



CHARLEVOIX COUNTY PLANNING COMMISSION

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Approved Meeting Minutes July 7, 2016

I. Call to Order

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

Members present: Dennis Jason, Patrick Howard, Larry Levensgood, Ron Van Zee, and Bob Draves (7:04 p.m.)

Members absent: Michael Buttigieg and Bob Tidmore (both excused)

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

II. Pledge of Allegiance

Chairman Jason led the Planning Commission in reciting the Pledge of Allegiance.

III. Approval of Agenda

MOTION by Ron Van Zee to approve the tentative agenda as presented. Larry Levensgood seconded the motion. Voice vote: all present in favor. Motion passed.

Bob Draves arrived at the meeting.

IV. Public Comments Unrelated to Agenda Items

None

V. County Business Items

Approval of Minutes of June 2, 2016 Meeting

MOTION by Larry Levensgood to approve the minutes of the June 2, 2016 meeting as presented. Patrick Howard seconded the motion. Voice vote: all in favor. Motion passed.

Correspondence and Communications

None

Planning Commission Comments

Ron Van Zee - Hayes Township signed a contract for the Michigan Waterways Grant for the boat launch at Camp Seagull. Bay Township adopted new zoning ordinance amendments pertaining to signs and cell towers. The Township has also issued a special use permit to a bed & breakfast to allow special events (weddings) on the grounds. The Bay Township Planning Commission is also looking to see if they can make any potential improvements in their zoning regulations for lakeshore development; they're working with a Planner from the Land Information Access Association.

Patrick Howard - The hay is in and yields are up this year, but there is no money to be made. 4 foot x 5 foot bales are about \$30 each. Square bales in the field still yield around \$3 a bale. Levensgood said the corn crop looks better here than downstate. Howard said we need rain; also, the soil types affect the crops. The heavier soils we have up here hold more moisture. Howard also reported that M-75 through Walloon Lake is paved and business is up.

Larry Levensgood - He serves on the Board of Directors of the Northwest Michigan Community Action Agency and their mission is to promote affordable housing. The agency recently purchased property in Petoskey to build a home for a low-income family and found out in the bidding process that the changes in the State's energy code have added substantial cost to building a new home. The new house is too expensive to build at this time and things have been put on hold. Levensgood also reported that he worked at the Charlevoix Farmers Market last week, representing the Lake Charlevoix Association, and the theme was Green Day. They were promoting educational tours around Lake Charlevoix on the Inland Seas to observe shoreline development and greenbelts. On June 20th, Larry attended the Lake Association Summit where Grenetta Thomassey from the Tip of the Mitt Watershed Council gave a presentation on "The Septic Question" report. There was also a session on the proposed changes to the sanitary code and another session on how Wayne Schmidt from the Michigan Legislature is trying to get an energy bill passed. On June 23rd, Levensgood attended the regional Business After Hours event in Boyne City. On July 7th, he attended the Lake Charlevoix Association meeting where a professor from the University of Wisconsin gave a presentation on algae in the water that has been caused by invasive species. Some of the members of the Association had concerns about the noise level from boats on the lake. Discussion took place regarding noise ordinances. Levensgood wasn't sure if there is a noise ordinance that is enforceable.

Bob Draves - Attended a webinar on content-neutral zoning regulations for signs. Bob had also taken a boat ride up the South Arm of Lake Charlevoix and observed a lack of zoning enforcement for development along the lakeshore. He said some homes appeared to be too close to the Ordinary High Water Mark (OHWM), so they would not meet the minimum setback requirements from the lakeshore.

Dennis Jason - Attended the Parks Committee meeting where they discussed a request from some of the boaters at Whiting Park for Parks Staff to move the swim buoys on the weekends when the 4-H Swim School is not using the south end of the swim area, so the boaters can have

more space. Jason also stated that the Eurasian Milfoil (aquatic invasive plant species) in Thumb Lake has been spreading toward Thumb Lake Park at the east end of the lake. Several methods have been used to treat the Milfoil without much success, so this year, they're using a combination of methods, including chemical treatment (guided by computer bio-mapping) along with the benthic mats that have been used in the past. Jason said the Lake Louise Christian Community on Thumb Lake has requested funding assistance from the County in treating the Milfoil. Construction of Phase 1 of the Boyne City to Charlevoix Non-Motorized Trail is moving along. The paving of the trail should be completed by the end of the month. Jason noted that the further the trail is from the road, the nicer it will be.

County Commissioner Comments

None

Staff Comments

Kiersten reported on the following Planning Department activities in June:

- Boyne City to Charlevoix Trail project
 - Phase 1
 - Addressing individual property owner concerns as they arise
 - Attended County Board meetings in early June and received approval to pay Great Lakes Energy to move a power pole located on private property that would have interfered with maneuverability on the property once a retaining wall was installed adjacent to the property (within the road right-of-way) to accommodate the trail
 - County officials, Project Engineers, Staff from Tip of the Mitt Watershed Council, and the Contractor met with a property owner in Boyne City who had concerns regarding storm water runoff into the wetland on his property, and also the placement of the retaining wall for the trail adjacent to his property; his concerns were discussed and additional information was given to him.
 - Phase 2
 - Attended the Road Commission Board meeting on June 13th, seeking their approval of a resolution of support for Phase 2 of the Trail, which was required for the Transportation Alternatives Program Grant that the Road Commission received on the County's behalf from the Michigan Department of Transportation (MDOT); the Road Commission Board adopted the resolution, which was then submitted to MDOT.
 - Working with Department of Natural Resources (DNR) Grant Coordinator to finalize items before MDOT can advertise for construction bids – as part of the grant application process, the County received points and was awarded the Trust Fund grant, in part, based on using environmentally friendly materials, such as providing site amenities made with recycled content (i.e., benches, bike rack, etc.), signs with recycled content, landscaping with native plants, or providing recycling bins on site; currently working with the Parks Director and the Project Engineers to

determine what items we'd like to add and at what locations; that information will then be added to the trail plans and the construction cost estimate will be adjusted accordingly.

- Also need to amend DNR Project Agreement for the Trust Fund Grant to extend the time of the project period and to reflect the change in the trail route from what was originally proposed when the County applied for the grant; the process of amending the Project Agreement won't delay progress, though, as it can be done concurrently with the project going out for bid.
- Attended Parks Committee meeting on June 20th.
- Attended a meeting on June 21st with a representative from the Lake Louise Christian Community (LLCC), the County Administrator, and the Parks Director to discuss LLCC's request for funding assistance from the County for the ongoing abatement efforts to control the Eurasian Watermilfoil on Thumb Lake, which has now spread to the east end of the lake near Thumb Lake Park; worked out a preliminary plan to provide \$10,000 this year, and budget approximately \$3,000 each year going forward to assist with these efforts, pending County Board approval; this year's contribution will be more due to the added cost of bio-mapping, which is being done to enable the chemical treatment to be more effective.
- Working with Equalization Department and GIS/IT Department to set up a process for updating Township zoning maps as re-zonings occur, so the County can maintain a current set of zoning maps on file for planning purposes and to provide to Townships on request
- Talked with Elizabeth at Networks Northwest and they're putting together the Future Land Use Plan draft and we should have some more material to review at next month's meeting.
- New County website was launched in early June.
- Prepared materials for tonight's meeting.

Presentation on Septic System Use/Maintenance & Policy Options

Due to illness, Grenetta Thomassey from Tip of the Mitt Watershed Council (TOMWC) was unable to attend the meeting to give her presentation. Kiersten said the presentation will be rescheduled. Prior to the meeting, Tip of the Mitt Staff had provided copies of a report for Commission members called "The Septic Question". Staff handed out the report copies and fliers for a related online survey being conducted by the Watershed Council.

Proposed 2017 Budget

Kiersten reviewed the proposed 2017 Planning Budget. She noted that Staff will need to replace the microphones used to record the meetings, but the proposed budget does not factor in this

expense. As the microphones have aged, there is now more static as well as background noise from the meeting room on the recording, which makes it difficult to hear what's being said. Kiersten said Staff uses the recordings when preparing the minutes and, sometimes, the media requests copies of the recordings. The current microphones cost \$200, however, she had not yet had a chance to research the cost of new microphones. Van Zee asked if we should consider purchasing a recording system with more functionality than simply microphones. Kiersten noted there is a public address system available for use in the Commissioners' Room. Discussion took place regarding how much should be budgeted for the microphones and in which line item. The Commission decided to add \$1,000 to Capital Outlay to bring the Proposed 2017 Planning Budget to \$99,902.

MOTION by Bob Draves to recommend approval of the budget as amended. Larry Levensgood seconded the motion. Voice vote: all in favor. Motion passed.

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

Evangeline Township Master Plan Update

Kiersten said, after receiving the proposed Master Plan Update, she had spoken with the Township Planner, who explained the process the Township followed in developing the proposed plan. Kiersten shared this information with the Commission. Kiersten said, overall, she thought this was a good start toward updating the plan, but it reads like it's a work in progress and she thought more work was needed before the proposed plan would be ready to go through the approval process. Kiersten went on to review the Planning Department Staff Review on the proposed Master Plan Update.

Van Zee commented on the references to the Zoning Ordinance in the proposed Master Plan. He said the Zoning Ordinance should be developed based on the Master Plan, but in this case, the proposed Master Plan refers back to the Zoning Ordinance and enforcement of the Ordinance, which is backwards. He noted that the Zoning Ordinance can change fairly rapidly. In the past, the Township changed the Zoning Ordinance to designate each subdivision/plat area as a separate zoning district, but they're just depending on the Zoning Ordinance to enforce this rather than having a future development plan in the Master Plan. What if one of the zoning districts (subdivision areas) expands in the future? Van Zee emphasized that a zoning ordinance is too easy to amend, and the Township doesn't have anything to provide direction when amending the Ordinance. Further discussion took place. Van Zee said the Township has done a great job with their Zoning Ordinance, but the Master Plan needs to be that much further ahead, in terms of planning for the future, in order to accommodate the Ordinance.

Commission members supported the comments made in the Planning Department Staff Review.

MOTION by Larry Levensgood to send the Planning Department Staff Review to Evangeline Township for their consideration and to encourage the Township to continue working on the Master Plan Update. Dennis Jason seconded the motion. Voice vote: all in favor. Motion passed.

Peaine Township Proposed Text Amendments

Kiersten said Peaine Township is proposing to amend provisions in their Zoning Ordinance pertaining to Critical Dunes. She had provided Commission members with a copy of the current zoning language from Articles VI and IX, which also showed the proposed changes. Kiersten said the Township has worked with their civil counsel and the Michigan Department of Environmental Quality for over a year to draft the proposed amendments in order to comply with changes to the Michigan Natural Resources & Environmental Protection Act enacted in 2012. Kiersten went on to review the Planning Department Staff Review on the proposed amendments. Ron Van Zee asked how much critical dune is in each of the Island townships. Kiersten said most of the Critical Dunes are located in the northwest area of the Island.

MOTION by Bob Draves to send the Planning Department Staff Review to Peaine Township for their consideration. Ron Van Zee seconded the motion. Voice vote: all in favor. Motion passed.

Evangeline Township Proposed Text Amendments

Kiersten said Evangeline Township is proposing to amend two definitions in their Zoning Ordinance, which include “Dwelling, Accessory” and “Accessory Building”. She said, after reviewing the memo from the Township Planner (which provided background information on what led to the proposed changes), she had no concerns with the proposed amendments.

MOTION by Larry Levengood to recommend approval of the proposed text amendments. Bob Draves seconded the motion. Voice vote: all in favor: Motion passed.

Boyne Valley Township Proposed Rezone

Kiersten reviewed the Planning Department Staff Review on the request by the Cellar Door Club to rezone two parcels, having tax identification # 15-002-010-007-10 and # 15-002-010-009-00, located on S. Addis Rd. at US-131 in Boyne Valley Township from Rural Residential (RR-1) to Resort Commercial (C-1). Discussion took place regarding the fact that the proposed rezoning is not consistent with the Township Master Plan, which recommends this area for Low Density Residential use. Rezoning these parcels to Resort Commercial would create a spot zone. However, in reviewing all of the uses allowed in the Resort Commercial district and considering the existing uses in the surrounding area, it did not appear there would be any land use conflicts with the adjacent properties. It was noted that these parcels are located along roads that would accommodate commercial uses. The Commission also considered the topography of these parcels, especially the steep hill on the northern property, and the challenges this presents for the use of the property. The Commission considered the current use and location of existing structures as well as the uses that could potentially be established there if the parcels are rezoned.

Discussion also took place regarding the fact that there are no special uses in the Resort Commercial district. Van Zee said the Township could amend their zoning ordinance to provide for special uses in this district, which would give the Township more control over what is permitted on the property. Levengood said it’s hard to make a decision on a proposed rezoning when it’s not known what the property will be used for; however, he noted that all of the permitted uses in the district must be considered, not just the use that’s currently proposed. Kiersten said, while there are no special uses in the Resort Commercial District, all uses in this district require site plan approval.

MOTION by Dennis Jason to recommend denial of the proposed rezoning because it does not comply with the Boyne Valley Township Master Plan and there is no special use permit process in place in the Resort Commercial District, which would give the Township more control over what is permitted. Ron Van Zee seconded the motion. Voice vote: all in favor. Motion passed.

VII. Any Unfinished County Business

None

VIII. Adjournment

MOTION by Ron Van Zee to adjourn the meeting. Bob Draves seconded the motion. All members were in favor of the motion. Motion passed.

Chairman Jason adjourned the meeting at 8:55 p.m.

Respectfully Submitted By,

Dennis Jason
Chairman

DJ/kc