dahlstrom

April 2, 2023

East Bay Township Board Members
1965 N. Three Mile Rd.
Traverse City, MI 49696

Dear Township Board Members,

I am a short-term rental owner who lost my license in 2021 because I failed to renew on time. I never received a renewal email from Host Compliance. I recognize that keeping my license up-to-date is my responsibility. However, I also never received any kind of notice from the Township or Host Compliance that I was delinquent or out of compliance. It was well over a year after my license expired when I ultimately received the recent Cease & Desist order.

I am writing to encourage you to vote YES to allow those of us who lost our license after the moratorium went into effect to renew our license and come back into compliance. Those of us who inadvertently lost our licenses due to the moratorium WANT to be in compliance – that's why we got licensed in the first place.

Regardless of why someone allows their license to lapse, there should be some kind of systematic notification of delinquency and a grace period, allowing Hosts who fail to renew to do so before action is taken by the Township that could cause severe financial hardship. This is especially important when the only notice we receive to renew our license is a single email message.

I'm also writing to urge you not to change the booking restrictions in the ordinance from 4 to 7 days. The majority of hosts book less than 7 days most of the year, so this change will financially harm every single Host in the Township.

It's been made clear by your own staff that very few STRs have caused significant problems. Punishing every Host in the Township for behavior problems they did not cause is unfair! Nor will this tactic solve the problem of misbehaving guests. Hosts who regularly rent to party groups or obnoxious guests should be shut down! They give all of us a bad name.

In my opinion, the only way to solve behavior problems is:

1. Adequate outreach so neighbors know how and when to report objectionable behavior by STR guests.
2. Swift action by the police to address the immediate problem and timely follow-up by Township staff with the responsible Host.
3. Severe financial penalties (fines) for Hosts who refuse or are unable to control the behavior of their guests.

Thank you.

Respectfully submitted,

Gayle Miller
[REDACTED] Lake George Trail
[REDACTED]

Sue Courtade

From: Kristen Winter [REDACTED]
Sent: Saturday, April 1, 2023 6:02 PM
To: Beth Friend; Sue Courtade; Preston Taylor; Tracey Bartlett; Claire Karner; Mindy Walters; Glen Lile; Matt Courtade; Matt Cook
Subject: East Bay Township STR

Hello,

I am writing to implore you to rethink making STR's a minimum of 7 day rentals in East Bay Township. To do so, I feel you need some background of our story. My husband and I decided to invest the inheritance we received from my grandparents in this community. My grandfather was a WWII veteran, a hard working and kind man. They were local celebrities in their area, and I adored them both. They taught me everything I know and love about investments, and communities.

We knew we wanted to invest in our future in the Traverse City area, keeping the long term goals for ourselves in mind, and honoring the memory of my grandparents and making them proud. My husband and I are hard working people that were elated to make our long term dreams come true. And, your decisions are pertinent in ending our dreams, or keeping them alive. I have been a public school teacher for 22 years, and my dream to retire in the Traverse City area has been a long shot until the last few years.

We invested in our property, with the goal to retire there in a few years. To make that happen, we need to be able to rent the property until we can move there full-time. We love spending our time there and continue to invest in the property with upgrades. We followed the rules and laws by getting a STR Permit, to respect the community and our neighbors. We have hired only our neighbors and locals to help with property improvement, and property management. None of our neighbors have ever had a complaint, and they all have our cell phone numbers. They are quite happy we have done an immense amount of clean up. Our property is secluded, on 10 acres, and we have many happy out of town guests that we have shared this beautiful area with.

Mandating 7 day rentals will destroy our dream, and the weekend visitors we host- especially in the off season. Doing this will also mandate us to rent our home at a much lower rate to bring in vacationers to East Bay. We are concerned the low rates will attract the kinds of gatherings that will negatively impact our property and the area around us. Not only will it bring down the competitive prices, but it would reduce the number of vacation rentals in East Bay, as well as make us consider investments elsewhere in the future. We had planned to start some other type of small business in the area, and the mandates that you are considering would force us to reconsider these plans and look at potential opportunities outside of East Bay Township.

Finding a hotel in Traverse City is difficult during peak season. Mandating 7 day rentals will drive the prices of hotels up and leave fewer housing options for visitors in East Bay Township, sending tourism revenues to other townships in the area. Is the goal to limit tourism in the area? Please make that public if it is, because I am sure many business owners and out of town tourists would like to know they are not welcome. They will look to go elsewhere, and I'm thinking that is not the goal.

In addition, the government micromanaging private property crosses a line. We were happy to follow all of the current Short Term Rental rules put forth by the Township, but at what point does this become overreach, setting forth rules for some homeowners that do not apply to others? I'm wondering if these regulations will soon come to other businesses, and how you would feel if they were coming directly for your source of income? I'm wondering if you would like your home mandated to certain degrees?

As I ponder why we are being attacked, I wonder how we became a part of this devastating process. We researched, followed the rules, and did everything expected to make a legal short term rental. As this moves forward, I wonder if the unlicensed Short Term Rentals are being searched for, and punished for not following the rules. Unlicensed rentals are the people that should be punished; unlicensed rentals are the people that are trying to skirt the rules. We have done everything completely by the book, and now we are going to be financially destroyed in this investment.

I too hold elected office in Livingston County as a Precinct Delegate, and I know that the pressures of some may influence actions that put you in a stronger light to others. But remember, your actions should uphold your oaths, and I strongly believe that coming after people like myself is not the best approach. As you know, we have hired a legal team. In addition, we plan to fight these mandates with lawsuits as well. Remember that we are also tax paying citizens. And may I add, my taxes went up significantly this year, and the idea that I have zero ability to vote in the area, until I move there, leaves me unable to do anything except hire legal representatives.

In closing, I'd like you to understand that we are not "big business". We have been following the rules, we are taxpayers and we own private property. The decisions you are considering will have a detrimental effect on our dreams, our investment, and our retirement. I implore you to think about your actions and the impacts, as this may be a fight better made over other things. We legally follow the Township rules, and we intend to be outspoken and use the law to maintain the battle as long as it needs to go. I hope no one tries to regulate you out of your future, as you are potentially regulating us out of ours. This feels like a game where neither side will win.

Sincerely,

Kristen Winter (& Cory Winter)

**Approved to read out loud at meeting

Sue Courtade

From: Tim Braley [REDACTED]
Sent: Sunday, April 2, 2023 3:57 PM
To: Beth Friend; Sue Courtade; Preston Taylor; Tracey Bartlett; Claire Karner; Mindy Walters; Glen Lile; Matt Courtade; Matt Cook
Subject: East Bay Township STR Ordinance

To the Board of Trustees and Zoning Board Members of East Bay Charter Township-

We are writing today to describe our family's situation and voice our feedback about proposed changes to the current STR Ordinance. Our family has owned our vacation home on Spider Lake since 2016 after visiting for the prior 20 years. We have fallen in love with the area enough to decide that we will permanently move to this location in the near future. One key consideration in our purchase was the fact that we could offset the cost of ownership, including the high non-homestead property taxes, through renting to others who enjoy the area as much as we do.

When the initial STR ordinance was drafted, we were early adopters (#7, I believe) understanding that it is perfectly reasonable for the Township to have some oversight and understanding of what amounts to a number of small businesses operating within its jurisdiction, specifically as it pertains to health & safety and quality of life of the surrounding residents. Once the rules and fees were understood, we settled into compliance over the years setting expectations for our guests along with our understanding of certain restrictions we were now required to operate under. We've not once protested to Leadership, knowing that there needed to be rules to follow and thinking all has worked out quite well for everyone involved. We are friendly with all of our neighbors and have never received a complaint in the 6 years we've been renting. In fact, several of our guests have actually developed long-term friendships with our neighbors over the years!

However, this latest round of proposed restrictions strikes us as overreaching. Specifically, restricting further the number of guest reservations to (1) per 7-night period feels particularly punitive and will have a negative impact on our ability to meet the financial obligations we've budgeted against for the first six years of our ownership and will limit the amount of improvements we can make because of that potentially lost income (we have invested approx \$70,000 in our home since purchase which creates value for all of our neighbors!). If we didn't actually rent our home but allowed friends and family to use it when we did not, would that be subject to the same restriction? This is a targeted proposal for all of us who have chosen to offset our costs through rentals and **we request this one specific modification be removed from consideration.**

Thank you for your time and understanding,

Tim and Beth Braley
East Bay Township Short Term Rental Licence STR2021-0007

Sue Courtade

From: Lisa Farlin [REDACTED]
Sent: Sunday, April 2, 2023 1:03 PM
To: Bot
Subject: STR Ordinance

To Whom It May Concern;

As a STR holder, I made every effort necessary to comply with the requirements of renewing my License; being sure that the paperwork and inspections were done prior to the deadline.

Although I empathize with those that “dropped the ball” and did not renew in time, I agree with the verbiage of the proposed Ordinance:

- Applications received outside of the application window by any increment of time shall be rejected

Lisa Farlin
[REDACTED] Rennie View Road

Sue Courtade

From: Merrie Thompson [REDACTED]
Sent: Sunday, April 2, 2023 11:09 AM
To: PLC; Bot
Cc: Claire Karner
Subject: Short term rentals and septic
Attachments: favicon.ico

Dear East Bay Township,

Thank you!! The new short term rental ordinance is looking good and will go far in protecting our community while also allowing us to share the splendor.

However, septic systems are especially in need of extra circumspection.

Short term rentals' septic systems should be subject to an annual fitness inspection, not merely to check that the number of bedrooms is appropriate. This is especially important on waterfront properties.

Since these homes are generating revenue, the owners should be held to a standard where all their facilities are functioning properly.

Prior to application, a septic inspection should be submitted and, if on the waterfront, should include a measurement in the nearby shoreline to insure that no sewage is seeping into the lake.

This has been done for decades in other waters.

**Using optical sensors to detect
sewage contamination in the Great
Lakes | U.S. Geological Survey**
usgs.gov



In Paragraph 16 there should be a requirement that septic systems are inspected and the report should include results of said inspection. Not merely that septic built for number of bedrooms. Septic should be inspected to assure it is properly functioning. Especially on lakes.

10:46

◀ Mail

7 of 100

premises, a notarized affidavit from the owner of the premises for the use of the same for a short-term rental must also

(8) Any deed restrictions or use limitations in the deed or the restrictions or the condominium master deed that apply to short-term rental premises.

(9) A floorplan drawing of the proposed short-term rental showing the number of bedrooms intended to be occupied as

East Bay Charter Township Special Meeting
04/05/2023, Page 6 of 100

(10) The proposed frequency for and maximum number of short-term rental.

(11) A drawing of the premises on which the short-term rental is located that includes all buildings on the premises and any other structures, vehicles, boats, campers and trailers will be parked or stored on the premises.

(12) Documentation that the posting and notification of the short-term rental to the local agent has been and will continue to be made in accordance with the requirements of the local agent.

Further, paragraph 6 (j) should be amended to require these inspections annually instead of every three years.

Sincerely,

Merrie Thompson

Sue Courtade

From: Nicole Jeffries [REDACTED]
Sent: Monday, April 3, 2023 12:33 PM
To: Beth Friend; Sue Courtade; Holly Couturier; Tracey Bartlett; Deb Hamilton; Glen Lile; Mindy Walters; Matt Courtade; Matt Cook
Cc: Bob Jeffries; Grant Jeffries; Mom
Subject: STR Ordinance Comments

Dear East Bay Township Board Members,

We have reviewed the latest draft STR Ordinance and related materials included in the packet for the April 5th meeting. Unfortunately, we cannot attend this meeting in person, but ask that this email be considered by the Board when making a decision.

First of all, we do understand you must weigh the needs of many when considering short term rentals in East Bay Township and we appreciate the time the Board has taken to try to make it fair for all interested parties. I will say it is frustrating for us as one of the original STR license holders with no complaints about our property to be punished for the issues of the few STRs that have caused problems in the Township. It seems like some of the restrictions in this new ordinance (1,000 feet between rentals, limited # of licenses) are intended to eventually get rid of STRs within East Bay Township entirely, which would be a shame for those of us that won't be able to keep our cottages and for the tourism and dollars it brings to the Township (not everyone is looking to stay in a hotel). I am interested to know how the Township came up with 145 licenses total (or 2.5% of the total housing stock). As new dwelling units are built in the Township, will the number of allowed STR licenses increase? It is my understanding there are more than 145 STR licenses currently, how does the Township intend to get down to the 145 number? I am also interested in how the Township came up with no two short term rentals within 1,000 feet of each other rule? How was the 1,000' chosen and why? What is this rule for? It seems that if we spread the STRs out more, there will be more neighbors affected, and also make it nearly impossible for someone to ever get another STR license on Spider Lake.

However, the item we are most concerned about is the one booking in seven days restriction as this will decrease the income generated from our property. We are not able to rent our cottage out for 7-day periods other than in late June, July, and August when kids are out of school. Most of our bookings are 2-4 days, which would allow a 2nd booking in a 7 day period when there's interest. Looking at our bookings for 2022 & 2023, 32% are 2-night stays (we don't allow 1 night stays), 17% are 3-night stays, and 58% are 2, 3, or 4-night stays. It is also unclear how this will be tracked (ie when does a 7 day period start?) or policed by the Township. We do require 7-day rentals from Sunday to Sunday in late June, all of July, and all of August, but in the Spring, Fall, and Winter, there is very little interest for that. What is the reasoning for this new restriction? Why was the 1 booking in 4 days not adequate? We respectfully ask the Board to keep the original one booking in four day restriction in place and not change it to 7 days.

Thank you for your consideration.

Sincerely,

The Jeffries Family (Robert, Michele, Nicole, Grant & Gina)
[REDACTED] Peninsula Trail

Sue Courtade

From: Beth Friend
Sent: Monday, April 3, 2023 1:34 PM
To: Sue Courtade
Subject: FW: STR East Bay Township

-----Original Message-----

From: KIMBERLY L KOURIS [REDACTED]
Sent: Monday, April 3, 2023 1:14 PM
To: Beth Friend <bfriend@eastbaytwp.org>
Cc: Bob Binsfield [REDACTED]
Subject: STR East Bay Township

Please forward to East Bay Trustees . . .

Just read the article in The Ticker regarding East Bay Townships updates on Vacation Rentals. If a limited amount of Rental Licenses will be allowed I think it should be offered to the residents of East Bay Township and or Grand Traverse County prior to any applications being considered for those living down state, out of state or corporate owners. They do not have the vested interest in the neighborhoods. I would think that local residents would care more about keeping their community and neighbors happy. The process of "first come, first serve" seems unfair to the residents of the township who live, work and support the community on a daily basis.

Kim Kouris
[REDACTED] Lakeview Trail
Traverse City, MI. 49696
[REDACTED]
Live on Spider Lake right next door to Windjammer Resort

Sent from my iPad

Sue Courtade

From: Sally Washington [REDACTED]
Sent: Monday, April 3, 2023 1:33 PM
To: Sue Courtade
Subject: STR Ordinance

Good Afternoon Ms. Courtade,

My name is Sally Washington, and I live on Chandler Road - Chandler Lake. My fiancé and I are property managers for 3 short-term rentals on our lake.

First, I want to thank you for all the hard work that has been put into revising the short-term rental ordinance. By this point, you may be feeling like it is a thankless job because I know you've been inundated with comments/opinions from those opposed to any revisions and also those who are simply opposed to short-term rentals. I know this has been going on for months, and it at least appears that the Board may be close to finalizing the revisions to the ordinance.

One of our properties, at [REDACTED] Chandler Road - owned by Tom & Denise Pell, has a lapsed license. Mr. Pell and I have both spoken to Preston Taylor, Zoning Administrator, several times. The short version of the history is that Mr. Pell never received notification of the fact that his license was expiring. As the property manager, I also did not receive notification. In 2020 when the license was expiring, I received notification from Jake Myers regarding this fact and then in turn, let Mr. Pell know. To eliminate the going back and forth, both Mr. Pell and I talked to Jake and asked him to change the notification to go to Mr. Pell. Apparently that did not happen.

In any case, we are without a license for this property. I am happy to see language in the revised ordinance that would allow a grace period for those whose licenses have expired and for one reason or another, were not renewed. I am not sure if that would be a blanket grace period for all, but I would hope that precedence would be given to properties that have never had a complaint submitted against them. I was pretty sure that was the case with all three of our properties, but when I last talked with Preston Taylor, he confirmed that. Mr. Pell has indicated to Mr. Taylor that he would be happy to pay the STR fee retroactively, as well as for the current year.

Thank you for your consideration in this matter. I'm pretty sure that all involved will be thankful when this revised ordinance is finalized.

Again, thank you for all the work that has gone into this and for your consideration.

Sally Washington & Matt Dudek
Property Managers for Chandler Lake Properties
[REDACTED]

Sue Courtade

From: Caitlin Falenski [REDACTED]
Sent: Tuesday, April 4, 2023 11:00 AM
To: Bot
Cc: Claire Karner; Preston Taylor
Subject: STR Ordinance

To The East Bay Township Board of Trustees,

Thank you for taking the time to rewrite the STR Ordinance. As an EBT citizen & Forest Lakes riparian, I am very appreciative of your due diligence & care in trying to ensure this overuse issue does not happen again.

Please include all types of commercial transient housing in the 1000ft separation requirement. Cabin courts, in particular, have a magnifying effect on neighboring properties. They have become concentrated areas of high-intensity commercial tourism activities in zoning districts permitting only residential uses. Please do not allow a new STR to ever be next door to a cabin court. Cabin courts have been deemed a nonconforming use for many reasons & an STR in close proximity would only amplify the emanating negative impacts for surrounding neighbors.

Also, the proposition to accept 29 additional license renewals is very concerning to me. When this moratorium discussion began, there were ~120 STRs. Since then, almost 50 more have been added (41% increase!), and it was out of hand at 120. By allowing another 29 to add on, we will be so far off of the new 145 cap. How long will it take to lose 50+ STR licenses to attrition? That is a 26% reduction from the new potential number. At that rate, the new rules of the ordinance (which you have all worked so diligently to improve) will not be utilized for years, if not decades, to come, because they will only apply to new license applications. That seems extreme & harmful to the residents of East Bay Township & its beautiful natural resources.

Thank you.

Caitlin Falenski
Forest Lakes Riparian

Dear East Bay Township Board of Trustees,

As a resident, managing member of Rivershire LLC and short-term rental (STR) owner in East Bay Township (EBT), I appreciate the opportunity to voice my concern over the proposed changes to existing STR ordinances. Before voicing those concerns, I would like to applaud East Bay Township and the Board of Trustees for their action and accountability relative to the housing crisis currently being felt in the Grand Traverse Region, as well as the beautiful natural environment in which we live. I thoroughly enjoy the hiking trails, inland lakes and rivers and the peacefulness that is found here. Thank you for the part you play in ensuring the stability of our environment!

Concerns

LLC ownership of STR in EBT. Before purchasing our property located in East Bay Township in 2005, my sister and I, as co-owners, were legally advised to purchase the property under our existing LLC, Rivershire LLC, to protect ourselves. When we toured the property, and BEFORE making an offer to purchase, we did recognize the income potential of the property's secondary dwelling cabin (ADU). The income potential of this property combined with East Bay Township's STR ordinance has allowed us to indeed capitalize on that prospect. I am close to retirement age and this income stream does influence my ability to retire.

Once a week rental. Our ability to continue to enjoy a thriving income stream would be greatly affected by the regulation of a once-a-week rental. Currently, most of our rentals are 4-to-5-day rentals, mostly long weekends. However, we do have renters that wish to rent for a shorter stay of three nights. By regulating one rental per week, we would be losing any additional income derived for the remainder of the week. In addition, we are not certain how this regulation would be enforced by the Township.

Transferrable STR license. We take great pride in our property investment of Rivershire and have spent valuable resources in order to ensure the success of our STR business. This IS our business and my home. When the time comes for us to sell the property, we would appreciate the ability to offer our STR license as a benefit to the next owner. It will absolutely, unequivocally reduce our property value if we cannot offer it. We have never violated STR regulations and do not intend to. We respect and appreciate our partnership with EBT. How can we protect our personal investment in EBT and restrict corporations or individuals coming in solely for the purpose of the rental business, driving up housing costs and limiting available properties for local residents? There must be another way that does not negatively affect our investment and selling potential.

Thank you for the opportunity to respectfully voice our concern over the proposed amendments to the current STR ordinance. This is my home and our business. We appreciate our community and environment and our partnership with EBT. Let's work together to ensure the success of our businesses not only for today, but for the long-term success of our community.

Tricia Frey, resident of EBT, managing member of Rivershire LLC
[REDACTED] E River Road

Sue Courtade

From: Patricia Frey [REDACTED]
Sent: Tuesday, April 4, 2023 3:57 PM
To: Bot
Subject: Concerns regarding possible changes to EBT STR regulations
Attachments: Rivershire EBT concerns.docx

Dear Board of Trustees - The attached letter was previously sent to the Board of Trustees. In light of the upcoming meeting on Wednesday, April 5, our concerns bear repeating. Although I am traveling and unable to attend, property co-owner Sandra Stegman is planning to attend.

Thank you for hearing our concerns and we sincerely hope you will reconsider many items you are currently proposing.

Thank you,
Tricia Frey
--
Patricia Frey
[REDACTED]
[REDACTED]

Sue Courtade

From: Troy F Rudolph [REDACTED]
Sent: Tuesday, April 4, 2023 10:18 AM
To: Beth Friend; Sue Courtade; Preston Taylor; Tracey Bartlett; Claire Karner; Mindy Walters; Glen Lile; Matt Courtade; Matt Cook
Subject: Regarding the upcoming meeting on STRs

To the Board of Trustees of East Bay Charter Township and Zoning Board members,

I am writing to express my concern regarding the proposed 7-day window change on short-term rentals (STR). As a property owner in East Bay, my family and I love the community and area, and have long planned to relocate there. However, due to a change in my company's remote work policy, we had to put our plans on hold. In the meantime, we have been short-term renting our property to cover the mortgage and upkeep costs until we can act on our plan to make our East Bay house our home.

Unfortunately, the proposed limit on STRs would greatly impact our financial situation and the livelihoods of our local property manager and cleaning crew. We only rent to families, and have never received any complaints, or caused any disturbances in the neighborhood.

I urge you to reconsider this policy and work with the community to come up with an alternative plan that meets everyone's needs. I am confident that a compromise can be reached that benefits the community without putting financial strain on families like mine who rely on STRs. Perhaps institute the 7 day window for rentals that have had multiple complaints? This might incentivize anyone who doesn't screen their guests appropriately. But please don't penalize STR owners who are acting in good faith.

Thank you very much for your time and consideration.

Sincerely,

Troy Rudolph

Sue Courtade

From: Jim Bransky [REDACTED]
Sent: Wednesday, April 5, 2023 11:46 AM
To: Bot
Subject: Special Meeting Public Comment
Attachments: April 5 2023 Public Comment Bransky.pdf


Dear Board of Trustees,

Attached is our public comment for the April 5, 2023 Special Board meeting. I had planned to read it into the record tonight, but a lingering cough/laryngitis may prevent me from doing so. I greatly appreciate your review and consideration of our input.

Thank you,

Jim

James A. Bransky
[REDACTED]

 Lake Leelanau Drive
 Traverse City, MI 49684-7713

[REDACTED]

[REDACTED]

██████ S Hobby Hwy
Traverse City, MI 49696

April 5, 2023

East Bay Township Special Meeting Public Comment

We completely understand and respect the need for local governments to regulate the growing short term rental phenomenon to maintain the character of neighborhoods and affordable housing stock. In this traditional vacation paradise we also appreciate your balancing the interests of already existing short term rental owners.

We are now 64 years old, have lived in our home in Elmwood Township for 30 years, and were not actively seeking another property to invest in. But, in the fall of 2019 when our realtor daughter just for fun showed us the home at 865 Hobbs Hwy on quiet Bass Lake, which had been gradually converted from the old general store gas station, we immediately fell in love with it as a family gathering spot and potential retirement home.

I had just enough is a small retirement account from a previous employer to cover closing and down-payment, and after reviewing the STR ordinance, my wife and I decided we could make it work, and needed to be a little adventurous at this stage in our lives. We closed on the house November 8, 2019, spent a few months updating the home with new mechanicals, and were issued our STR license on January 14, 2020, which renewed on March 2, 2021 through March 15, 2022.

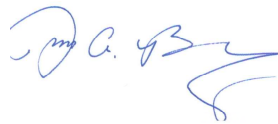
Everything was working out very well with the home. With COVID hitting just as we finished our updates, it provided an especially timely beautiful relaxing family gathering spot. And, we successfully underwrote expenses with summer rentals, limiting occupancy to 6 even though with three bedrooms the STR ordinance would have allowed 8. The home provides an ideal vacation spot as it is not in a neighborhood and much of the lake is surrounded by state forest and conservancy land. We only offered week long stays and prohibited parties. The

summer of 2020 we rented to 6 groups through a management company, and then to 10 groups in the summer of 2021 under our own management and elbow grease.

After spending 10 very warm Saturdays with two other old friends deeply cleaning inside and out to standards beyond any normal or even COVID protocols, hosting pleasant guests who all left glowing 5 star reviews, we decided we deserved to take 2022 off and keep it open for us, our kids and grandchildren. Before our March 15, 2022 expiration date I exchanged voice mails with the Township office to make sure we could renew once ready to rent again. Had I the remotest inkling that a moratorium could be on the horizon I of course would never have let the license lapse.

The short term rental ordinance was a central factor in our decision to take the plunge on this family gathering spot/work retreat/potential retirement home. Please realize and favorably consider the difficult position that we and others similarly situated are in and include a grandfather provision in the revised STR ordinance such that licenses that expired within one year of the initial moratorium may be renewed by the same owners.

Respectfully,



James A. Bransky