



CHARLEVOIX COUNTY PLANNING COMMISSION

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Approved Meeting Minutes June 1, 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, Patrick Howard, Ron Van Zee, and Mike Webster

Members absent: Michael Buttigieg (excused)

Others present: Kiersten Stark (Planning Coordinator), Kevin Clements (Administrative Assistant), and Ron Reinhardt (County Commissioner Liaison).

II. Pledge of Allegiance

Patrick Howard led the Pledge of Allegiance.

III. Approval of Agenda

MOTION by Larry Levensgood to approve the tentative agenda as presented. Ron Van Zee 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 May 4, 2017 Meeting

MOTION by Bob Tidmore to approve the minutes of the May 4, 2017 meeting as presented. Larry Levensgood seconded the motion. Voice vote: all in favor. Motion passed.

Correspondence and Communications

Kiersten reviewed the following correspondence and communications:

- Letter from the United States Nuclear Regulatory Commission regarding the inspection results at the Big Rock Point facility in Charlevoix
- Flyer for the Master Citizen Planner Webinar Series; the next session will be “Tools, Tips and Techniques for Local Government Success in the New Economy” on June 15th; Levengood, Draves, Van Zee, and Webster would like to attend.
- Flyer for the U.S. Army Corps of Engineers program called “Waterways, Wetlands and You”; this program will provide an overview of the Corps regulatory program, their regulatory jurisdiction, and how to apply for permits. This event will be held in Traverse City on June 22nd.

Planning Commission Comments

Bob Tidmore- It was a nice Memorial Day weekend on Beaver Island. He expressed a concern with the proposed new multi-use building to house the Road Commission, Transit, and Sheriff’s Office, which will be at the old lumberyard next to the Beaver Island District Library. Tidmore had concerns regarding the proposed tree cutting and planned location for stock piles of Road Commission materials on the property, emphasizing the need to provide adequate screening between the library and the new County multi-use building. Tidmore had met with Kevin Shepard (County Administrator) to discuss having someone come out to the site and explain what methods will be used for screening between the two properties.

Larry Levengood- He had attended the Students Experiencing Lake Charlevoix event on May 17th. Levengood showed the students how to read a Secchi disk to measure water clarity in Lake Charlevoix. There was 50 feet of visibility using this device. Webster said zebra mussels have had something to do with the clarity of the lake. On May 19th, Levengood attended the Northern Lakes Economic Alliance Annual Meeting at the new Petoskey Northmen stadium. The speaker at the event was John Janssen who had played football at the University of Michigan and in the National Football League. Janssen is now running the Cross-Fit Program in Petoskey. Levengood said a number of businesses in Charlevoix County had won awards. The Maniac Award went to Glen Catt for his development in Boyne City. The Project of the Year Award went to St. Mary Cement Plant in Charlevoix and Cannonball Project (Blue Smoke Restaurant) in East Jordan. Levengood attended the Charlevoix Chamber’s Regional Business After Hours event at Blue Smoke in East Jordan and was impressed with the views from the 2nd floor of the restaurant. Levengood also reported that the Lake Charlevoix Association will be placing signs along roads in the area to designate the Lake Charlevoix watershed. They’re working with the Road Commission on this project. They’ll also need to place signs in other counties, as the watershed extends beyond Charlevoix County. He noted they’re not permitted to post the signs along state highways. He explained this is an educational effort to increase public awareness of the watershed.

Patrick Howard- Chandler Township Rescue Unit received a new utility topper for one of their vehicles to create more space in the vehicle for the crew. This project was partially funded by a grant from TransCanada, the company that owns the natural gas pipeline that runs through Chandler Township. The 4th Annual Chandler Hill Challenge 10K and 5K race will be held on June 10th. This race will help raise money for a local charity (Friends Helping Neighbors). Howard also mentioned there was a garage fire (explosion) on Padgett Road in Chandler

Township recently, but the cause of the fire is still unknown. Howard thought the fire may have been caused by a heat lamp. The Bear Creek Township Fire Department from Emmet County assisted at the scene.

Ron Van Zee- Bay Township has still been working on various text amendments to their zoning ordinance. The Township has been under pressure to add a definition for “Family” to their proposed text amendments for accessory dwelling units. Van Zee also said the Township has been working on the issue of equivalent density. The ordinance allows an equivalent density of 1 lot per 8 acres in the Agricultural District. They’ve been struggling with the language in their ordinance. In Hayes Township, the Boyne City to Charlevoix Trail is under construction, with some traffic issues. The Township Planning Commission has been working on the zoning ordinance language for the waterfront greenbelt area, boat docks and the number of boats allowed per dock. The Planning Commission conducted a survey of Township residents asking for their opinions, and the results showed that residents are split 50/50. A budget hearing will be held by the Hayes Township Board of Trustees soon. Plans and bid specifications for the proposed fishing pier and boat launch at Camp Sea-Gull have been sent to the DNR Waterways Commission for final review. The Township organized clean-up days at Eastern Avenue and Camp Sea-Gull, which have been going well. Van Zee said the Township may put in a public restroom at the Eastern Avenue access. Municipal water and sewer service are available there. Hayes Township has been considering an expansion of the fire barn at the Township Hall to possibly house another fire truck and to store Township documents. The fire barn is used by the Charlevoix Township Fire Department. Van Zee also reported on a Boy Scout project at Camp Sea-Gull to install two (2) new barrier-free picnic tables, and an Eagle Scout was working on a bike rack and plaque at the Eastern Avenue access. Van Zee also attended the Boyne City Memorial Day Service.

Mike Webster- Attended a Charlevoix County Board of Commissioners meeting to observe discussion regarding the Draft Future Land Use Plan Update and the topic of farmland preservation.

Bob Draves- He convinced the South Arm Township Board to enter into an agreement with the Sheriff’s Office for enforcement of State regulations governing the use of fireworks. Only two (2) townships in Charlevoix County had signed an agreement with the Sheriff’s Office for this purpose, and it’s a little difficult for the Sheriff’s Office to enforce if only a few townships sign on. Draves has also been getting his resort cabins ready for guests. One group of guests had a fishing outing recently.

County Commissioner Comments

Commissioner Reinhardt attended the Farm Bureau Policy Kick-Off meeting today. He said the Antrim County Commissioners will not support the proposed Traverse City to Charlevoix Non-motorized Trail unless a fence is installed adjacent to the trail to discourage people from trespassing and taking fruit from the orchards. At the meeting, they also discussed the possibility of the State requiring farm vehicles to have permanent license plates. If this is implemented, farm vehicles could only be used for agricultural purposes. Reinhardt asked Kiersten how the bike trail is coming along. Kiersten said Phase 2 is under construction and it seems to be running smoothly. Elmer’s Crane & Dozer is keeping the wait time down for traffic where lane closures are needed. Van Zee said Elmer’s had lost the staging area for their equipment adjacent to the Argonne Supper Club. Reinhardt was impressed with progress on construction of the new EJ

facility near Elmira. He said Elmer's is making headway on the project and the company is starting to make in-roads in the community.

Staff Comments

Kiersten reported on Planning Department activities in May as follows:

- Boyne City to Charlevoix Trail project
 - **Phase 1**
 - Project Engineer issued a letter stating that for the area along the trail within the Boyne City limits where the temporary snow fence is located, a permanent barrier is needed along the full length of the retaining wall. Shrubbery is recommended as opposed to a fence. The Parks Director is working on selecting the type of shrubbery and obtaining quotes.
 - Requested and was granted a time extension from the DNR for our Trust Fund grant for Phase 1; this requires an amendment to the Project Agreement; County Board's Internal Government Committee recommended approval of the amendment to the full Board
 - **Phase 2**
 - Trail construction is underway
 - Requested and was granted a time extension from the DNR for our Trust Fund grant for Phase 2; this requires an amendment to the Project Agreement; County Board's Internal Government Committee recommended approval of the amendment to the full Board
 - **Phase 3**
 - DNR Grant Coordinator conducted a site visit for our Trust Fund grant application for Phase 3; Parks Director and I met with her to drive the proposed trail route, discuss the project and answer questions
- Attended a Community Fundraising Summit for the US-131 Corridor Economic Development Project on May 10th in Mancelona – Presentations given on fundraising strategies with a focus on crowdfunding campaigns; participants divided into small groups focusing on a specific topic related to economic development, including infrastructure, trails, and placemaking; groups discussed existing projects, ideas for new projects, and potential funding sources
- Attended the Parks Committee meeting on May 15th
 - Whiting Park Boat Launch grant application
 - County was originally turned down for the grant in 2015
 - DNR notified the County this year that they can now fund the project
 - 50% local match required, which equates to \$98,000
 - There is interest among some citizens in the community for re-establishing a boat launch at the park, however, there is not adequate funding available at this time to meet the local match requirement

- Wi-Fi at Whiting Park
 - Parks Committee would like to see wi-fi installed as soon as possible; Parks Director advised waiting until improvements are made at the campground; Kiersten was asked by the Parks Committee to obtain updated quotes from Charter and to talk with the County Administrator about other options and a timeline

Kiersten said the taxpayers should not have to pay for providing free Wi-Fi when most people have a smart phone with their own data package. The Planning Commission discussed the challenges of providing Wi-Fi service.
- New online reservation system for Whiting Park
 - Following the Parks Committee meeting, the Parks Director had provided a short demonstration of the new system, which will be ready for public use soon
- On May 23rd, Kiersten participated in a DNR Focus Group Session in Petoskey to provide input to the DNR for updating the Statewide Comprehensive Outdoor Recreation Plan – the focus group was asked to provide input on existing parks and recreation opportunities statewide, areas for improvement, priorities, and proposed objectives to be included in the plan
- Prepared materials for tonight’s meeting

2018 Proposed Budget

Kiersten reviewed the 2018 Proposed Planning Department Budget and noted many of the proposed line item amounts are similar to last year’s budget. The Travel line item is proposed to be increased to more closely reflect actual expenses. Kiersten had not yet provided a proposed budget amount for the Professional/Contract Service line item because she wanted to discuss this with the Commission. She explained that funds will be needed for outside planning assistance to develop a capital improvement plan. Discussion took place regarding past efforts to develop a plan. Kiersten said a plan was drafted in 2012, but it did not proceed through the approval process for adoption by the County Board, so the County does not have a CIP in place. Kiersten suggested possibly forming a sub-committee to include the Fiscal Officer and County Administrator to help put the plan together. However, she was unsure if the Planning Commission is the most appropriate body to develop the plan, given our County’s policies and procedures concerning capital expenditures. She said the Michigan Planning Enabling Act requires that the Planning Commission develop the CIP unless the legislative body specifies another individual or group to do so. Further discussion took place. Tidmore suggested asking the County Board to designate who they would like to develop the CIP. Kiersten agreed with this approach. Draves asked Kiersten if she could contact Networks Northwest for a cost estimate for providing planning assistance with the Capital Improvement Plan. Van Zee said we should also budget for planning assistance for farmland preservation efforts. Commission members and Staff reviewed the remainder of the proposed budget. No changes were made.

MOTION by Bob Draves to approve the 2018 Proposed Budget as presented, with the addition of an estimated figure for the Professional/Contract Service line item to cover outside planning

assistance as needed. Ron Van Zee seconded the motion. Voice vote: all in favor. Motion passed.

Update on Draft Future Land Use Plan

Kiersten said the County Board approved the release of the Draft Future Land Use Plan Update for local government/agency review. The Board also specified they would like to have final approval authority over the plan. Draves asked when the local government/agency review period would be completed. Kiersten said the draft plan would be distributed to local units of government by the end of June and they would have 63 days to respond with any comments, which would take us to approximately the end of August.

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

Bay Township Proposed Zoning Text Amendments

Kiersten reviewed the Planning Department Staff Review on the proposed amendments to the Bay Township Zoning Ordinance to allow accessory buildings on vacant land. She reviewed the proposed amendments to the ordinance and had the following comments: Referring to Section 4.7 g) 1. b., Kiersten asked, for an accessory building, what is considered “an appropriate size compatible with surrounding buildings” and how will this be determined? Will the parcel size be a factor that’s considered? Van Zee explained the Township’s rationale for requiring an accessory building to be an appropriate size compatible with surrounding buildings. Kiersten asked how the Township would ensure they’re applying the same standards to each applicant. Since the Township would no longer require the presence of a principal structure in order to have an accessory building, Kiersten said the Township may want to consider revising the definition of “Accessory Building” because it is currently defined (in part) as being located on a lot with a principal structure. In addition, referring to Article X C-Commercial Zoning District, she noted that Section 10.3 is Area, Width and Setback Requirements, not Special Uses. She said, if the Township is proposing to change Section 10.3 to Special Uses, then a new Section 10.4 should be created for Area, Width and Setback Requirements. Kiersten also recommended some minor grammatical changes. She added that, according to the public hearing minutes, the Township Planning Commission would like an “intent” statement included with the proposed amendments, but it appeared this has not yet been added.

Levengood asked about the reasoning behind allowing an accessory building on a lot without a principal structure. Van Zee explained the Township wants to provide an option for property owners to store things inside a building rather than storing them outside in multiple areas in public view. Levengood said, in the past, residents would build an accessory building and try to run a business out of it, which made it nonconforming. Van Zee emphasized that accessory buildings on vacant land would only be allowed with a special use permit.

MOTION by Mike Webster to support the Planning Department Staff Review on the proposed amendments and to send it to Bay Township for their consideration. Bob Draves seconded the motion. Voice vote: All in favor. Motion passed.

Kiersten said Bay Township is also proposing to amend Article III Definitions, Section 3.2 of their Zoning Ordinance to add a definition of “Building Envelope” and to amend the definitions of “Lot Width” and “Lot Width, Waterfront.” Kiersten reviewed the Planning Department Staff

Review. She pointed out that in Section 1 of the amendatory ordinance, the introductory sentence includes the phrase "...to read in its entirety as follows..." If this wording is adopted, it will have the effect of deleting all the definitions in the ordinance except the three that are currently under consideration ("Building Envelope", "Lot Width", and "Lot Width, Waterfront"). Kiersten said this is clearly not the Township's intent. She recommended changes in the wording to prevent this from happening. She suggested some minor grammatical changes as well. Kiersten also had concerns regarding the definitions of "Lot Width" and "Lot Width, Waterfront". Van Zee provided further clarification. Based on the explanation, Kiersten said the two paragraphs at the top of page 2 of the Staff Review could be omitted.

MOTION by Larry Levensgood to recommend approval of the proposed text amendments and to forward the amended Planning Department Staff Review to Bay Township for their consideration. Patrick Howard seconded the motion. Voice vote: All in favor. Motion passed.

Eveline Township Proposed Zoning Text Amendments

Kiersten said Eveline Township is proposing to amend the provisions in their Zoning Ordinance for docks and boat parking. She reviewed the Planning Department Staff Review on the proposed amendments. In Section 4.19 Docks and Boat Parking, Eveline Township is proposing to allow only one (1) boat dock for each waterfront lot except for marina properties. The Township is also proposing a maximum of three (3) boat parking spaces per dock and all boats docked at or stored on the lot shall be owned and registered to the legal resident of the lot. These requirements would also apply to sea planes. Kiersten had no concerns with the proposed amendments, but emphasized that enforcement of these provisions would be a challenge.

Draves said he had spoken to the County Sheriff's Office regarding enforcement of zoning provisions for boat docks and the Sheriff's Office said they could provide enforcement if each township requesting this assistance has common zoning language in their ordinances, so it is more enforceable. Levensgood expressed concern for those who own large lakefront properties only being allowed one (1) boat dock, the same as for smaller properties. He noted this is far more restrictive than the Lake Charlevoix Management Plan, which recommends one (1) boat dock per 100 feet of lake frontage. It was noted that many large lakefront lots already have more than one boat dock. Commissioner Reinhardt said the existing docks would be grandfathered. Levensgood also questioned the need to regulate the ownership of boats at each dock. Van Zee said the townships he works with have found that lakefront property owners sometimes rent out their dock space. Levensgood added that lakefront property owners who rent their homes would not be able to rent their dock along with the home. Further discussion took place. The general consensus was that the township can implement these zoning provisions, but enforcement will be difficult and disputes will likely be resolved through litigation.

MOTION by Bob Tidmore to support the Planning Department Staff Review on the proposed amendments and send it to Eveline Township for their consideration. Patrick Howard seconded the motion. Voice vote: All in favor. Motion passed.

Evangeline Township Proposed Zoning Text Amendments

Kiersten reviewed the Planning Department Staff Review on the proposed text amendments to the Evangeline Township Zoning Ordinance. The Township is proposing to amend Article III: General Provisions, Section 3.16 Nonconforming Uses and Structures as well as Section 3.06

Natural Vegetation Waterfront Buffer Strip. Kiersten said, per the memo from the Township Planner, these amendments are being proposed because many of the existing waterfront homes in steep slope areas are nonconforming because they do not meet the required 100' waterfront setback. The amendments would allow expansion of principal dwelling units provided certain criteria are met. Additionally, proposed amendments to the Natural Vegetation Waterfront Buffer Strip are mostly for clarification, and include an increase in tree coverage within the buffer strip. Other than minor grammatical changes, Kiersten had no concerns with the proposed text amendments, but noted there would be a substantial increase in the amount of tree coverage required in the waterfront buffer strip. Commission members considered the proposed text amendments.

MOTION by Ron Van Zee to support the Planning Department Staff Review and send it to Evangeline Township for their consideration. Mike Webster seconded the motion. Voice vote: All in favor. Motion passed.

St. James Township Proposed Rezone (Masini)

Kiersten reviewed the request to rezone a parcel owned by the Mary Kay Masini Trust in St. James Township. The parcel is currently zoned Single-Family Residential (R-1) and the application is for a rezoning to Resort Commercial (C-1), but the Township Planning Commission recommended the parcel be rezoned to Marine Related (MR). The property owner has agreed to allow a business to operate on the parcel to rent kayaks and paddleboards, but it would first require a rezoning. Kiersten said, when the application was submitted, one of the Township officials contacted her for advice on how best to proceed. Kiersten said she had reviewed the current zoning of the property (R-1) and found the only use that could be established on this property would be a boat dock due to the parcel size and setback requirements. The parcel is not large enough to accommodate a home and septic system. It is also a nonconforming parcel because it doesn't meet the minimum lot size requirement. Kiersten said she had advised the Township that a rezoning to the Marine Related (MR) district would be more appropriate than Resort Commercial because the uses allowed would be more compatible with surrounding uses and it would comply with the Beaver Island Master Plan. Rezoning the property would also remove its non-conforming status because it would meet the minimum lot size requirement. Commission members discussed the proposed rezoning.

MOTION by Larry Levensgood to support rezoning the property from Single-Family Residential (R-1) to Marine Related (MR), based on consistency with the Beaver Island Master Plan. Ron Van Zee seconded the motion. Voice vote: All in favor, with Bob Tidmore abstaining*. Motion passed.

* Tidmore abstained from the vote, as he is Chairman of the St. James Township Planning Commission.

VII. Any Unfinished County Business

Commission members would like to hold a meeting on Beaver Island this year. They discussed holding their September 7th meeting on the Island. It would be a day trip to include a tour of the Island, lunch, and an afternoon meeting.

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 Draves adjourned the meeting at 9:25 p.m.

Respectfully Submitted By,

Robert L. Tidmore

RLT/kc