



CHARLEVOIX COUNTY PLANNING COMMISSION

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Approved Meeting Minutes November 3, 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: Bob Tidmore, Bob Draves, Dennis Jason, Larry Levensgood, Michael Buttigieg, Patrick Howard, and Ron Van Zee

Members absent: None

Others present: Kiersten Stark (Planning Coordinator), Kevin Clements (Administrative Services Assistant), Ron Reinhardt (County Commissioner Liaison), and Tim Matchett (Farm Bureau representative)

II. Pledge of Allegiance

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

III. Approval of Agenda

Kiersten said a Michigan Department of Environmental Quality (MDEQ) public notice for a proposed project in Eveline Township became available for review yesterday (November 2nd). Comments are due to the MDEQ prior to our next meeting. Jason thought this item should be added to the agenda.

MOTION by Larry Levensgood to approve the tentative agenda as amended. Bob Draves 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 October 6, 2016 Meeting

MOTION by Michael Buttigieg to approve the minutes of the October 6, 2016 meeting as presented. Larry Levensgood seconded the motion. Voice vote: all in favor. Motion passed.

Correspondence and Communications

None

Planning Commission Comments

Bob Tidmore- The funding for the Beaver Island Advanced Life Support is on the November ballot, and he reported that if it fails, the Island would most likely lose their EMS service as well. He also reported that the first draft of the updated Beaver Island Master Plan is expected from LIAA (Land Information Access Association) on November 21st.

Bob Draves- Nothing to report

Larry Levensgood- Had attended the LEPC (Local Emergency Planning Committee) meeting on October 18th. The Hazard Mitigation Plan was submitted to the State of Michigan for review. At the meeting, the DEQ gave a presentation on emergency clean-up operations in the county as well as ongoing groundwater clean-up efforts. They also discussed potential brownfield projects in the county. Levensgood also attended the MSU Extension Planning Webinar on “Selecting a Planning Consultant...” on October 20th. The program was based on hiring consultants based on their qualifications rather than strictly a financial bid process. On October 26th, Levensgood attended the WATCH (Water and Air Team for Charlevoix) annual meeting where they discussed The Septic Question Report developed by the Tip of the Mitt Watershed Council, as well as Line #5, a pipeline that runs under the Straits of Mackinac. Levensgood attended an open house for the new greenhouse constructed at Grandvue Medical Care Facility on October 27th. He said the project was paid for with private funding (donations). The new greenhouse was one phase of a larger project to add more gardens and outdoor recreational areas for residents at the facility. On November 2nd, Levensgood worked at the Boyne Business Expo held at Boyne Mountain Resort. This year, they moved the date and location of the event. It was spread out over a larger area, so it was hard to gauge the attendance. Levensgood was also asked to be part of an advisory group for MSU Extension’s Citizen Planner Online Program, which involves completing the modules and giving feedback to help MSU Extension improve the program.

Michael Buttigieg- All is quiet. Buttigieg said the director of the Michigan Mountain Mayhem Gravel Grinder Race had not yet received an invoice from the Sheriff’s Department for the overtime paid to deputies for providing traffic control during the bicycle event in October. Buttigieg said, when he receives a copy of the invoice, he will forward it to the Planning Department to be shared with the Commission members.

Patrick Howard- Nothing to report

Ron Van Zee- At their meeting last Tuesday, the Bay Township Planning Commission put the final language into the proposed zoning text amendments for accessory dwelling units. They also put together the final language for a proposed stand-alone ordinance to regulate outdoor wood burners. They're planning to hold public hearings for both items in December. Van Zee said Bay Township had also asked him to thank Kiersten for putting together a trail update article for the Bay Township newsletter, which will go out soon. Van Zee also reported that Hayes Township submitted preliminary plans for the boat launch and fishing pier to the Michigan Waterways Commission for review. The Township is just starting to receive feedback from the Waterways Commission. Van Zee also attended the Planning webinar on "Selecting a Planning Consultant..." He said it was very informative; it's a good process.

Dennis Jason- Had also attended the Planning Webinar on "Selecting a Planning Consultant..." on October 20th. Jason said the webinar was very informative. It focused on not only looking at the financial aspects of hiring a consultant, but the qualifications as well. The construction bids for Phase 2 bid of the Boyne City to Charlevoix Non- Motorized Trail came in. The lowest bidder was Team Elmers and their bid was below the Engineer's estimate. Jason still thinks we have enough funds to complete Phase 2 of the Trail. He said there are still a few things to be completed in Phase 1 of the Trail, but every time he goes by, there's always someone using the Trail.

County Commissioner Comments

Commissioner Reinhardt reported that both E. Deer Lake Road and Korthase Road are finished being paved. Antrim County is finishing their portion of Korthase Road. Reinhardt thought that Ellsworth Road is also close to being completed. He was also pleased to hear the construction bids for Phase 2 of the Trail came in under the Engineer's estimate and that the County should have sufficient funds for the project. Levengood asked, when Marion Center Road is improved in 2018, will the improvements end at the Antrim County line? Reinhardt said he didn't know about Antrim County's plans for that road. He also reported that an organization will be working with the Road Commission to rate the condition of the roads this fall. He said they haven't rated the roads in our county for a few years because a report from another organization had shown that Charlevoix County's primary roads were among the best in the state. He also reported that the Road Commission may get only half the funds they were expecting from the State for road repairs, which is also the case in other northern Michigan counties. The Road Commission also received notice that the State might make changes to Public Act 51, which would reduce the amount of funding available to road commissions in northern Michigan counties.

Buttigieg also commented that it looks like the road construction in East Jordan is done.

Staff Comments

Kiersten reported on the following Planning Department activities in October:

- Boyne City to Charlevoix Trail project
 - **Phase 1**
 - All items that needed to be addressed based on the Engineer's inspection of the trail following construction will be completed this month, except adjusting a section of trail within the Boyne City limits where it's too close to the road – this correction will likely be completed next spring

- Temporary snow fence will be removed and the permanent split-rail wood fence will be installed this Fall for safety purposes
- Provided cedar trees to one (1) property owner along the trail in Evangeline Township to replace shrubs removed, per signed agreement; cedar trees will also be provided to another property owner in Evangeline Township next spring, per signed agreement
- **Phase 2**
 - Construction bid letting took place on October 7th and Elmer's was the lowest bidder; MDOT awarded the contract to Elmer's Crane & Dozer, Inc.
 - Clearing of the trees and brush cut earlier this year will be done later this month
 - Construction will be in Spring/Summer 2017
 - Worked with Civil Counsel and County Clerk to develop a draft Intergovernmental Agreement between the County and Road Commission, which describes the grant administration process for Phase 2 – draft agreement was sent to Road Commission's attorney, who has requested some changes
 - Still working on obtaining quotes for an appraisal of an easement donated to the County for the Trail
- **Phase 3**
 - Park of the Pines governing body approved moving forward with developing conceptual plans for the trailhead at Park of the Pines
 - Next step is to contact the Bay Township Zoning Administrator to discuss the development restrictions on the Park of the Pines property and zoning approval needed
 - Attended a trail fundraising event put on by North Country Bicycle Club at Bella Vita Restaurant in Evangeline Township on October 26th – they raised over \$4,600 for area trail efforts
 - Submitted a trail project update to Bay Township for their newsletter, which will be sent out to all property owners in the Township
- Attended Parks Committee meeting on Oct. 17th
 - Discussed how to raise funds for the trail project
 - Working to update Capital Improvement Plan/Work Program
 - Discussed proposed improvements to Whiting Park campground
- Attended the Master Citizen Planner webinar “Selecting a Planning Consultant, Municipal Attorney, and More” on October 20th, which was shown in the Commissioners' Room

Farmland & Open Space Preservation Ordinance Discussion

Chairman Jason thanked Tim Matchett, a member of the local Farm Bureau, for attending the meeting to discuss the Farmland & Open Space Preservation Ordinance. Tidmore asked for some background information regarding the ordinance. Jason explained that the ordinance had been adopted by the County Board in 2006, but was rescinded in 2007 because the County did not have a current Land Use Plan. Levengood said the County had a Land Use Plan, but it was old. Tidmore asked if the public had concerns about the ordinance in the past. Commissioner Reinhardt said some of the County Commissioners had concerns with it. He added that the membership on the County Board has changed somewhat since then and it's a good time to reconsider it. Reinhardt

said he reviewed the Ordinance recently, and he doesn't think any major changes are needed to the ordinance. Further discussion took place regarding how the ordinance was developed.

Larry Levengood asked about the requirements in Article IV, where it describes specific items that need to be included in the Future Land Use Plan. He asked if changes need to be made to the Future Land Use Plan, so it's compatible with the Ordinance. Kiersten said yes, referring to a list of requirements in Section 4.02, particularly subsections D. and E. Discussion took place regarding whether or not to hold up on moving the Draft Future Land Use Plan Update to the next step in the approval process. It was noted that the additional changes needed to the Future Land Use Plan that would be required by the Ordinance are beyond what is included in the service agreement with Networks Northwest for updating the Future Land Use Plan.

Tidmore said it would be wise to have the County Board vote on whether to have the Planning Commission pursue the re-adoption of this Ordinance. Reinhardt said he would bring up this topic to the County Commissioners at the next meeting. Kiersten emphasized that she would need some planning assistance to make the required changes to the Draft Future Land Use Plan Update to make it compatible with the Ordinance. Jason recommended checking with other counties in the state that have similar ordinances. Kiersten said she would also talk with Elizabeth Calcutt at Networks Northwest for her input.

Draft Future Land Use Plan Update

Kiersten said Commission members had each received an updated draft of the Future Land Use Plan, reflecting the changes discussed at our last meeting. Kiersten asked if Commission members had a preference for the format/layout of the cover page. Three options were provided in the draft plan. The consensus was to go with option B, which has the title and photos in the center of the page, with the County logo in the bottom right corner.

Referring to the Pavement Surface Conditions map on page 22, Tidmore asked if Kings Highway on Beaver Island could be shown as being in good, rather than fair, condition since it was recently resurfaced. Kiersten said the map reflects data collected as part of a study conducted in 2015 and at the time the data was collected, Kings Highway had not yet been improved. Kiersten said she would check to see if the 2016 data is available, which will likely show Kings Highway in good condition. Referring to page 29, Tidmore questioned including the photo of the EJ facilities in East Jordan in the plan, since the company is moving the foundry out of the county. Levengood thought the photo should be kept in the plan since EJ has been a major economic player in Charlevoix County.

Referring to page 1, Kiersten asked what the Commission thought of placing the mission statement at the beginning of the Introduction to lead off the plan, rather than on the Acknowledgements page, where it is in the current plan. Commission members were supportive of this change. Kiersten also reviewed a list of minor corrections needed in the plan, which were outlined in a memo to the Commission as follows:

- On page 1, second paragraph, omit the words "Charlevoix County" from the first line
- On page 2, right-hand column, first *full* paragraph, insert the word "Plan" after the word "Use" in the first line; also, in the same paragraph, omit the last sentence because this point is made in the following paragraph

- Page numbers need to be added to pages 3 – 8
- On the land fractionalization maps on pages 7 – 8 and the County Facilities map on page 19, the parcel lines are not legible, especially when the plan is photocopied
- On the Pavement Surface Conditions map on page 22, the label “Camp 10 Rd” should be “N. Camp Ten Rd”
- Photo credits need to be added to the photos provided by Networks Northwest

Kiersten will review with Elizabeth Calcutt the final revisions needed in the draft plan once we hear back from the County Commissioners’ on whether the Planning Commission should pursue the re-adoption of the Farmland & Open Space Preservation Ordinance.

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

Boyne Valley Township Zoning Ordinance

Kiersten reviewed Planning Department Staff Review on the proposed new Boyne Valley Township Zoning Ordinance. Kiersten said the Township had done a good job in updating the ordinance to address current planning issues, changes in the Michigan Zoning Enabling Act, and court rulings. Kiersten went on to note some concerns and suggested changes to the proposed ordinance. Referring to the table on page 4-4, Kiersten noted that single-family dwellings would *no longer be allowed* in the Agricultural / Forest District. She said this was likely a typographical error, but if the proposed ordinance is adopted as it is now, then all existing single-family dwellings in this district will become non-conforming uses.

Kiersten said the Township is proposing to make changes in the uses allowed in most of the zoning districts. However, the most significant change will be to the Resort Commercial (C-1) District. This will become the Resort Mixed Use (C-1) District where new commercial uses as well as residential uses will be allowed.

Referring to the sign regulations in Section 3.12, Kiersten said the Township had eliminated almost all of the content-based language that’s in the current ordinance. She had found only a few remaining instances of content-based regulations in the proposed ordinance.

Referring to the Zoning Map in Section 4.04, Kiersten said, according to the Township Planner, the only proposed change to the Zoning Map was the rezoning of (2) parcels owned by Boyne USA along the west side of US-131, south of Addis Rd. and west of the US-131/Skop Rd. intersection from Rural Residential (RR-1) to Resort Mixed Use (C-1). She had no concerns with the proposed rezoning. However, she noted a number of corrections needed on the zoning map. Discussion took place regarding some of the corrections needed, which are listed in the Staff Review. Some of the corrections include the parcel at the northwest corner of the intersection of M-75 S. and US-131, owned by the Village of Boyne Falls, which is shown on the map as being part of the Village and, thus, not zoned. While this parcel is owned by the Village, it is physically located in the Township. The Township corrected this error in the past and zoned the parcel Resort Commercial (C-1). Another parcel to take note of is the property owned by Penny Lewin on E. Deer Lake Rd., which is shown as Rural Residential (RR-1), but should be C-1. This is also a split-zoned parcel. Another example is the Dymond property, which is shown as Rural Residential (RR-1), but should be Commercial (C-2). Levengood expressed concern with the number of corrections needed on the Zoning Map.

Referring to page 2-16, the definition of Wind Turbine Generator Tower Height, Buttigieg suggested that it might be simpler to define the height of the tower alone, instead of the total height including the length of the blades. He also referred to Section 3.14, which specifies that wind turbines are to be setback from the property line a distance equal to the total height. Buttigieg also commented on the maximum height allowed for Non-Commercial Wind Turbine Generators in Section 3.14. He suggested increasing the maximum height allowed in order to be substantially taller than the tree line. In this area, trees can reach 85-95 feet. Increasing the height allowed would give the wind turbines maximum clearance. Levensgood mentioned that in the definition of Recreational Vehicle Park on page 2-12, in the last part of the sentence, "Public Health" should be changed to "Environmental Quality." He said the Michigan Department of Public Health no longer exists. Buttigieg had also asked about the reference to ordinary high water mark in Section 3.19 Waterfront Greenbelt, wondering if the ordinance high water mark needed to be specified, but the Planning Commission members said no because ordinary high water mark is defined earlier in the Zoning Ordinance. Van Zee also noted that he could not find anywhere in the Ordinance height restrictions for telecommunication towers, which is something the Township might want to consider. Overall, the Planning Commission members were impressed with the proposed new Zoning Ordinance.

Kiersten noted that she had included in the Staff Review a list all the new topics addressed in the proposed new ordinance to give the Commission an idea of the extent to which the Township had updated the ordinance.

MOTION by Ron Van Zee to send the Planning Department Staff Review and the additional comments discussed at this meeting to Boyne Valley Township for their consideration. Patrick Howard seconded the motion. Voice vote: all in favor. Motion passed.

MDEQ Public Notice (J & V McKinley Realty LLC)

Commission members and Staff reviewed the MDEQ public notice for the permit application submitted by J & V McKinley Realty LLC, seeking new authorization to reconfigure the previously permitted piers in the marina, and re-authorization for dredging, creating a boat launch/haul out area, and installing gas/diesel service at Advance Marina on Lake Charlevoix in Eveline Township. Levensgood said the Commission had reviewed a MDEQ public notice for this marina in the past. Kiersten explained that all of the proposed activities in the application, with the exception of the reconfiguration of the marina piers, were previously permitted (in 2011) and the property owner is now seeking to renew their permit for these activities. The only new aspect of the project is the proposed reconfiguration of the piers in the marina.

Tidmore asked about storm water runoff from the parking lot. Buttigieg said there should be some type of system to manage the storm water. Kiersten said she thought this would have been considered by the MDEQ as part of the original permit application. Van Zee said the MDEQ only looks at proposed activities below the ordinary high water mark. He added that storm water runoff is something that would be considered as part of the Township zoning approval process.

Kiersten said, according to the agent for the project, the owner is proposing to reduce the number of boat slips in the marina from 76 to 69 and provide broadside dockage for transient boaters with medium sized boats. Draves raised concern regarding the need for more parking space, given that this is primarily permanent dockage. Jason said the owner has provided a parking lot across the

street. Levengood said the biggest concern is traffic safety when boats are being moved across the road to be launched or hauled out. There are limited sight distances due to the curve in the road. Discussion also took place regarding the dredging needed at the marina, which was also previously permitted.

MOTION by Bob Tidmore to send a letter to the MDEQ expressing concern about the possibility of storm water runoff flowing from the parking lot into Lake Charlevoix and that this should be addressed, and also to send a copy of the letter to Eveline Township. Michael Buttigieg seconded the motion. Voice vote: all in favor. Motion passed.

VII. Any Unfinished County Business

Buttigieg said he will be able to attend the upcoming Planners Forum at the Charlevoix Public Library on November 9th at 4:30 p.m.

VIII. Adjournment

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

Chairman Jason adjourned the meeting at 8:50 p.m.

Respectfully Submitted By,

Robert L. Tidmore
Secretary

RLT/kc