



## CHARLEVOIX COUNTY PLANNING COMMISSION

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### Approved Meeting Minutes Sept. 3, 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, Bob Draves, Bob Tidmore, Larry Levensgood, Patrick Howard, and Ron Van Zee

Members absent: Michael Buttigieg (excused)

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

#### II. Pledge of Allegiance

Ron Van Zee led the Planning Commission in reciting the Pledge of Allegiance.

#### III. Approval of Agenda

Kiersten asked that "and MDEQ" be added to the last agenda item under *VI. Townships, Cities, MDEQ & Corps of Engineers Items* to read "Corps of Engineers and MDEQ Public Notice (Horton Bay Club)".

MOTION by Larry Levensgood, seconded by Patrick Howard, to approve the agenda as amended. Voice Vote: all in favor. Motion passed.

#### IV. Public Comments Unrelated to Agenda Items

None

#### V. County Business Items

#### Approval of Minutes of August 6, 2015 Meeting

The minutes of the August 6, 2015 meeting were approved as presented by consensus.

### **Correspondence and Communications**

Kiersten reviewed the following correspondence and communications:

1. Michigan Department of Transportation (MDOT) will be accepting comments on their proposed Public Involvement Plan through the end of September; this plan is part of their proposed Long Range Transportation Plan for 2040 – an email with a link to the MDOT website, which has further details, was sent to Commission members prior to the meeting
2. Planning Commission has been invited to attend an open house on Beaver Island on September 22<sup>nd</sup> called “Sharing Solutions between Beaver Island, Michigan and Maine Island Communities – Building Local Capacity through Community Exchanges”; Bob Tidmore will provide further information
3. Tidmore and Van Zee are up for reappointment at the end of this year; a notice to submit letters of interest for appointment (or reappointment) to various County Committees should be published this month; Kiersten will notify Commission members when the notice is published
4. The Charlevoix County Planners Forum is scheduled for November 5<sup>th</sup>, which is also the date of our meeting, so we will need to reschedule. Consensus was to reschedule at the next meeting, not tonight.
5. Based on a meeting with County Coordinator Kevin Shepard, Kiersten presented the possibility of changing the Planning Commission’s regular meeting time to be earlier in the day. She noted factors to consider, including 1) building and staff safety and security due to the County Building remaining open at night for the public to attend our meetings, but no law enforcement on site; 2) travelling late at night, especially in the winter when roads may not be in prime condition; 3) money could be saved on overnight expenses for the Beaver Island representative on the Commission, and 4) we could relocate once again to the Pine Lake Room, which works better for Planning Commission meetings. Kiersten asked for input from Commission members:
  - Jason – members have other daytime obligations; night meetings allow the public to attend should they ever want to
  - Levengood – concerned that it may be difficult for the public to attend our meetings if they’re during the day
  - Tidmore – wouldn’t object to day meetings so long as they begin no later than 1:00 pm, so he can catch the last return flight to the island
  - Van Zee – feels evening meetings could possibly be an hour or two earlier to accommodate other members; his own schedule is pretty flexible
  - Howard – daytime meetings would conflict with his work schedule; he could understand moving the meeting time an hour or so earlier; however, he drives straight from work and sometimes it’s a challenge for him to get to the 7:00 pm meetings on time

- Draves – can we consider other locations, such as the libraries, township halls, or the East Jordan Emergency Medical Services (EMS) building? He will check into using the EMS building.
- Jason – wondered if there are fees to use these other facilities; Kiersten said the Charlevoix Public Library may charge for meetings that run after 8:00 pm because an employee has to stay late or return to the library after the meeting is over in order to lock the facility

Following discussion, the consensus of the Commission was to keep the meeting time in the evening, but check on the availability of other facilities in the County.

### **Planning Commission Comments**

- **Bob Tidmore:** \* A group has formed from several Maine island communities to work on social and economic issues that affect them. The state of Michigan is helping to fund a collaborative effort between them and Beaver Island, and there is a meeting from 3:00 – 6:00 p.m. on Sept. 22<sup>nd</sup>; last flight from the island will probably be 4:30 p.m., so plan accordingly if you'd like to attend \* Boat traffic is down a little this year
- **Bob Draves:** \* Not much going on. \* Tourism was up this year, with his own business being 1/3 full for next year, which has never happened before. \* Heard that “The Barn” wedding venue on M-66 in East Jordan is already fully booked for 2016 and into 2017 as well.
- **Larry Levensgood:** \* The Lake Charlevoix Watershed Steering Committee will hold a meeting on Sept. 10<sup>th</sup> at the Charlevoix Public Library. One agenda item will be the (crib type) fishing structures and their effectiveness. \* Sept. 11<sup>th</sup>/12<sup>th</sup> will be the next Household Hazardous Waste collection event in Boyne City at the Road Commission Garage.
- **Patrick Howard:** \* Recently vacationed in Fairbanks, Alaska and was surprised at how little recycling is done there. Also surprised at the way different types of land uses “get along” – you can see bike trails next to ATV trails running along the roads and other things we don't typically see here. They don't appear to have much for planning and zoning regulations from what he could tell.
- **Ron Van Zee:** \* Hayes Township held their auction at Camp Sea-Gull in August. Much of the equipment was sold, but none of the cabins sold, and they have 13 in need of removal. Overall, they took in about \$4,000 from the sale. \* Hayes Township has also applied for another grant to assist with funding the boat launch at Camp Sea-Gull. \* Hayes Township also had 2 board members resign unexpectedly; 2 individuals have replaced them until the next election. \* Recently completed a water tour with his boat, documenting and photographing all waterfront properties on Lake Charlevoix in Hayes Township. They are going

to be going through this process on a 3 year rotation, completing Susan Lake next year and Lake Michigan the year after, and repeating. They found several properties with runoff and drainage issues, many created by asphalt driveway/parking areas and removal of greenbelt and native vegetation. \* Hayes Township is still getting a lot of special use permit requests, largely from homeowners for home-based businesses. \* Bay Township permit applications keep coming in as well. There's a lot of interest in available properties near Walloon Lake. \* Cherry Capital has submitted applications to Bay Township for 3 communication tower sites. \* The Township is also interviewing for a new planning consultant to replace Mary Campbell, who recently retired.

- **Dennis Jason:** \* Attended the last Parks Committee meeting. The Lake Louise Christian Community received grant funds to treat the invasive plant species Eurasian Milfoil on Thumb Lake, but next year they will need an additional \$15,000 for the next treatment. They're trying to find other funding sources. \* Whiting Park beach area has been improved, graded and sanded. \* The paved shoulders on Ferry Road have been completed; lines will be added once the asphalt has cured.

### **County Commissioner Comments**

Commissioner Reinhardt reported on the following: \* He worked all last week at the Emmet – Charlevoix County Fair, as did his wife. \* The trailhead for the Lake to Lake Trail on M-66 in Charlevoix doesn't ever seem to have many vehicles there. \* A special fund is being setup to roll over the remainder of the Parks millage appropriation funds not awarded this year to be used next year.

Jason said the Parks Committee passed a motion to recommend that the Board of Commissioners redirect the remaining dollars to the Parks Department Budget. Reinhardt said he wasn't aware of the County Board receiving that information from the Parks Committee yet. Kiersten said the County Board will be reviewing the final recommendations of the Parks Millage Fund Work Group at their next meeting, so that might be a good opportunity for someone from the Parks Committee to discuss this with the Board. Further discussion took place. Jason noted that the Parks Committee supported the Work Group's recommendations, and he read aloud a summary of the recommendations.

### **Staff Comments**

Kiersten reported on the following Planning Department activities during the month of August: \* The Planning Department is now officially located on the first floor of the County Building. \* Attended the last Parks Committee meeting and gave an overview of the final recommendations of the Parks Millage Fund Work Group. \* Met with Networks Northwest Planners to review the status of updating the Future Land Use Plan. NNW Planners have updated most of the demographic data, and they asked for some assistance with fact checking some of the information in the plan. New photos will be needed for

the plan. The County has hired a photographer to create a photo library, which we'll be able to use for this project. The maps in the plan will also be updated as needed. NNW will attend another of our meetings this Fall to bring everyone up to date. \*Attended the Master Citizen Planner webinar on recent changes to wireless communication regulations. \* Attended Little Traverse Bay Storm Water Tour presented by Tip of the Mitt Watershed Council, which included several sites in Petoskey and Harbor Springs.

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

### **Boyne Valley Township Proposed Rezone** (Leslie/Topolinski)

Kiersten said Boyne Valley Township is proposing to rezone an approximately 40 acre parcel located on the north side of E. Deer Lake Road from Agricultural/Forest (AF) to Resort Commercial (C-1) in order to accommodate a proposal to build resort cabins. Kiersten reviewed the Planning Department Staff Report on the proposed rezoning. Comparing the land uses allowed in the AF and C-1 Districts and considering the existing land use/cover on the subject property and surrounding area, the zoning of adjacent parcels, and the soil types on the property, Kiersten said she had no concerns with the proposed rezoning. Van Zee asked if the zoning ordinance has buffering requirements for commercial properties that are adjacent to residential properties. Kiersten said she would need to review the ordinance to determine if there are such requirements. Levensgood said there would be challenges to building the cabins on the property due to the topography, but that's not relevant to the proposed rezone, as that issue would be handled as part of site plan review.

MOTION by Larry Levensgood, seconded by Bob Draves, to recommend approval of the proposed rezoning. Voice Vote: all in favor. Motion passed.

### **Norwood Township Proposed Zoning Text Amendments** (Signs)

Kiersten reviewed the Planning Department Staff Report on the proposed text amendments to the Norwood Township Zoning Ordinance pertaining to signs. She found a number of items in the proposed amendments to be of significant concern. The first issue is that, by law, the proposed amendments must be in "ordinance format" (an amendatory ordinance). The second concern overall was that there are numerous instances where the language is not content-neutral. Another concern was that some of the proposed amendments, especially the provisions pertaining to billboards, have the effect of regulating commercial signs to a greater degree than non-commercial signs, which courts have ruled against. It was strongly recommended that the Township attorney be consulted to review the proposed text amendments and provide direction to the Township.

Referring to page 6, Section 3.26.8, subsection K., Jason questioned why billboards would not be allowed within 2,000 feet of the agricultural district, noting that billboards are typically allowed in an Agricultural district. Levensgood agreed. Kiersten said her impression was that the Township wants to maintain the scenic character of the

Agricultural District and, therefore, only wants to allow billboards in the Industrial District or the Mineral Industrial Resources District. However, she acknowledged that billboards are typically located in agricultural areas because there's enough space to accommodate them. Howard said there is also ample road frontage in agricultural areas.

Referring to page 7, Section 3.26.8, subsection M., Jason said signs don't have to be overly bright, but signs that have a changing display or message are the popular trend right now. Overall, Jason thought the proposed amendments need to be reworked.

Referring to page 7, Section 3.26.9, subsection A., Howard noted that typically a community does not require a zoning permit to repaint a sign.

Referring to page 7, Section 3.26, subsection 9. B., Van Zee said the owner should be required to repair a broken sign as soon as possible, not wait to be notified by the Township.

MOTION by Dennis Jason, seconded by Bob Draves, to recommend denial of the proposed text amendments to the zoning ordinance until the Township meets with their legal counsel to discuss the proposed amendments and the Planning Department Staff Review, and make the necessary changes to ensure the proposed amendments are legal. Voice Vote: all in favor. Motion passed.

#### **Bay Township Proposed Zoning Text Amendments** (Signs)

Kiersten reviewed the Planning Department Staff Review on the proposed text amendments to the Bay Township Zoning Ordinance pertaining to signs. She noted that the proposed amendments were presented in "ordinance format", as required by law. Kiersten found that, overall, the proposed amendments were well done. She found only a few instances of potential issues with content neutrality where the Township may want to check with their legal counsel on the wording. These instances were identified in the Staff Review.

MOTION by Larry Levengood, seconded by Patrick Howard, to recommend approval of the proposed ordinance amendments, and to incorporate the changes identified in the Planning Department Staff Review and consult with the Township attorney to evaluate the content neutrality of some of the proposed regulations. Voice Vote: 5 in favor, 1 opposed (Bob Draves). Motion passed.

#### **Corps of Engineers and MDEQ Public Notice** (Horton Bay Club)

Commission members and Staff reviewed the Corps of Engineers and the MDEQ Public Notices for a proposed project by the Horton Bay Club to remove vegetation and discharge sand in two areas along the waterfront on Lake Charlevoix. The MDEQ notice was issued in mid-August and Kiersten asked for an extension of time to enable the Commission to review this notice, which was approved. Kiersten said the MDEQ notice is more detailed than the Corps notice. Van Zee stated that the proposed project does not

meet the Township's zoning requirements for greenbelt setbacks. It was also noted that the ordinary high water mark is changing fairly frequently. Upon further consideration, it was the consensus of the Commission to make no comment on this permit application.

**VII. Any Unfinished County Business**

None

**VIII. Adjournment**

MOTION by Dennis Jason, seconded by Ron Van Zee, to adjourn the meeting at 9:11 p.m. All members were in favor of the motion. Motion passed.

Submitted by:

Robert L. Tidmore  
Secretary

RLT/llm