



## CHARLEVOIX COUNTY PLANNING COMMISSION

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### Approved Meeting Minutes May 4, 2017

#### I. Call to Order

Chairman Draves called the meeting to order at 7 p.m. in the Commissioners' Room at the Charlevoix County Building.

Members present: Bob Tidmore, Larry Levensgood, Bob Draves, Michael Buttigieg, Patrick Howard, and Mike Webster

Members absent: Ron Van Zee (excused)

Others present: Kiersten Stark (Planning Coordinator) and Kevin Clements (Administrative Services Assistant)

#### II. Pledge of Allegiance

Mike Webster led the Pledge of Allegiance.

#### III. Approval of Agenda

MOTION by Larry Levensgood to approve the tentative agenda as presented.  
Michael Buttigieg seconded the motion. Voice vote: all in favor. Motion passed.

#### IV. Public Comments Unrelated to Agenda Items

None

#### V. County Business Items

##### Approval of Minutes of April 6, 2017 Meeting

MOTION by Bob Tidmore to approve the minutes of the April 6, 2017 meeting as presented.  
Larry Levensgood seconded the motion. Voice vote: all in favor. Motion passed.

## Correspondence and Communications

Kiersten reviewed a legislative alert from the Michigan Association of Planning (MAP) proposed House and Senate Bills regarding the regulation of short-term rentals. House Bill 4503 and Senate Bill 329 seek to mandate that all short-term rentals are a residential use of property and are a permitted use in all residential zones. MAP opposes these bills and would like to see zoning regulation of short-term rentals remain at the local level. Draves had heard about Airbnb and Vacation Rentals by Owners (VRBO) advertising properties for rent, which would make single-family residences a commercial use. Levensgood was not in favor of the state regulating short-term rentals. Howard had the same concern with taking away local zoning control. Howard also mentioned that Airbnb has been buying apartment complexes and renting out individual units. Levensgood agreed that a short-term rental is a residential use, but also asked what is considered single-family use? Levensgood mentioned issues could arise with the definition of single-family use, and he gave examples of a group of people other than a family who could be living in a single-family residence. Webster commented that some of these short-term rental homes can have a lot of people staying at one time and can exceed the capacity of septic systems. Levensgood agreed and added that having 25-30 people in one residence can be overwhelming to surrounding residents with all the activity taking place. He said noise, parking, and trash removal are other issues surrounding short-term rentals. Kiersten said short-term rentals are regulated differently from community to community and what works for one community may not work for another. Tidmore suggested sending a letter to the Michigan State Legislature opposing the proposed legislation. Webster said that even if the State were to regulate short-term rentals, local communities would still have the responsibility of enforcement.

MOTION by Bob Tidmore to prepare a letter expressing concern that the proposed legislation in House Bill 4503 and Senate Bill 329 would pre-empt local zoning authority to regulate short-term rentals. Michael Buttigieg seconded the motion. Voice vote: all in favor. Motion passed.

## Planning Commission Comments

**Bob Tidmore-** The Beaver Island Boat is up and running. He reported there was no ice on the lake this year. Tidmore said that Beaver Island is obtaining an Island Fellow from the Maine Islands Institute. This graduate with a Master's Degree will work on communications and marketing on the Island for roughly a year. The funding of this project will be coming from the Office of the Great Lakes. Tidmore also reported that the Island was having some internet service issues. Currently, residents are paying \$49 a month for 15 mbps down/5 mbps up service through TDS. Northern Michigan University has offered a proposal to provide internet service with 25 mbps down/5 mbps up, along with no bandwidth cap for around \$39 a month as long as you participate in at least one life-long education class per year through the University.

**Larry Levensgood-** He was asked by MSU Extension to serve on an advisory committee to help develop the new Master Citizen Planner online program, which has been completed. Levensgood also reported that some of the township officials have spoken to him and said they hope the Charlevoix County Planners Forum will continue to be held in the future. He said Grenetta Thomassey from Tip-of-The-Mitt Watershed Council will take the lead in organizing the next forum, which will likely be held in November at the Charlevoix Public Library. Dean Solomon, Kiersten, and Levensgood will also assist with planning the event. On April 17<sup>th</sup>, Levensgood attended the Local Emergency Planning Committee meeting. The Michigan Department of Environmental Quality (MDEQ) gave an update on contaminated groundwater sites in Charlevoix

County. The Committee also discussed their bylaws. On April 20<sup>th</sup>, Levensgood attended the Master Citizen Planner Webinar on preparing Parks and Recreation Plans. This webinar was about preparing recreation plans and grant applications. Levensgood also attended the Michigan Townships Association (MTA) local chapter meeting at the Hayes Township Hall on April 24<sup>th</sup>. This meeting was on the topic of medical marijuana facilities and how local units of government can choose to allow or not allow them. Charlevoix County Sheriff Chuck Vondra also spoke about various drug issues. On April 26<sup>th</sup>, Levensgood attended the Senior Forum sponsored by the Charlevoix Area Hospital and the City of Charlevoix to discuss issues arising from an aging population. Transportation and housing are among the issues affecting senior citizens.

**Michael Buttigieg-** On May 16<sup>th</sup>/17<sup>th</sup>, Buttigieg will be assisting with the Students Experiencing Lake Charlevoix event. Buttigieg will also be doing a water quality report on Lake Charlevoix based on information from the Tip-of-The-Mitt-Watershed-Council. He also mentioned there has been a rise in the chloride level in some of the inland lakes (not Lake Charlevoix) due to road salt coming off the roads and making its way into the lakes. Buttigieg also suggested sending a thank you card to long standing Planning Commission Chairman Dennis Jason for his years of service on the Planning Commission. The Commission also discussed giving Jason a gift card to a local restaurant. Commission members and Staff will chip in their own money to cover the costs.

**Patrick Howard-** Reported that the fire departments from Charlevoix, Hudson, and Boyne Valley Townships will be doing a live burn training exercise on a selected structure this month. Howard said there is a lot of paperwork required by the MDEQ (Michigan Department of Environmental Quality) to get approval for the live burn due to asbestos and other harmful chemicals that could be present in a structure. Howard also stated the best time for these live burns is early morning when the wind is calm and because someone must be on site until the fire is completely out. Webster asked Howard how long it takes to train a new firefighter and his response was that it's a weekly commitment (sometimes more than once a week) for 9 consecutive months.

**Mike Webster-** Shared with the Planning Commission that his daughter is graduating from college this weekend. Through CM Life, his daughter developed a video concerning the Flint Michigan Water Crisis.

**Bob Draves-** Had also attended the Master Citizen Planner Webinar and the MTA chapter meeting in April. Draves said this was one of the best meetings he has attended in years and the information that was provided was excellent.

### **County Commissioner Comments**

None

### **Staff Comments**

Kiersten reported on the following Planning Department activities since the last meeting as follows:

- Boyne City to Charlevoix Trail project update
  - **Phase 1**
    - Worked on preparing the reimbursement request for the Trust Fund grant
    - Site visit to Robin Grams' property on May 2, 2017 to follow-up on complaint of storm water runoff from the trail flowing onto the driveway; observed and discussed the issue and potential solutions with the property

owner and the engineer; will meet with the engineer and contractor to determine best solution

- Contractor is attempting to arrange for the asphalt subcontractor to complete the trail adjustment within the Boyne City limits
  - Still considering options for the area along the trail within the Boyne City limits where the temporary snow fence is currently located – Per the Project Engineer, a fence is not required because the distance between the trail and the retaining wall is within parameters; however, we may want to plant some trees in that location to provide a visual barrier
  - Two (2) benches will be installed along the trail route this spring
- **Phase 2**
    - Trail construction has begun and is scheduled to run until the end of July 2017
    - Two (2) benches will be installed once trail construction is complete
    - City of Charlevoix is contributing \$12,000 to Phase 2
  - **Phase 3**
    - Obtained approval from County Board for title search of all properties along the trail route to verify the width of the road right-of-way
    - Our grant application to the Community Foundation for \$8,000 for Phase 3 of the Trail was successful
    - Next step: Complete application for Transportation Alternatives Program (TAP) grant through MDOT
- Parks Director and I gave a presentation on the Boyne City to Charlevoix Non-motorized Trail and other area trail efforts to a joint meeting of the East Jordan City Commission, Planning Commission, and Downtown Development Authority on April 13<sup>th</sup>; East Jordan city officials and citizens are interested in developing non-motorized routes within the city and in the surrounding area to connect to other communities, such as Boyne City and Charlevoix; discussed possible bike routes from East Jordan to other area communities
  - Attended the Parks Committee meeting on April 17<sup>th</sup>
    - Recreation Plan needs to be updated to incorporate more information on non-motorized trails, similar to previous Recreation Plans; provided information to Parks Committee for discussion and consideration at upcoming meetings; This information will also be provided to the Planning Commission for discussion and consideration
    - Online reservation system for campsites at Whiting Park will be available to the public soon
    - Leadership Charlevoix County class – “Wipe your feet” project – installing boot brushes at various parks and nature preserves with hiking trails within the county, including Whiting Park and Porter Creek Natural Area, to help prevent the spread of invasive species
  - Attended the Master Citizen Planner webinar on “Writing Parks and Recreation Plans” on April 20<sup>th</sup> in the Commissioners’ Room, along with 2 Planning Commission members and the Parks Director
  - Prepared materials for tonight’s meeting

## **Update on Future Land Use Plan Draft**

Kiersten had attended the Charlevoix County Board's Personnel Committee meeting on April 19<sup>th</sup>. There was a concern regarding farmland protection efforts, specifically purchase of development rights for farmland. Kiersten will be attending next Wednesday's full Board meeting to discuss this issue and sending out the Future Land Use Plan Draft for local government review.

## **VI. Townships, Cities, MDEQ & Corps of Engineers Items**

### **Beaver Island Master Plan Draft**

Kiersten reviewed the Planning Department Staff Review on the proposed Beaver Island Master Plan Draft. Kiersten had compared the proposed Beaver Island Master Plan and the Charlevoix County Future Land Use Plan and didn't see any conflicts between the two plans. Kiersten mentioned in Chapter 3 of the Plan that American Community Survey figures should not be compared to decennial census figures because ACS figures are estimates based on a sample of the population, but decennial census figures are actual data based on surveys of the entire population. Kiersten reviewed the minor changes proposed to the Future Land Use Map. She also noted that the "Downtown" area will replace the "Marine-Related" area that is in the current plan. Some of the lands currently designated "Agricultural" will be changed to "Woodland Residential", however the plan encourages property owners to use this land for agricultural purposes. Kiersten asked, if the townships want to encourage agricultural uses, why are these lands now designated Woodland Residential instead of Agricultural? Kiersten also suggested that the townships may want to consider including in the zoning plan a table that shows how the future land use categories in the Master Plan correspond to the zoning districts in the Zoning Ordinance. This would further emphasize the connection between the Master Plan and the Zoning Ordinance. She also noted that the colors on some of the maps are difficult to distinguish when shades of the same color are used.

Kiersten commented that, overall, the plan was very thorough and detailed. The layout, format, and colors used were inviting and readable. The photos and the quotes from Beaver Island residents made the plan unique. Kiersten also liked how much community participation was involved with the plan and the multiple methods used to obtain public input.

Levengood was very impressed with the proposed Master Plan. Referring to page 78, second paragraph, and he noted that "Antrim County" should be changed to "Emmet County." He also wondered why some of the businesses were specifically named in the Plan, but others were not (for example, on pages 108 – 109). Levengood also complimented the Island on their efforts to plan for water trails and he would like to see this implemented in the future.

MOTION by Larry Levengood to recommend approval of the Beaver Island Master Plan Draft. Patrick Howard seconded the motion. Voice vote: all in favor. Motion passed.

### **Wilson Township Proposed Rezone** (Zibell)

Kiersten reviewed the Planning Department Staff Review on the proposed rezoning of 3 parcels consisting of 53 acres in Wilson Township owned by the Zibell Trust. They're currently zoned RDA (Resource Development-Agricultural) and the owner (William Zibell) would like to see the zoning changed to RR-1 (Rural Residential). As part of the Staff Review, Kiersten had provided a

comparison of the land uses allowed in the RDA District and the RR-1 District. She had also provided a comparison of the dimensional requirements in the two districts, a description of the existing uses and zoning on the subject parcels and surrounding properties, the relationship to the Master Plan, and the soil types on the properties. Kiersten also provided background information about the properties, based on a conversation with the Township Planner. In 2004, the Township approved a proposal for a clustered housing development with seven (7) lots clustered along the south side of River Run Way, fronting on Deer Creek. Now the property owner is proposing to rezone the 3 parcels to Rural Residential to develop fourteen (14) lots instead of seven (7), which in return would enable the owner (or a developer) to reduce the cost of each lot to help spur development. Kiersten said, according to the Township Planner, the property owner plans to abandon the existing air strip on the property. The Township Planning Commission recommended approval of the proposed rezoning, however they were divided on the issue. Kiersten had no concerns with the proposed rezoning.

Buttigieg expressed concern with the proposed rezoning because it's a rural area and rezoning the property to allow a larger development with 3-acre lots, covering a larger area, would change the character of the area. Levensgood also had concerns with the proposed rezoning with regards to the Wilson Township Master Plan. Commission members studied the maps provided as part of the Staff Review, and further discussion took place. Howard noted that it's zoned Rural Residential south of the Zibell properties, so this would not be a spot zone.

MOTION by Mike Webster to recommend approval of the Wilson Township proposed rezoning. Patrick Howard seconded the motion. Voice vote: 4 in favor (Bob Tidmore, Bob Draves, Patrick Howard, and Mike Webster), 2 opposed (Larry Levensgood and Michael Buttigieg). Motion passed.

## **VII. Any Unfinished County Business**

None

## **VIII. Adjournment**

MOTION by Michael Buttigieg to adjourn the meeting. Bob Tidmore seconded the motion. All members were in favor of the motion. Motion passed.

Chairman Draves adjourned the meeting at 9:04 p.m.

Respectfully Submitted By,

Robert L. Tidmore  
Secretary

RLT/kc