



## CHARLEVOIX COUNTY PLANNING COMMISSION

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### Approved Meeting Minutes September 7, 2017

#### I. Call to Order

Chairman Draves called the meeting to order at 2:30 p.m. at the Peaine Township Hall on Beaver Island.

Members present: Michael Buttigieg, Bob Draves, Larry Levensgood, Patrick Howard, Ron Van Zee, Bob Tidmore, and Michael Webster

Members absent: None

Others present: Kiersten Stark (Planning Coordinator), Kevin Clements (Administrative Assistant), Nancy Ferguson (County Commissioner Liaison), Krys Lyle, Sherry Richards, Bill Markey, Pam Grassmick, and Mary Cook

#### II. Pledge of Allegiance

Larry Levensgood led the Pledge of Allegiance

#### III. Approval of Agenda

MOTION by Larry Levensgood to approve the tentative agenda as presented. Michael Buttigieg 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 August 3, 2017 Meeting

MOTION by Mike Webster to approve the minutes of the August 3, 2017 meeting as presented. Larry Levensgood seconded the motion. Voice vote: all in favor. Motion passed.

## **Correspondence and Communications**

Kiersten reported that SAFE in Northern Michigan will be hosting educational sessions to give an update on medical marijuana in Michigan. The program will focus on the state laws regarding licensing of commercial medical marijuana facilities. One session will be held at the Charlevoix Library on September 8<sup>th</sup>. Kiersten also reported that the Northwest Michigan Housing Summit will be held on October 16<sup>th</sup> in Traverse City. This program will be hosted by Networks Northwest. Kiersten also informed the Commission that three (3) of the members' terms will be expiring at the end of this year (Bob Draves, Larry Levengood, and Michael Buttigieg). To be considered for reappointment by the County Board, letters of interest must be submitted to the Clerk's Office by October 1<sup>st</sup>.

## **Planning Commission Comments**

**Michael Buttigieg-** Not much to report at this time except he's been busy with his locksmith business and summer is going way too fast.

**Larry Levengood-** He attended the Master Citizen Planner Webinar on August 17<sup>th</sup>. This webinar focused on real estate law for planning commission members. Levengood thought this was a good webinar talking about ownership, leases, easements, etc. On August 28<sup>th</sup>, Levengood attended the Charlevoix County Chapter of the Michigan Townships Association meeting. A presentation on trails was given by Paige Perry from the Michigan Department of Natural Resources. Levengood also reported that the Lake Charlevoix Association is putting up educational signs in road rights-of-way to alert people to the Lake Charlevoix watershed. The Lake Charlevoix Watershed Steering Committee will be having a meeting at the Charlevoix Library on September 14<sup>th</sup> at 10 AM, but he will not be able to attend. Levengood also reported there will be a Household Hazardous Waste Event in Boyne City on Friday September 15<sup>th</sup> from 5-8 pm and Saturday September 16<sup>th</sup> from 9 am – 1 pm.

**Patrick Howard-** The Melrose Township Fire Department has a new 2,200-gallon tanker. This will enable other equipment and trucks from the Melrose Township Fire Department to be sent out to the Chandler Township station, which will be a big help. Howard said the tanker is considered a class "A" pumper, which will help put out fires.

**Ron Van Zee-** He reported that Hayes Township had completed the paving project in Bay Shore. Van Zee has had some calls from township residents, complementing the Township on the good work that was done. Van Zee said the Boyne City to Charlevoix Non-motorized Trail in Hayes Township was coming along well. Van Zee also reported that Hayes Township is still waiting to hear from the U.S. Army Corps of Engineers regarding their permit application for the proposed boat launch and fishing pier at Camp Sea-Gull. He also reported that the Bay Township Planning Commission just completed further revisions to the proposed text amendments to the zoning ordinance regarding accessory dwelling units, and the final revision is being sent to the Township Board for approval. Van Zee also said he had obtained a report from the USDA (United States Department of Agriculture) explaining that farm expenditures in Michigan were down by over 4% this year. Production is up on everything, especially dairy, and farm real estate has remained steady.

**Bob Tidmore-** He introduced Mary Cook, the Executive Director of the Beaver Island Transportation Authority, to the Planning Commission. Tidmore explained that Ms. Cook is the

one in charge who helps disperse funds and handles capital expenditures for the Emerald Isle ferry, which is owned by the public. Right now, a new turbo charger is needed for the Emerald Isle ferry. Tidmore also reported on a trail clean-up effort on Beaver Island, and Bill Markey has been involved in this project.

**Mike Webster-** He was unable to attend the Master Citizen Planner Webinar last month. Webster touched on Hurricane Harvey that hit Houston, Texas and mentioned a lack of zoning in that area contributed to the flooding. He thought that lower pricing on properties could have been part of the problem, with the flooding due to lack of drainage and areas being overbuilt.

**Bob Draves-** He reported that on Six Mile Lake in South Arm Township, they are renewing the Special Assessment tax for invasive species treatment. Draves also attended the Master Citizen Planner Webinar on real estate law last month and said it was very good. He also reported that the Jordan Valley EMS Authority has done more runs compared to last year, and they are in the black financially.

### **County Commissioner Comments**

Commissioner Ferguson reported that the Charlevoix County Road Commission will likely not be moving into the property next door to the Beaver Island Library. The Road Commission will be looking for a new location elsewhere on the Island, but in the meantime the Sheriff's Department and County Transit will be moving into the newly acquired building next to the Library. Commissioner Ferguson said plans were drawn up for the project, but changes have been made, so they'll need to go through a new bidding process; not much more will go on until next spring. Ferguson thought the water trail on Beaver Island had run into a snag, but Pam Grassmick said the project is still moving forward. They just needed to obtain a special use permit, which should be done by October.

### **Staff Comments**

Kiersten gave an update on the Boyne City to Charlevoix Non-motorized Trail project. She also reported that she attended the Master Citizen Planner webinar on "Real Estate Law for Planning Commissioners" on August 17<sup>th</sup> and she thought it was a good program.

Kiersten also attended the County Parks Committee meeting on August 21<sup>st</sup>. A major topic of discussion was the proposed boat launch at Whiting Park. The Parks Director presented a conceptual plan for a small boat launch at the north end of the beach as an alternative to the boat launch proposed at the south end. Many local citizens attended the meeting and commented on the issue. The Parks Committee also received an update from the Lake Louise Christian Community on the Milfoil treatment at Thumb Lake. They've been monitoring, plotting with GPS, and chemically treating the milfoil patches on the lake. They identified several patches of Milfoil along the edge of the Thumb Lake Park swimming area and also at the north end of the park, which they treated this year.

Kiersten also reported that she attended a Michigan Townships Association workshop on "Hot Topics in Planning & Zoning" on August 30<sup>th</sup> in Lewiston. The speaker was an attorney from the law firm that represents MTA, and she also has a planning background. One of the topics discussed was the public acts authorizing licensing for commercial medical marijuana facilities. Local governments must "opt-in" by resolution to allow them in their community. The Michigan

Department of Licensing & Regulatory Affairs (LARA) is currently developing the application process and procedures. They'll begin accepting applications in December. Other topics covered at the workshop included zoning considerations for solar farms, and proposed legislation and zoning issues surrounding short-term rentals.

Kiersten said she also assisted Bob Tidmore with planning the tour of Beaver Island, and she prepared materials for today's meeting.

### **Discussion of Beaver Island Tour**

Levengood noticed there were a lot of abandoned and junk vehicles on the Island. Bill Markey, Chair of the Peaine Township Planning Commission, explained they were creating a task force to study the issue. They have done some round-ups over the years, but it's only a short-term solution. Markey said some of the owners don't want to move the vehicles off the island yet due to the low prices on scrap. Tidmore said the Island gains approximately 40 vehicles a year. Markey also used Nantucket Island as a comparison based on being an island having the same kind of car issues, but he said the population and median income per resident is typically higher than what it is here. Nantucket has private contractors do the work for them by getting old vehicles off the island as well as recycling. Markey went on to talk about the Beaver Island Master Plan, which identifies three (3) priority issues to be addressed, which include development downtown, trails, and junk car accumulation. Larry Levengood said, when the Planning Commission had reviewed the Beaver Island Master Plan, he had complimented Island officials on the plan, as it was very thorough and detailed. Brief discussion took place regarding the significant increase in Amazon packages being shipped to the Island (mail orders by Island citizens). Buttigieg said, overall, the tour of the island was a good experience and he really enjoyed seeing the Municipal Airport and Library.

### **Phragmites Update**

Pam Grassmick provided the Planning Commission with some statistics regarding the control of Phragmites. She said Beaver Island has 141 miles of shoreline and, in Charlevoix County, has the largest amount of threatened and endangered species due to its size and location relative to the water. Grassmick said this program started about 10 years ago and was a coordinated effort with the Health Department and Planning Commission on fighting the Phragmites. There were roughly 28 acres that needed to be treated. Presently, there are 16 sites that still have Phragmites, with each being 3' to 4' in diameter. Grassmick said there were approximately 633 shoreline owners that participated in this effort and contributed funds. A survey was completed this summer, which was paid for by the Nature Conservancy and Michigan Dune Alliance. Grassmick asked the Planning Commission if they had seen purple boxes hanging from the trees, which are used in preventing the Emerald Ash Borer from contaminating any ash trees. They currently have no Emerald Ash Borer on the Island and the ash trees are healthy. Buttigieg asked when they last sprayed the Phragmites and Grassmick said it's been roughly three years since they did so. She said some bays on the Island are totally clear of Phragmites, while in other places it's still found. However, they continue to monitor it. Van Zee said Hayes Township is also treating Phragmites.

## **Northern Lake Michigan Islands Collaborative Update**

Pam Grassmick spoke about the preservation plan study being done on the island, which was organized by the DNR and also involves other state agencies, county and local officials, and community organizations. This effort has been going on for about 2 years. The two largest groups involved in the project are the cultural resources committee and the landscape level planning committee. In the future, the fisheries in the inland lakes on the Island will also be a subject of study. Grassmick said Beaver Island is one of three sites in Michigan that is part of a Wildlife Research Area. Working in Wildlife Research Areas requires GPS coordinates, the involvement of a Botanist, community meetings, etc. which makes it more difficult for obtaining grants.

## **Draft Future Land Use Plan Update**

Kiersten reported that Antrim County was the only community that submitted comments during the local government/agency review period for the Draft Future Land Use Plan. According to their letter, the Antrim County Planning Commission found no incompatibilities between the Antrim County Master Plan and the proposed Charlevoix County Future Land Use Plan. In addition, they noted that in the table on page 31, “2014 Earnings” was unclear whether or not it was describing employee wages or another type of earnings. Kiersten suggested that a footnote could be added to the table for clarification. Discussion took place and the Commission decided to modify the title to read: “Jobs and Average Employee Earnings by Industry in Charlevoix County”. There being no further changes to the draft plan, the Planning Commission set a public hearing date for the draft plan for October 5, 2017 at 7:00 p.m. in the Commissioners’ Room.

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

### **Wilson Township Proposed Text Amendments**

Kiersten said Wilson Township is proposing to amend Article VIII Community Services Commercial District in their Zoning Ordinance to add access management standards and design standards. The proposed new provisions would only apply to parcels zoned Community Services Commercial. Currently, all parcels in the Township that are zoned Community Services Commercial front on M-75 S., east/southeast of Boyne City. For reference, Kiersten had provided a copy of Article VIII of the ordinance, which shows the types of uses permitted in the Community Services Commercial District, to which the proposed new standards would apply. She had also provided a copy of the dimensional regulations, such as setback requirements, etc. Kiersten said, according to the Township Zoning Administrator, the zoning amendments are being proposed due to increasing development pressure and changes in the community. The Township does not currently have access management standards in their Zoning Ordinance. She also added that Boyne City is a Redevelopment Ready Community and will be receiving grant funding from the Michigan Economic Development Corporation (MEDC) to develop a sub-area corridor plan for a portion of M-75 S., including this area in Wilson Township. The proposed zoning amendments are the first step in this process and after an in-depth analysis of each parcel in the corridor plan area, the Township will probably review and further refine these standards. Discussion took place regarding the importance of access management standards, and what can happen in a community in the absence of such standards as development increases.

Kiersten said she had no concerns with the proposed text amendments, other than a minor correction needed in two references to article numbers at the beginning of the amendatory ordinance. Both references should be to Article VIII.

Motion by Larry Levensgood to recommend approval of the proposed text amendments. Michael Buttigieg seconded the motion. Voice vote: All in favor. Motion passed.

### **South Arm Township Proposed Rezone**

Draves recused himself from the discussion and vote on the South Arm Township proposed rezone, as he is a South Arm Township Board Trustee.

Kiersten said Burnette Foods, Inc. is proposing to rezone 2 parcels on Sloop Rd and Fair Rd in South Arm Township from Single Family Residential (R-1) to Agricultural District (A-1). Burnette Foods, Inc. is proposing to use this property as a spray irrigation site for food plant wastewater. Kiersten summarized key points in the Planning Department Staff Review, which included a comparison of land uses allowed in the Agricultural District versus the Single Family Residential District, the dimensional requirements in each district, the existing uses on the subject parcels and surrounding properties, the zoning of surrounding parcels, the recommendation of the Township Master Plan, the soil types on the subject properties, and the Township Planning Commission recommendation. Kiersten said most of the uses allowed in the Agricultural District would be compatible with surrounding uses, but some uses would likely cause conflicts with adjacent residential uses, particularly commercial natural resource extraction, sewage treatment facilities, sanitary landfills, junkyards, truck terminals, and gas and oil processing facilities. Kiersten said a conditional rezoning could work in this case. However, a conditional rezoning cannot be initiated or imposed by the Township; it must be offered by the applicant. In her Staff Review, Kiersten also noted that the parcels proposed for rezoning are in a rural, mostly undeveloped area. The Master Plan designates these parcels as Medium Density Residential. However, this category includes farms on 10 acres or more.

Discussion took place regarding the proposed use of the subject properties as a spray irrigation site, the potential effect on surrounding properties, and the recommendations of the Master Plan. Kiersten noted that, according to the Township Zoning Administrator, the applicant had considered a parcel adjacent to the East Jordan Municipal Airport for the spray irrigation, but the applicant and the city were unable to come to an agreement concerning wastewater treatment. It was noted that the area of the proposed rezoning is adjacent to the City of East Jordan, and the Township Master Plan likely designates this area as Medium Density Residential to allow for future residential development from the city.

Motion by Bob Tidmore to recommend denial of the proposed rezoning because it is not consistent with the South Arm Township Master Plan. Michael Buttigieg seconded the motion. Voice vote: Yeas 6, Nays 0, Abstained 1. Motion passed.

### **VII. Any Unfinished County Business**

Bob Draves asked the audience if they had any issues to bring to the Planning Commission's attention. Pam Grassick noted that Beaver Island is not part of the Lake Charlevoix Watershed, and sometimes they feel left out on the island. Levensgood recognized the need for awareness of invasive species and to be vigilant in eradicating or treating it. One resident asked the Planning

Commission if any townships in the county had approved of the development of commercial medical marijuana facilities, and the answer was no. Sherry Richards asked how to obtain information regarding an easement across state land on the island. It was noted that County property records would contain this information. Another question was regarding the Boyne City to Charlevoix Non-motorized Trail and whether it is being funded by taxpayer dollars. Kiersten said yes, some taxpayer dollars are going toward the trail, but most of the funding is through state grants and local fundraising.

### **VIII. Adjournment**

Motion by Ron Van Zee to adjourn the meeting. Larry Levensgood seconded the motion. All members were in favor of the motion. Motion passed.

Chairman Draves adjourned the meeting at 4:23 p.m.

Respectfully Submitted By,

Robert L. Tidmore  
Secretary

RLT/kc