

THE BOYNE CITY TO US-31 NON- MOTORIZED TRAIL



October 2010

Final report

Developed by the Charlevoix County Non-Motorized Trail
Steering Committee with assistance from Michigan State
University Extension



Charlevoix County Parks Committee members

Pete Gaskin
Ralph Harmon
Fritz Healey, Sr.
Caroline Kobylczak
Shirley J. Roloff
Marc Seelye
Shirlene Tripp

Boyne City to US-31 Steering Committee members

Jodie Adams, Evangeline Township (information contact)
Steve Agnew, Hayes Township
Roger Conaway, Bay Township
Mike Dow, Hayes Township
Dale Glass, Charlevoix Township
Bill Henne, Hayes Township
Sue Keiser, Evangeline Township
Shawn McMillan, Charlevoix Township
Shirley Roloff, County Commissioner/County Parks Committee
Jim Rudolph, Hayes Township
Connie Saltonstall, Hayes Township
Tom Scott, Bay Township
Marc Seelye, County Parks Committee
Mike Sheean, Boyne City
David Simmons, Bay Township (information contact)
Sue Topham, Evangeline Township
Shirlene Tripp, County Commissioner/County Parks Committee
Yolanda Waldie, Bay Township

Dean Solomon, Michigan State University Extension, steering committee facilitator

The Boyne City to US-31 non-motorized trail steering committee final report

Introduction

Interest and discussions about creating non-motorized trails in Charlevoix County began in the 1970s. The Charlevoix County Recreation Plan has included recommendations for potential trails and bicycle paths since 1984. The most recent discussions about a non-motorized path linking Boyne City and Charlevoix began in 2003 after completion of the Charlevoix County portion of the popular Little Traverse Wheelway. Interested individuals from townships and cities north of Lake Charlevoix formed a committee under the umbrella of the Top of Michigan Trails Council to consider possible routes between the two cities and funding sources. After a series of public meetings, that group recommended that the best location for a trail would be along the Boyne City/Charlevoix Road.

In 2009, grant applications were developed and submitted to fund creation of a section of the non-motorized trail between Boyne City and Horton Bay. At that time, a number of residents expressed concerns about the trail. Several contentious County Board of Commissioners meetings took place with heated debate by those in favor and those against the trail. Those in favor of the trail talked about recreational opportunities, economic development and safety. Those against the trail expressed concerns about property rights, landowner liability, legal authority, construction and maintenance costs, and specific details about the trail route.

The grants were not funded, due in part to the ongoing local controversy.

In November 2009, the County Parks Committee began efforts to restart public discussions about the non-motorized trail issue. This report summarizes the work of the Charlevoix County Non-motorized Trail Steering Committee that was formed by the Parks Committee, including fact-finding by the group, the results of two public forums, and recommendations.

The process

The County Parks Committee worked with MSU Extension to use a public deliberation process to ensure that residents along the Boyne City Charlevoix Road and other interested individuals could have their voices heard and participate in the process. The following activities were facilitated by Dean Solomon, MSU Extension Senior Educator.

December 2009 Non-Motorized Trail Forum

In reaction to concerns about the trail proposal, the County Parks Committee hosted a public forum in December 2009 to hear from residents and stakeholders about their concerns and questions about the trail. Over 50 people attended. Participants responded to four questions:

1. What do you like most about the possibility of a Boyne City to US 31 non-motorized trail? Why do you think that?
2. What concerns you the most about the possibility of a Boyne City to US 31 non-motorized trail? Why do you think that?
3. What questions do you have about the trail? What other information do you think needs to be gathered?
4. Who isn't part of this discussion but needs to be?

Participants liked most the benefits of a trail for enhancing recreational opportunities, health benefits and for economic development. Issues and concerns were generally in two categories: 1) general concerns, such as impacts on property values, user behavior, liability and taxes and 2) specific design concerns, including proximity to houses, construction and maintenance costs, user safety and environmental impacts. Results of the forum are available on the county web site, www.charlevoixcounty.org.

Attendees were very positive about the meeting and expressed interest in additional forums. Residents who were unable to attend the meeting could add their responses via a form or web site.



The Non-Motorized Trail Steering Committee

Based on that successful meeting, in early 2010 the County Parks Committee appointed a 16-member steering committee to restart discussions about a potential trail along the Boyne City to Charlevoix Road. That committee included residents along the Boyne City/Charlevoix Road, local officials, and others representing a wide range of perspectives about the trail. The Parks Committee instructed the steering committee to:

- Guide a process to seek common ground by assuring that all interested stakeholders can identify and discuss perspectives and opinions about the trail proposal, and can consider a variety of approaches. That process includes community forums, newsletters and information available on the county web site.
- Gather information based on the questions and concerns expressed about the trail.
- Develop recommendations to the County Parks Commission on how best to proceed with this issue.

Since it first met in March, the committee:

- Conducted monthly work sessions, all of which were open to the public
- Prioritized issues and concerns expressed during the December 2009 public forum
- Gathered studies and information to address issues and concerns, and posted them on the county web site
- Developed and distributed an issue book that included five approaches to addressing the trail issue
- Distributed three newsletters to a combined mail/e-mail list of 137 individuals
- Sent two update letters to all residents along the Boyne City/Charlevoix Road
- Conducted a public forum on August 16, 2010
- Developed this final report

August 2010 Public Forum

On August 16, 2010, over 100 residents participated in a public forum to discuss the following five approaches to addressing the trail issue:

- Approach 1: Build a detached trail within the Boyne City/Charlevoix Road right of way
- Approach 2: Build a trail attached to the Boyne City/Charlevoix Road for non-motorized travel
- Approach 3: Build a combined trail with portions attached and portions detached along the Boyne City/Charlevoix Road
- Approach 4: Build a trail to connect Boyne City to US 31, but not along the Boyne City/Charlevoix Road
- Approach 5: Do not continue any discussion to build a non-motorized trail

Discussions were guided by an Issue Book that answered common questions about the proposed trail and described each one of the approaches. The issue book was mailed to every address along the Boyne City/Charlevoix Road, announced in local newspapers and by newsletter, and made available on the county web site and in public libraries.

Attendees discussed each one of the approaches, identifying appeals and concerns with each one, and common ground. The lively discussion emphasized that there is no perfect solution to this issue – each approach has advantages, disadvantages and tradeoffs.

At the end of the forum, participants used computerized “clickers” to compare each of the five approaches. Overall, forum participants favored Approach 3: building a combined trail with portions attached and portions detached. Residents along the Boyne City Charlevoix Road were most supportive of Approach 3, while other participants and local officials favored Approach 1: building a detached trail. Complete details are available on the county web site.

Forum participants identified common ground

- Compromise on this issue is possible.
- A trail would have health and economic development benefits.
- Safety for users and residents is very important.
- Residents along the proposed route have to be involved in the decision-making process, especially the specific trail location on or adjacent to their property.

Steering Committee Recommendations

The steering committee faced the challenging task to integrate the information they gathered and perspectives they heard from a large number of residents. Most residents believe that a trail in some form is a good idea, although opinions vary. Some residents along the Boyne City Charlevoix Road are very enthusiastic about a trail; others are not in favor under any circumstance. There is lingering confusion or misunderstanding about general issues such as liability and property values.

The committee wrestled with the desire for a trail design that is safe for all users, yet offers satisfactory options for landowners along the proposed route, including those who own property within the right of way and subdivision residents whose property line extends to the edge of the right of way.

Below are the committee's recommendations that offer a way for the county, residents and interested citizens to move forward on this issue:

- 1. The county, in cooperation with townships and cities, should seek grant and private sources of funding to develop a preliminary trail design along the Boyne City to US 31 corridor.** This design will not be the final plan; rather will be a starting point for discussions with landowners to about property-specific concerns. The preliminary plan:
 - Places safety of all trail users as first priority.
 - Proposes a route predominantly on either the north or south side of the Boyne City/Charlevoix Road that causes least potential impact on property owners along the route. Those impacts include proximity to residences and other buildings, tree removal, runoff, excavation, sight distances, driveway and road crossings, and other related issues.
 - Identifies "trouble spots," where homes are near the road, narrow right of ways, steep slopes, wetlands, US-31 crossing, etc.
 - Takes into account construction issues such as excavation, wetlands impacts, tree removal, etc.
 - Includes proposed general locations for restrooms and staging areas where users can park along the route.

Three key beliefs guide the committee recommendations

- Safety for trail users and residents is very important.
- An entirely detached non-motorized trail within the Boyne City/Charlevoix Road right of way is not workable.
- Residents along the road must be involved in the decision-making process. It is important for landowners to see possibilities on a map as discussions take place.

This step may be able to be completed with minimal time and resources by utilizing and adding to the analysis completed by the Northwest Design Group in 2003, and maps developed by the Charlevoix County GIS department.

2. **Once a preliminary design is completed, the county should work with individual landowners (or groups of landowners along a road segment) to modify the draft design to solve property-specific issues.** In modifying the draft, the county should explore all creative solutions to address issues at specific locations and along road segments where homes are close to the road, including the possibility of finding alternative routes around those areas. Those creative solutions might include voluntary donation/purchases of additional easements, routing the trail around some locations, constructing landscape barriers or fencing, etc.
3. **After consensus is reached on a proposed route with most landowners, the county, in cooperation with townships and cities, should apply for state and federal grants to fund construction of trail segments, phased according to availability of funds.** The committee recognized that there will always be some individuals who are unalterably opposed to the trail, regardless of efforts to solve issues on or adjacent to their property. Although broad acceptance from landowners along the route is essential, unanimous support should not be a requirement.
4. **The County Parks Commission should continue education and communication efforts to address the general concerns of landowners along the route, including concerns about liability, safety, property taxes and property values.** These issues are common and have been successfully addressed in other similar trail projects. Education efforts may include continuation of the mail/email newsletters, workshops and forums.
5. **County Corporation Council should seek greater clarity from the State Attorney General on right of way issues, specifically questions about the easement language and permitted activities.**