



CHARLEVOIX COUNTY PLANNING COMMISSION

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APPROVED Meeting Minutes Mar. 5, 2015

I. Call to Order

Chairman Jason called the meeting to order at 7:00 p.m. in the Commissioners' Room at the Charlevoix County Building.

Members present: Dennis Jason, Michael Buttigieg, Patrick Howard, Ron Van Zee, Larry Levengood, and Bob Tidmore. Members absent: Bob Draves

Others present: Kiersten Stark (Planning Coordinator), Ron Reinhardt (County Commissioner Liaison), and Lora Manning (Administrative Technician)

II. Approval of Agenda

MOTION by Buttigieg, seconded by Tidmore, to approve the tentative agenda as presented. Voice vote: All in favor. Motion passed.

III. Public Comments Unrelated to Agenda Items

None

IV. County Business Items

Approval of Minutes of February 5, 2015 Meeting

MOTION by Buttigieg, seconded by Van Zee, to approve the minutes with the following amendment: On page 5, top section, in reference to the motion regarding the proposal from LIAA, Levengood was opposed (not in favor). Voice vote: All in favor. Motion passed.

Correspondence and Communications

Stark reviewed the following correspondence and communications:

- Transportation Funding Ballot Proposal Flyer: Stark said this is the information that Commissioner Reinhardt discussed at our last meeting. Buttigieg was curious as to why we received a party-specific handout and Stark said this is the same handout that was given to the County Board. Commissioner Reinhardt stated it was factual information and not used to encourage voting either way.

- MiPlace Placemaking Strategy Development Workshops Flyer: Anyone interested in attending, please let Stark know; multiple dates and locations, and you receive Master Citizen Planner (MCP) credits for attending.
- Introduction to Shoreline Zoning Workshop Flyer: Dean Solomon is the presenter, and you will also receive MCP credits for attending
- City of Charlevoix withdrew their application to the Michigan Department of Environmental Quality (MDEQ) and the U.S. Army Corps of Engineers for the proposed municipal marina expansion, which the Commission had reviewed and discussed at a previous meeting

Planning Commission Comments

Van Zee: Township activity is up as far as construction and zoning permits are going. He heard Nelson Fletcher is retiring, and that he is getting BS&A software up and running in the Department of Building Safety before leaving. Lake Charlevoix Area Zoning Administrators meeting will be held on April 8th at 9:30 a.m. at the Boyne District Library; they are going to have a draft report ready on shoreline zoning protections. You can go to www.lakecharlevoixprotection.org and see more about the report and their new website. Both Bay and Hayes Townships are working on more text amendments to their zoning ordinances. Both are looking into adding a special events category to the zoning ordinance to regulate larger scale recurring commercial events, such as agricultural events and weddings, through the special use permit process. Both townships are encouraging agricultural special events.

Howard: His area has been fairly quiet. Recent communications with Emmet County Emergency Medical Services (EMS) have gone well. Emmet County EMS will be serving most of Melrose and Chandler Townships, and they're providing training and helping to upgrade equipment for the Chandler/Melrose Township Fire & Rescue. They are also looking at organizing a new "Fast Response" team in which members would keep some equipment at their homes. Larry Hanson, Emmet County's EMS Director has been great to work with so far. Boyne Valley Township and Boyne City are now working together as a joint effort for emergency response. Emergency response in Melrose Township is currently divided by the Bear River, with one side served by Boyne City EMS and the other served by Emmet County EMS. They will wait and see if Emmet County EMS would like to cover all of Melrose Township.

Buttigieg: Nothing at this time

Levengood: He and Denny Jason attended the Community Engagement workshop in Traverse City, but he personally felt some of the suggested methods of engaging the public were "over the top". He attended the webinar on Feb. 19 regarding local control of oil and gas development, which is very little. Attended the Charlevoix Area Chamber of Commerce banquet. On Thursday March 12 there will be a Lake Charlevoix Watershed Plan Steering Committee meeting at the Charlevoix Public Library at 10:00 a.m., and there's a Lake Charlevoix Tributary Report that is supposed to be presented.

Tidmore: Problem for Beaver Island EMS, their only paramedic is retiring. They are in need of help from the mainland with the issue. He wonders if maybe they can work with McLaren Northern Michigan Hospital for a resolution of some kind.

Jason: Went to the Community Engagement workshop with Levengood. It's difficult to get the public involved unless it's a controversial issue. The Board of Commissioners approved the Recreation Plan at their last meeting, and there was also a lot of discussion on the Parks Millage Fund and how it will work. He also attended the Feb. 19th webinar with Stark and Levengood.

County Commissioner Comments

- Commissioner Reinhardt said there has been a lot of discussion about the Parks Millage and the Work Group. He and Commissioner Christensen voted no on seeking a grant for the proposed Whiting Park boat launch project because he feels if the spending of the millage isn't done right, it won't be voted back in. He explained how the boat launch project will be funded. He then answered various questions on the subject. Discussion also took place regarding the County providing funding assistance to the local units of government for local recreation projects with a portion of the Parks Millage. Patrick Howard stated he heard that the local chapter of the Michigan Townships Association (MTA) is trying to obtain a written legal opinion on how the Parks Millage funds can be used.
- Off-Road Vehicle (ORV) Road Use: Commissioner Reinhardt feels it's going to become legal for ORVs to use County roads. Bob Tidmore asked if they need to have liability insurance on the vehicles, and Reinhardt answered no. Reinhardt also feels the Sheriff's Office supports the use of County roads by ORVs.

Staff Comments

Stark reported on recent Planning activities:

- Recreation Plan: The plan has been adopted by the Board of Commissioners. Stark submitted the plan to the DNR and it has been approved there as well.
- Boyne City to Charlevoix Trail: Stark attended a meeting with the County Parks Director, County Coordinator, and Northwest Design Group. The plan was to construct Phase 1 and 2 of the trail this year. However, a species of bat, the Northern Long-Eared Bat, which has been affected by white nose syndrome, may soon be placed on the Federal Endangered Species list, which may delay the project. We will know for sure on April 2nd. If the bat becomes protected, tree clearing that's part of federally-funded projects cannot occur between May and October each year. Due to the fact that the trail is a federally-funded project, this would prevent clearing trees to begin construction when originally planned. In addition, cost estimates for Phase 2 have risen due to the need for more retaining walls where previous cost estimates were based on simply grading those areas. Stark recapped what is to be accomplished in each phase, and how we may have to adapt to the situation if the bat is placed on the endangered species list.
- Parks Millage Fund Work Group: Seven (7) people have been invited to the first meeting on March 12th (next week). County Staff have developed guidelines, application forms, and other necessary documents to get started. The County Coordinator will attend the next local MTA Chapter meeting to bring everyone up to speed.
- Attended the webinar on local control of oil and gas development with Jason and Levengood, and she agreed there is very little local control permitted.
- Attended the Marion Township Planning Commission meeting last week. She presented our concerns with the future land use map in their proposed Master Plan Update, specifically the commercial designation on both sides of M-66 from the Loeb Road intersection all the way to the Eveline Township line. The Township Planning Commission gave the issue a lot of consideration, but ultimately chose to proceed as they had proposed.

Other Comments

Jason said he would like to have a spreadsheet compiled of all parks and recreation facilities in the County, organized by type of facility, for the Parks Millage Work Group to use as a reference. Stark said this is do-able, but not before the first Work Group session on March 12th. She said the County Recreation Plan is also available to the Work Group for reference. A number of local units of government have also adopted Recreation Plans that can be used for reference. Some of the plans are current, while others have become outdated or are in the process of being updated. Jason asked, aren't local units of government required to adopt a Recreation Plan? Stark said the DNR is the only entity she knows of that requires local units of government to adopt a Recreation Plan, which is for grant eligibility. Jason suggested that local units of government be required to have a current Recreation Plan to be eligible to receive funding assistance from the County for local recreation projects.

Discussion of Proposals to Assist with Future Land Use Plan Update

Stark said Commission members had each received an updated proposal from the Land Information Access Association (LIAA) in which their total cost estimate for the project was reduced from \$15,375 to \$13,500. Stark said she had reviewed the Planning budget. Beyond the \$9,000 originally budgeted for Professional/Contract Service, we would only be able to allocate (with County Board approval) an additional \$2,000 from other line items to cover the cost of the project. This still leaves us \$2,500 short if we go with LIAA's proposal.

Stark said she would not be comfortable asking the Board of Commissioners for an additional \$2,500 when there is another qualified bidder coming in below the budgeted amount that would also give us a quality product. She added that, with the lower bid, there would also be funds available for additional planning assistance if needed.

Jason said the difference is still largely in the number of contract hours. Can we get the product we need with less hours? Both Stark and Buttigieg reiterated that Networks Northwest could add a considerable number of hours to what they're proposing and still fall within our budget. Stark also said that Networks Northwest completed the Regional Prosperity Plan last year and therefore already have that data available to use on the project, whereas LIAA would need to spend hours compiling that data. That could possibly be one of the factors that allowed Networks Northwest to bid lower initially.

Buttigieg said he feels we should go with Networks Northwest.

Van Zee said he had hoped the bids would be closer, but he is comfortable with Networks Northwest as well. Could we possibly give them a cap instead of leaving the "additional hours to be billed at" open ended? Buttigieg agreed with that idea.

MOTION by Jason to recommend to the County Board the proposal from Networks Northwest to provide planning assistance in updating the County Future Land Use Plan. Motion seconded by Buttigieg. Voice vote: All in favor. Motion passed.

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

Norwood Township Master Plan

The Commission reviewed the proposed Norwood Township Master Plan. Stark was impressed with the plan overall, particularly the photos. It was not a boilerplate plan, and had a great presentation. It just needed some typographical editing and a few minor changes. Stark noted this is really a whole new plan, not merely an update. She had a few concerns as follows:

- Page 9: In the table showing data for housing and households, they are comparing decennial census data and American Community Survey (ACS) data, which should not be done according to the U.S. Census Bureau because decennial census data is based on a survey of the entire population, whereas ACS data is based on a sample of the population.
- Page 19: The Township Survey and Public Input Summary does not include any details regarding the process followed or the findings obtained in the “S.W.O.T.” analysis
- Page 19: Postcards were sent to all “unique” property owners. Did all property owners receive a postcard? The wording implies that not all property owners received a postcard. Clarification is needed.
- Page 21: The third line of the last paragraph is not a true statement. Rezoning a parcel contrary to what is recommended in the Master Plan would undermine the validity of the Master Plan and the Zoning Ordinance, but this would not be a violation of the Michigan Zoning Enabling Act.
- Page 23: In the last paragraph under Mineral Industrial Resources, the first two sentences are misleading. Looking at the proposed Future Land Use Map, the Mineral Industrial Resources future land use designation is only on *a portion* of the land currently zoned Mineral Industrial Resources, and it’s only on the land owned/used by St. Marys Cement. The land owned by Manthei is planned for Commercial use in the future.
- Page 33: In Appendix A, regarding the Community Survey in the first column, last paragraph, even though survey respondents indicated they would not support a tax increase for fire protection and ambulance services, this does not necessarily mean they don’t think these services are important.
- Stark had also compared the proposed future land uses in Norwood Township with the planned uses in Charlevoix and Marion Townships along the shared border, and she found no potential land use conflicts; she also compared the proposed Norwood Township Master Plan with the County Future Land Use Plan and found no conflicts.

Van Zee noted that Bay Township is trying to condense their Master Plan, and he used the County Future Land Use Plan as an example.

Motion by Van Zee to forward the Planning Staff comments to Norwood Township for their consideration and recommend approval of the proposed Norwood Township Master Plan. Motion seconded by Levengood. Voice vote: All in favor. Motion passed.

Bay Township Proposed Zoning Text Amendments

The Commission reviewed the proposed text amendments to the Bay Township Zoning Ordinance pertaining to the provisions for the Zoning Board of Appeals. Stark reviewed the GIS & Planning Department Staff Review, outlining some concerns with the proposed amendments (full staff review included in agenda packet). Stark covered each issue in full detail.

Motion by Levengood to forward the Planning Staff Review to Bay Township and recommend that revisions be made prior to adopting the proposed text amendments to the Zoning Ordinance. Motion seconded by Buttigieg. Voice vote: All in favor. Motion passed.

Otsego County Master Plan

The Commission reviewed the proposed Otsego County Master Plan. Stark said Charlevoix County borders Otsego County on the East and South sides of Hudson Township. Stark had the following comments:

- Page 81, the Future Land Use map: Stark found no potential land use conflicts along the shared border between Otsego County and Hudson Township in Charlevoix County.
- As a point of interest, she noted how different each county can be in regards to the issues that form their Plan. In Otsego County, protection of ground water from oil & gas development is a major issue.
- Stark commented on a few of the tables and charts for informational interest only
- Commission members and Staff agreed that their maps could be clearer; they appear blurry in the printed version
- Overall, Stark had no concerns with the Otsego County Master Plan that would affect Charlevoix County in any way

Motion by Levengood to send correspondence to Otsego County indicating that we found no conflicts between the proposed Otsego County Master Plan and either Hudson Township or Charlevoix County Plans. Motion seconded by Van Zee. Voice vote: All in favor. Motion passed.

MDEQ Public Notice (Melrose Township)

Commission members and Staff reviewed the MDEQ public notice (File No. 15-15-0002-P) for the permit application submitted by Melrose Township to install an access drive for a proposed new wastewater treatment facility on property owned by Melrose Township on U.S. 131. The subject portion of the property is on the West side of U.S. 131, at the South end of the parcel, in an upland area. The access drive would require excavation in a wetland area, fill and 3 culverts to access the upland area where the treatment facility will be built. A force main would also be run from “downtown” Walloon, following the railroad grade east to U.S. 131, and running south to the subject property:

- Jason: Is the upland area large enough for a drainfield?
- Levengood: He thought they may be using an evaporation pond system.
- Buttigieg: Will 3 culverts be sufficient to maintain water flow under the access drive?
- Howard: The driveway is as far south as it can be and in the highest area on the property.
- The consensus of the Commission was to make “no comment” in response to this notice.

VI. Any Unfinished County Business

Planners Moments Video

The Commission watched a Planners Moments educational video on the “Northwest Michigan Regional Prosperity Initiative”, and completed a short written assessment. This was the last video in the Planners Moments program.

VII. Adjournment

MOTION by Buttigieg, to adjourn the meeting at 9:40 p.m. Motion seconded by Tidmore. Voice vote: All in favor. Motion passed.

Submitted by:

Robert L. Tidmore
Secretary

RLT/llm