



CHARLEVOIX COUNTY PLANNING COMMISSION

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Approved Meeting Minutes March 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 Draves, Larry Levensgood, Michael Buttigieg, Ron Van Zee, Dennis Jason

Members absent: Patrick Howard, Bob Tidmore (both excused)

Others present: Ron Reinhardt (County Commissioner Liaison), Kiersten Stark (Planning Coordinator), Kevin Clements (Administrative Services Assistant), Tim Maylone (Cherry Capital Connection), Steve Voice (Voice Environmental Group LLC), and Prudence Kurtz (Eveline Township Planning Commission)

II. Pledge of Allegiance

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

III. Approval of Agenda

MOTION by Larry Levensgood to approve the tentative agenda as presented. Bob Draves seconded the motion. Voice Vote: all in favor. Motion passed.

IV. Public Comments Unrelated to Agenda Items

Steve Voice from Voice Environmental Group LLC asked if the Eveline Township Proposed Rezone could be moved up on the agenda. The Planning Commission had no objections. This agenda item was moved up to be the first item under Township Business.

V. County Business Items

Approval of Minutes of February 4, 2016 Meeting

MOTION by Michael Buttigieg to approve the minutes of the February 4, 2016 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:

- 2016 Michigan Inland Lakes Convention being held April 28-30 at Boyne Mountain Resort. Various workshops will be held throughout the event. Larry Levensgood said this event has been very informative in the past, but it will be held only once every two years because of all the different partnerships involved.

Planning Commission Comments

Bob Draves - Nothing to report at this time.

Larry Levensgood - Attended the Charlevoix Area Chamber of Commerce annual meeting that was held on February 5, 2016. Mark Heydlauff, Charlevoix City Manager, spoke about the history of Charlevoix. On February 29th, Levensgood attended the Michigan Townships Association (MTA) Chapter meeting. One of the speakers was Megan Anderson from the Charlevoix-Cheboygan-Emmet County (CCE) Office of Emergency Management. Ms. Anderson spoke about the Natural Hazards Mitigation Plan as well as CCE's emergency notification system in which citizens can register online to receive emergency notifications via email or text. Levensgood said this system has been very successful. The other speaker at the meeting was Tim Maylone from Cherry Capital Connection, who spoke about Broadband Internet service. Levensgood also said a Lake Charlevoix Watershed Steering Committee meeting will be held on March 10th.

Bob Draves – He also attended the MTA meeting on February 29th and Ms. Anderson from CCE had also provided information about a new program they're working on, which involves a different method of broadcasting emergency messages.

Michael Buttigieg - Nothing to report at this time.

Ron Van Zee – Van Zee said he is no longer the Hayes Township Zoning Administrator. Larry Sullivan is the new Zoning Administrator. Van Zee reported that the Bay Township Planning Commission is working on amendments to the zoning ordinance to address accessory buildings with living space inside. The Township is having issues with people living in accessory buildings, and many accessory buildings are not up to code in regard to egress, plumbing, electrical and fire safety. Van Zee said Dusty Christensen from the Land Information Access Association is the new Township Planner, and Christensen had approached the Township regarding the issue of shoreline protection. As a side note, Van Zee said the Federal Bureau of Investigation is now working on animal cruelty cases, which are considered a Class A Felony.

Dennis Jason - Attended the Parks Committee meeting on February 15, 2016. Sue Vrondran has been named Chairperson of the Parks Committee. On March 8th at 9 am at Young State Park, a groundbreaking ceremony will take place for Phase 1 of the Boyne City to Charlevoix Non-motorized Trail. Construction bids for Phase 2 of the Trail are not in yet. Jason also reported there was a meeting this week in Harbor Springs for the Beaver Island Archipelago Planning Collaborative, but he was unable to attend.

County Commissioner Comments

Commissioner Reinhardt said Farm Bureau has been discussing the Farmland and Open Space Preservation Ordinance. He also reported that construction bids are in for East Deer Lake Road, Korthase Road, and Ellsworth Road improvements. Construction will start on March 14, 2016. The completion date will be in October of this year. Commissioner Reinhardt also spoke about Senate Bill 729, which gives counties the ability to loan money to townships for road construction projects. Loans would need to be paid back within 10 years. Reinhardt also reported that Reith Riley won the bid for 7 million dollars for US-131 reconstruction in Boyne Falls, ending at the top of Elmira Hill.

Staff Comments

Kiersten received an email from Bob Tidmore who passed along the following comments to share with the Planning Commission regarding Beaver Island: 1) There will be 3 to 4 individuals from the Maine Islands and people from the Office of the Great Lakes returning to Beaver Island on April 26th-29th to continue the program to exchange ideas between island communities, and 2) The Emerald Isle will be going into dry dock this spring to replace one of the shafts. The Beaver Islander is scheduled to go in this fall for its required inspection.

Kiersten reported on the following Planning Department activities in February:

- Attended the Parks Committee meeting on February 15, 2016
 - Construction of Phase 1 of the Boyne City to Charlevoix Trail will start next week with tree cutting around Young State Park. The DNR granted the County a 6-month extension for the Michigan Natural Resources Trust Fund Grant for Phase 1 of the Trail. Tree cutting for Phase 2 of the Trail will also be completed prior to April 1st. There have been some setbacks with getting the private easements finalized for Phase 2, which must be done before construction bidding can take place. All of the easement documents need to be notarized. In addition, some of the easements need to be granted to Charlevoix County instead of the Road Commission. Kiersten said bid letting for Phase 2 may not occur until June. Michael Buttigieg asked where Phase 1 of the Trail will begin and end. The Trail will begin at West Michigan Avenue in Boyne City and end at North Springwater Beach Road.
- Attended the Planners Education Network on February 12th. Robert Gibbs from the Gibbs Planning Group gave a presentation on “New Urbanism in Michigan”, which focuses on planning more walkable communities.
- The County received 16 applications from local units of government for Parks Millage Fund appropriations. The applications are currently being reviewed.
- Attended the Capital Improvement Program Workshop on February 24th in Traverse City

Presentation on Changes in the Law Regarding Broadband Internet Service

Tim Maylone from Cherry Capital Connection gave a presentation regarding the benefits of High Speed Internet access and would like to see more rural homeowners in Charlevoix County having access in the future. Mr. Maylone said if more customers have internet access, this provides economic benefits to homeowners and businesses. He emphasized the value of jumping on board with this Broadband Internet service. Mr. Maylone also explained the “open ditch” law. In order to save money in the long run, it’s recommended that when construction projects in a road right-of-way are being done, it’s a good time to lay down conduit to support future Broadband service to an area.

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

Eveline Twp Proposed Rezone (Coseo Family Trust)

Kiersten reviewed the Planning Department Staff Review on the request by the Coseo Family Trust to rezone a portion of their property, having property tax identification number 15-006-106-007-35 and 15-006-106-007-40, from Single Family Residential to Farm Forest. Considering the factors outlined in the Staff Review, including a comparison of the land uses allowed and dimensional requirements in the current and proposed zoning districts, the existing use and zoning of the subject property and surrounding parcels, the relationship to the Township Comprehensive Plan, the soil types on the property, and the Township Planning Commission’s recommendation, Kiersten had no concerns with the proposed rezoning.

Steve Voice from Voice Environmental Group LLC showed some diagrams of the property and explained the proposed rezoning. He confirmed there is a high water table, but upland areas are also present on the property. The area proposed for rezoning is currently vacant and heavily wooded. The property owner would like to build a large pole barn in an upland area. Mr. Voice said the pole barn would be utilized, but he didn’t think it would not be an issue for the surrounding neighbors.

Prudence Kurtz from the Eveline Township Planning Commission spoke about the history of zoning in that area of Eveline Township.

MOTION by Larry Levengood to concur with the Eveline Township Planning Commission in recommending the proposed rezoning of a portion of the Coseo Family Trust property from Single Family Residential to Farm Forest. Dennis Jason seconded the motion. Voice vote: all in favor. Motion passed.

Norwood Twp Proposed Zoning Text Amendments

Kiersten reviewed the Planning Department Staff Review of the proposed text amendments to the agricultural provisions in the Norwood Township Zoning Ordinance. Norwood Township is proposing to add a new definition for “farm market”. Currently, the township only has a definition for “farm stands”. The Township is also proposing to amend the permitted and special uses in the Agricultural District. Kiersten said it’s a positive move to allow for more agricultural activities in the Township, but standards need to be developed to ensure all applicants are treated consistently and to help minimize potential conflicts between land uses. Kiersten also encouraged Norwood Township to contact Bay Township to discuss Bay Township’s experience

with zoning issues associated with special events and their newly developed zoning language. Michael Buttigieg asked if there are provisions for wind turbines in the Agricultural District. Kiersten said these are addressed under General Provisions in the Ordinance.

MOTION by Michael Buttigieg to recommend approval of the proposed text amendments with consideration of the comments in the Planning Department Staff Review. Ron Van Zee seconded the motion. Voice vote: all in favor. Motion passed.

Evangeline Twp Proposed Zoning Text Amendments

Kiersten reviewed the Planning Department Staff Review of the proposed text amendments to the Evangeline Township Zoning Ordinance regarding the definition of “slope”, the addition of shoreline steep slope maps for Walloon Lake and Lake Charlevoix, the correction to the setback requirement from lakes and rivers for new building on steep slopes, and specification of setbacks for parcels at road ends and corner lots in certain zoning districts.

Van Zee emphasized that proposed zoning amendments should be in ordinance format before they’re submitted to the County for review. Ron also asked if there is a definition for steep slope in the ordinance. Kiersten said there is only a definition for “slope”, but steep slopes are described under General Provisions. Van Zee noted a discrepancy between the percent grade indicated on the steep slope maps and the percent grade specified in Section 3.23 of the Ordinance. Referring to the proposed amendments in Article 5, Kiersten said the Township is proposing to identify setbacks for parcels at road ends in specific districts and reduce the setbacks for corner lots in certain districts due to small lot sizes in order to allow more space for development on these small parcels. Kiersten said there is a conflict between the proposed amendments and the definition of the term “lot line, front” which defines corner lots as having 2 front yards and only 1 side yard, which is *not* adjacent to the road. She suggested possibly omitting the reference to “side yard” in the proposed text, or adding a notation to the definition of “lot line, front” to indicate that in certain cases other provisions in the ordinance may supersede.

MOTION by Bob Draves to recommend approval of the proposed text amendments, including all of the changes discussed during this review. Michael Buttigieg seconded the motion. Voice vote: all in favor. Motion passed.

Bay Twp Proposed Zoning Text Amendments (Signs)

Kiersten reviewed the Planning Department Staff Review of the Bay Township proposed zoning text amendments regarding signs. Kiersten said the Commission had previously reviewed these proposed amendments. The Township had subsequently made further changes and then resubmitted them to us for a second review. She suggested some additional changes to the currently proposed amendments, but overall, the Township made a good effort to improve the organization and content-neutrality of the sign regulations in the Ordinance.

MOTION by Michael Buttigieg to recommend approval of the proposed text amendments, along with the changes suggested by Planning Department Staff. Larry Levengood seconded the motion. Voice vote: all in favor. Motion passed.

Bay Twp Proposed Zoning Text Amendments (Cell Towers)

Kiersten said Bay Township is proposing to reduce the maximum allowed height of telecommunication towers from one hundred ninety-nine feet to one hundred seventy-nine feet. Telecommunication companies can now increase their existing tower heights by 10% or 20 feet without getting approval from the Township. The Township wants to keep their tower heights at 199 feet or less because anything 200 feet or higher requires the tower to be lighted.

MOTION by Larry Levengood to support the Bay Township Planning Commission's recommendation to approve the proposed text amendments pertaining to the maximum height of telecommunication towers. Bob Draves seconded the motion. Voice vote: all in favor. Motion passed.

Corps of Engineers Public Notice (City of Boyne City)

The Planning Commission and Staff reviewed the public notice for a proposed bronze and steel sculpture of a period logger to be placed in the Boyne River adjacent to Old City Park. Larry Levengood asked why this project requires a permit from the Corps of Engineers. Ron Reinhardt said the Boyne River is a navigable waterway. (Therefore, the Corps of Engineers also has jurisdiction.)

MOTION by Dennis Jason to send a letter of support for this project to the Corps of Engineers. Larry Levengood seconded the motion. Voice vote: all in favor. Motion passed.

The Commission noted that this is a historic preservation effort, it's a collaborative community project, and there are no apparent impacts to water quality.

VII. Any Unfinished County Business

None

VIII. Adjournment

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

Chairman Jason adjourned the meeting at 9:25 p.m.

Respectfully Submitted By,

Robert L. Tidmore
Secretary

RLT/kc