

CHEBOYGAN COUNTY PLANNING COMMISSION

870 SOUTH MAIN ST. ■ PO Box 70 ■ CHEBOYGAN, MI 49721

PHONE: (231)627-8489 ■ FAX: (231)627-3646

**CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING
WEDNESDAY, AUGUST 7, 2019 AT 7:00 PM
ROOM 135 - COMMISSIONERS ROOM
CHEBOYGAN COUNTY BUILDING, 870 S. MAIN ST., CHEBOYGAN, MI 49721**

REVISED AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES

SCHEDULED PUBLIC HEARINGS

UNFINISHED BUSINESS

1. Zoning Ordinance Amendment #153 - An Ordinance to Amend Cheboygan County Zoning Ordinance No. 200 Relative to Special Land Use Permit Procedures and Standards
2. Zoning Ordinance Amendment #154 - An Ordinance to Amend Cheboygan County Zoning Ordinance No. 200 Relative to Home Occupations and Private Storage Buildings
3. Discussion on Draft Letter From Planning Commission to Board of Commissioners Regarding Zoning Enforcement

NEW BUSINESS

STAFF REPORT WITH UPDATE ON MASTER PLAN REVISION

PLANNING COMMISSION COMMENTS

PUBLIC COMMENTS

ADJOURNMENT



CHEBOYGAN COUNTY PLANNING COMMISSION

870 SOUTH MAIN ST., ROOM 103 ■ PO Box 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ TDD: (800)649-3777

CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, JULY 17, 2019 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Johnson
ABSENT: Delana
STAFF: Mike Turisk
GUESTS: Carl Muscott, Eric Boyd, Cal Gouine, Carl Muscott, Russell Crawford, Cheryl Crawford, Bob Lyon, John Moore, C. Maziasz

The meeting was called to order by Chairperson Croft at 7:00pm.

PLEDGE OF ALLEGIANCE

Chairperson Croft led the Pledge of Allegiance.

APPROVAL OF AGENDA

The meeting agenda was presented. Ms. Johnson stated that she would like to add 18.7g under item 1 under Unfinished Business. Ms. Johnson stated she would also like to add the letter regarding zoning enforcement to go to the Board of Commissioners. **Motion** by Mr. Kavanaugh, seconded by Ms. Johnson, to approve the agenda as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Johnson), 0 Nays, 1 Absent (Delana)

APPROVAL OF MINUTES

The July 3, 2019 Planning Commission minutes were presented. **Motion** by Mr. Borowicz, seconded by Mr. Kavanaugh, to approve the meeting minutes as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Johnson), 0 Nays, 1 Absent (Delana)

PUBLIC HEARING AND ACTION ON REQUESTS

No comments.

UNFINISHED BUSINESS

Zoning Ordinance Amendment #153 -- Amendment of Subsection 18.7.e. -- Standards for Special Land Use Approval.

Mr. Turisk stated that on 06/05/19, staff presented a proposed amendment that sought to delete 18.7e from the list of special use permit approval factors. Mr. Turisk stated that the Planning Commission decided that rather than delete 18.7e that staff look at amending 18.7e so that it is retained to review special use proposals for the availability of emergency services. Mr. Turisk presented three options to amend 18.7e and stated that these options have been reviewed by legal counsel.

Mr. Freese stated that he prefers to delete this section entirely; however, he would pick the first proposal. Discussion was held. Ms. Johnson suggested "The proposed special land use will be serviced by fire, police and public resources." Ms. Johnson stated that the Planning Commission then has the ability to go to the emergency services to get their feedback. Mr. Kavanaugh stated that the Planning Commission needs the feedback from the emergency services and if the Sheriff doesn't respond the Planning Commission will go the Cheboygan County Board of Commissioners and ask have them ask the Sheriff to respond. Mr. Kavanaugh stated that the Planning Commission and the property owners need this protection. Discussion was held. Mr. Borowicz suggested changing the language to say that these services are available. Mr. Kavanaugh suggested talking with the different agencies and asking for their input on the language for the amendment. Mr. Kavanaugh suggested staff talk to the emergency services.

Zoning Ordinance Amendment #153 -- Amendment of Subsection 18.7g -- Standards for Special Land Use Approval.

Ms. Johnson read Section 18.7g, "The proposed special land use will be adequately served by water and sewer facilities, and refuse collection and disposal services." and stated that "adequately" should be removed. Mr. Kavanaugh stated that if someone is putting in a dwelling they want to know that it is adequately served by these services. Ms. Johnson stated that it is

not the Planning Commission's responsibility to determine if a parcel is adequately served by water and sewer facilities. Ms. Johnson noted that this would be the Health Department's responsibility. Discussion was held. Ms. Croft stated that the applicant could change from one company to another for a particular service. Mr. Freese stated that he doesn't even have a refuse service. Mr. Turisk stated it may be best to put the burden of proof on the applicant as they sign the application and sign that to the best of their knowledge it is truthful and accurate. Ms. Johnson stated that this is for the special use permit process and noted that this is not for residential projects. Mr. Kavanaugh stated why fix it if it is not broken.

Letter Regarding Enforcement Officer

Discussion was held regarding a resolution that was never sent to the Cheboygan County Board of Commissioners. Mr. Kavanaugh and Ms. Croft stated that the Board of Commissioners should receive a copy of the motion from August 1, 2018. Ms. Johnson stated that the resolution was not sent to the Board of Commissioners and that she discussed this issue with the Board of Commissioners. Mr. Kavanaugh asked that the date of the meeting and the motion be included at the beginning of the letter. Discussion was held. Ms. Johnson asked if this letter should be presented by the Planning Commission as a group or if a representative from the Planning Commission should present or it at a Board of Commissioners meeting. Ms. Johnson asked if staff should submit the letter. Mr. Kavanaugh stated that staff should submit the letter. Ms. Johnson stated that she volunteers to present the letter. Mr. Freese stated the proper way is for staff to submit the letter. Ms. Johnson stated that this is a request from the Planning Commission and does not have anything to do with staff. Mr. Kavanaugh stated that this is the second request from the Planning Commission and that Ms. Johnson may be nominated to go to a future Cheboygan County Board of Commissioners meeting. Mr. Turisk stated that the final letter will be included the next packet for the Board of Commissioners and will be presented by Jeff Lawson. Ms. Croft asked that it not be included in the consent agenda. Mr. Freese requested that this issue be on the Planning Commission agenda (with a revised letter) for the first meeting in August.

Continued Discussion Regarding Amending Zoning Ordinance No. 200 to Permit Home Occupations and Bathroom Facilities in Private Storage Buildings.

Mr. Turisk stated that the Planning Commission has discussed the possibility of expanding small business opportunities in the county by expanding home occupations in private storage buildings. Mr. Turisk stated that the Planning Commission has also discussed allowing bathroom facilities to be constructed in private storage buildings. Mr. Turisk stated that a property owner who is constructing a private storage building may want a place to wash up and have a toilet available. Mr. Turisk stated that he has talked with property owners who have noted that they will have to drive home or drive to the nearest gas station. Mr. Turisk stated that this provision was included to preclude these structures from being used as dwellings. Mr. Turisk noted that this is an enforcement issue. Mr. Turisk asked if the Planning Commission wants to allow all home occupations in all private storage buildings in all zoning districts. Mr. Turisk asked if it should only be allowed in Agriculture and Forestry Management Zoning District.

Mr. Kavanaugh stated that bathroom facilities in private storage buildings are a good idea in most cases. Mr. Kavanaugh stated that it should be restricted to a toilet and sink only. Mr. Kavanaugh stated that we have to be careful that people do not start living in these facilities. Mr. Freese stated the Planning Commission made provisions to allow space for a residence, septic and well if a private storage building is put on a lot. Mr. Freese stated that these bathroom facilities in private storage buildings should be allowed. Discussion was held regarding enforcement. Mr. Borowicz stated that sanitary facilities should be allowed if the Planning Commission is expanding the use of a private storage building to include home occupations. Discussion was held regarding the definition of home occupation. Mr. Turisk stated that the proposed amendment was drafted by staff and has not been reviewed by legal counsel.

NEW BUSINESS

No comments.

STAFF REPORT WITH AN UPDATE ON MASTER PLAN

Mr. Turisk stated that in June Mr. Kavanaugh asked about Burt Township's recent amendment banning shipping containers and if it was an outright ban or if they would be allowed as part of a construction site. Mr. Turisk stated that Mr. Koviak, Burt Township Supervisor, stated that it is an outright ban.

Mr. Turisk stated that Mr. Kavanaugh asked about Charlevoix's regulation regarding short term rentals. Mr. Turisk stated that House Bill #4046 regarding short term rentals has stalled. Mr. Turisk stated that he reached out to the Charlevoix Zoning Administrator and the council passed a moratorium on short term rentals. Discussion was held. Mr. Kavanaugh asked if the bill did not include cities, villages and townships. Mr. Turisk stated he will do additional research.

Mr. Turisk reminded the Planning Commission that 4 hours of training is required for each Planning Commission member per year. Discussion was held. Mr. Kavanaugh stated that trainings should be held during Planning Commission meetings as it is

beneficial to the Planning Commission and the public. Mr. Bartlett suggested training on master plans. Mr. Turisk stated that as we move forward we will continue to focus on those items that were identified in January 2019 as priorities. Mr. Turisk stated that a few Planning Commission members have noted that PUDs are a priority. Mr. Turisk asked the Planning Commission to contact him to discuss identifying Master Plan goals. Mr. Turisk stated that a lot of what we do will be geared toward achieving the identified goals in the 2014 Master Plan.

PLANNING COMMISSION COMMENTS

Mr. Freese stated that the shipping container at the Summer Store was approved by the Planning Commission and later bought by the next door neighbor. Mr. Freese stated that the neighbor received a notice that that this was a violation. Mr. Freese advised him that it was approved at the Summer Store and may possibly be approved at this new location but would require approval of an amendment to his special use permit. Mr. Turisk stated he talked to the property owner and he has decided not to move forward with the application. Discussion was held.

PUBLIC COMMENTS

Mr. Muscott referred to Section 18.7e and stated that there should be something that protects the people from special use that may negatively impact emergency services. Mr. Muscott stated that Tuscarora Township has a lot of time on their hands. Mr. Muscott stated that he recently received a ticket for having grass longer than 6 inches. Mr. Muscott stated that he talked with Chief Gordon Temple and this was driven by enforcement and there have been hundreds of these tickets issued since they passed this ordinance last year. Discussion was held. Mr. Muscott noted that private storage buildings are being built in the front of the property and not allowing for a future dwelling.

ADJOURN

Motion by Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 8:22pm.

Charles Freese
Planning Commission Secretary



CHEBOYGAN COUNTY PLANNING AND ZONING DEPARTMENT

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www.cheboygancounty.net/planning/

MEMORANDUM

Date: August 1, 2019
To: Planning Commissioners
From: Michael Turisk, Planning Director 
Re: **Zoning Ordinance Amendment #153 -- Amendment of Subsection 18.7.e.
(List of Standards for Special Land Use Approval)**

Planning Commissioners,

During continued discussion regarding the aforementioned Zoning Ordinance amendment #153 at our last regular meeting on July 17, 2019 the Planning Commission directed staff to transmit proposed language to local fire protection and law enforcement agencies/departments to solicit feedback that the Planning Commission might consider as we move forward. The attached memorandum was sent on July 22, 2019; however, to date staff has yet to receive feedback or input from recipients.

Recall that Subsection 18.7.e. currently reads as follows:

e. The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity nor increase hazards from fire or other dangers to the subject property or adjacent properties.

Staff, along with guidance from legal counsel, had proposed the following possible text amendments to replace Subsection 18.7.e. as noted above:

- 18.7.e. The proposed special land use will be covered by existing public fire, police, and emergency medical services and will not substantially increase hazards to the subject property or adjacent properties from fire, wind, and/or surface water runoff.

OR

- 18.7.e. The proposed special land use will be serviced by fire protection, police services and emergency medical services and/or other public or private services, or the party responsible for the establishment of the proposed special land use shall be able to provide adequately any such service. The special land use will not increase hazards from fire or other dangers to the subject property or adjacent properties.

OR

- 18.7.e. The proposed special land use will be serviced by fire protection, police services and emergency medical services and/or other public or private services, and will not increase hazards from fire or other dangers to the subject property or adjacent properties.

Feel free to contact me should you have questions prior to our regular meeting on August 7, 2019.

A handwritten signature in black ink that reads "Michael Turusk". The signature is written in a cursive, slightly slanted style.

Enclosure(s)

Memorandum to County Fire Protection and Law Enforcement dated July 22, 2019



CHEBOYGAN COUNTY PLANNING AND ZONING DEPARTMENT

CHEBOYGAN COUNTY BUILDING ■ 870 S. MAIN STREET, PO BOX 70 ■ CHEBOYGAN, MI 49721
PHONE: (231)627-8489 ■ FAX: (231)627-3646
www.cheboygancounty.net/planning/

MEMORANDUM

Date: July 22, 2019

To: Cheboygan County Fire Protection and Law Enforcement Agencies

From: Michael Turisk, Cheboygan County Planning Director 

Re: **Proposed Cheboygan County Zoning Ordinance Amendment #153 -- --
Amendment of Subsection 18.7.e. (List of Standards for Special Land Use
Approval)**

All,

On July 17, 2019, the Cheboygan County Planning Commission (Planning Commission) considered an amendment of Zoning Ordinance No. 200, Section 18.7. (Standards for Special Land Use Approval), specifically, Subsection 18.7.e. The proposed text amendment seeks to reduce ambiguity and help to ensure that approved Special Land Uses are provided fire and police protection. As part of this effort the Planning Commission has directed County Planning and Zoning Department staff to reach out to you, local fire protection and law enforcement, to garner feedback regarding the proposed text amendment.

Note that the current text in Subsection 18.7.e. of the County Zoning Ordinance reads as follows:

18.7.e. The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity nor increase hazards from fire or other dangers to the subject property or adjacent properties.

Note, too, that one (1) of the following three (3) paragraphs has been proposed as a possible replacement of the aforementioned current text in Subsection 18.7.e:

1. The proposed special land use will be covered by existing public fire, police, and emergency medical services and will not substantially increase hazards to the subject property or adjacent properties from fire, wind, and/or surface water runoff. OR
2. The proposed special land use will be serviced by fire protection, police services and emergency medical services and/or other public or private services, or the party responsible for the establishment of the proposed special land use shall be able to provide adequately any such service. The special land use will not increase hazards from fire or other dangers to the subject property or adjacent properties. OR

3. The proposed special land use will be serviced by fire protection, police services and emergency medical services and/or other public or private services, and will not increase hazards from fire or other dangers to the subject property or adjacent properties.

I respectfully request that you take a few moments to consider the Zoning Ordinance No. 200 text amendment and provide your feedback and/or suggestions via my contact information below. The Planning Commission will continue to discuss this matter at its next regular meeting on August 7, 2019, so I ask that you please provide comments by August 6. Comments will be accepted after this date, but the sooner the better, as it is anticipated that a formal public hearing to consider the amendment will be scheduled for late August or September 2019.

Feel free to contact me should you have questions.

Sincerely,



Michael Turisk, Cheboygan County Planning Director

P: 231.627.8485

Email: mturisk@cheboygancounty.net

Enclosure(s)

Section 18.7 (Standards for Special Land Use Approval) of the Cheboygan County Zoning Ordinance No. 200 as currently written

Michael C. Turisk

From: Dale Clarmont
Sent: Friday, August 2, 2019 9:58 AM
To: Deborah Tomlinson
Cc: Michael C. Turisk
Subject: RE: Letter From Michael Turisk

Deb,

We will be doing some research and let you know if we have any input/concerns... Thanks

v/r

Sheriff Dale V. Clarmont
Cheboygan County Sheriff
870 South Main Street
Cheboygan, MI 49721

(W) 231-627-3155
(FAX) 231-627-8880
"Well Done is Better than Well Said" Benjamin Franklin

-----Original Message-----

From: Deborah Tomlinson
Sent: Thursday, August 01, 2019 10:17 AM
To: Dale Clarmont
Cc: Michael C. Turisk
Subject: Letter From Michael Turisk

Good morning,

Attached is a letter from Michael Turisk regarding a proposed amendment to Zoning Ordinance #200. Please review the letter and contact Mike Turisk prior to Wednesday, August 7, 2019 if you have any comments or suggestions regarding the proposed amendment. Mike's phone number is 627-8485 and his email address is mturisk@cheboygancounty.net.

Thank you!!

Debbie

Debbie Tomlinson
Cheboygan County
Planning & Zoning Department
PO Box 70, 870 South Main Street
Cheboygan, MI 49721
(231)627-8489 phone
(231)627-3646 fax

Michael C. Turisk

From: Patrick Wyman <pwyman@mackinawcity.org>
Sent: Monday, August 5, 2019 10:42 AM
To: Michael C. Turisk
Subject: Zoning Ord No. 200

Good Morning Michael:

In regards to the memorandum from you dated July 22, 2019, I would like to respond. I would prefer the wording in Option 1. My rationale being that, as an adjacent landowner to a special use, I would not feel comfortable relying on my neighbor's private company hired by them to provide emergency services. Of course, this viewpoint could change if there was a process for the county to approve these private entities to some standard.

Thank you for allowing the feedback,

Patrick C. Wyman



Patrick C. Wyman, Village Manager
Village of Mackinaw City
102 South Huron Avenue
PO Box 580
Mackinaw City, Michigan 49701-0580
231-436-5351
FAX: 231-436-4166
pwyman@mackinawcity.org



Michael C. Turisk

From: Tim Cook
Sent: Tuesday, August 6, 2019 12:11 PM
To: Michael C. Turisk
Cc: Jeff Lawson
Subject: info

Mr. Turisk,
Sheriff Clarmont received your memorandum regarding the Cheboygan County Planning and Zoning Department amendment of Zoning Ordinance No. 200 Section 18.7.e. The memorandum asks for input on wording that involves the Sheriff Department "police" in the ordinance.

As a Sheriff Department we are responsible for enforcing the laws of the state of Michigan and providing law enforcement service to all citizens within our jurisdiction.

Should you have any further questions please contact me.

Thank you,

Undersheriff Tim Cook
Cheboygan County Sheriff Department
870 S Main St.
Cheboygan MI 49721
231-627-8886

From: carl muscott <carlmuscott@yahoo.com>
Sent: Monday, August 05, 2019 8:05 AM
To: Deborah Tomlinson; Jeff Lawson
Cc: John B. Wallace; Richard Sangster; Cal Gouine; Roberta Matelski; Steve Warfield; Mike Newman; MaryEllen Tryban
Subject: Amendment #153-Subsection 18.7 (e) for August 7, 2019 Planning Meeting

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning Deb, Can you please convey the following message to the entire Planning Commission. Thank you

Planning Commission members,

The desire of the Planning Commission to alter Subsection 18.7 (e) is rooted in the failure of Ordinance #200 to address the challenges of the Heritage Cove Farms application. Cheboygan County Planning de-constructed Heritage Cove Farms, a residential treatment facility, into the smallest individual component. What should have been a cohesive treatment facility for the mentally ill submitted as a PUD became cabin colonies, convalescent home, restaurant, and farm spread across two zoning districts. Former Planner Scott McNeil and Development Director Steve Schnell then publicly scrutinized each of these uses or terms to minutia using multiple dictionaries.

Subsection 18.7 (e): The proposed special/and use will not place demands on fire, police, or other public resources in excess of current capacity nor increase hazards from fire or other dangers to the subject property or adjacent properties.

Googling this language returned dozens, if not hundreds, of Municipal, Township, and County zoning ordinances that use identical or very similar verbiage. Mr Michael Turisk has no planning or land use degree and relies entirely upon legal counsel for direction. Young, Graham, & Wendling, P.C. is located in Bellaire.

The Village of Bellaire Zoning Ordinance employs similar language: *C. Public Services a. The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity. b. The proposed special land uses will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.*

The Planning Commission and the Planning Department have no expertise in police, fire, and other essential public services. The demands that any Special Use make upon our police, fire, and other essential public services should be ascertained with frank and open communications between the applicant, planning and zoning staff, and the Planning Commission.

Concise and clear questions directed to the Special Use applicant sufficient to determine usage, hours of operation, traffic volume, and other factors for our public safety agencies is needed to assure adequate resources are available. The past practice, forwarding an application with little or no research and asking police, fire, or other agencies to sign off should end.

If there is any change to Subsection 18.7(e), might I suggest: *Upon a review by public service agencies with jurisdiction, the proposed special/and use will not place demands on fire, police, or*

other public resources in excess of current capacity nor increase hazards from fire or other dangers to the subject property or adjacent properties.

The determination of adequate or inadequate services then rests with the professional agencies tasked with providing said services.

Thank you,

Carl Muscott



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MEMORANDUM

Date: August 1, 2019

To: Planning Commissioners

From: Michael Turisk, Planning Director 

Re: **Proposed Zoning Ordinance Amendment #154 – RE: Home Occupations and Bathroom Facilities in Private Storage Buildings**

Planning Commissioners,

In brief, during our meeting on July 17, 2019, staff presented proposed text amendments that would allow for bathroom facilities and Home Occupations in private storage buildings. Previous more general discussion on this topic tie-in to broader policy discussion regarding what comparatively low-impact regulatory changes might we wish to consider in order to, in part, foster a more small business friendly regulatory environment in Cheboygan County.

Similar to the document distributed prior to the July 17, 2019 meeting, this memorandum serves as a summary of the attached Zoning Ordinance amendment recently vetted by legal counsel.

Note that proposed added text is shown as **boldfaced**. Deleted text is identified by **red** strikethrough.

In Article 2 (Definitions):

Provides the following amended definitions:

- *Private Storage Building*
A building or structure that is used for private non-commercial storage of materials that are owned by the property owner and used only by the property owner and does not have permanent facilities for living, sleeping and/or cooking ~~and/or sanitation including but not limited to a toilet facility~~.
- *Private Storage/Workshop Building*
A building that is used for private, non-commercial storage or home workshop purposes **or home occupation purposes** with no provisions for overnight living or sleeping areas.

- Agricultural/Private Storage/Workshop Building
A building that is used for both agricultural and private non-commercial storage, home workshop purposes **or home occupation purposes** with no provisions for overnight living or sleeping areas.
- Contractor
General builders engaged in the construction or modification ~~or~~ of residential, commercial, and industrial structures and/or involved in activities such as masonry, paving, highway construction, and utility construction **and excluding home occupations as defined in the ordinance.**
- Home Occupation
Any commercial business operation on a residential use parcel by the residents thereof **or within a stand-alone private storage building** and that does not conflict with or operate out of character with any surrounding land uses.

In Article 17 (Supplement Regulations and Standards):

- 17.21.3.A. (Home Occupation Standards) -- The term “private storage building” has been added:
Home occupations must be conducted within the principal residential structure **and**, permitted accessory structures **or private storage building**.
- Subsection 17.23.1.b. indicates that no home occupations or home occupation related activity can occur on the property or within the building. This text is proposed to be deleted in its entirety.
- Includes home occupations as permitted under Subsection 17.23.1.c:
17.23.1.c. Only goods, **and** material storage **and/or approved home occupations are is** permitted in the private storage structure. The structure is not to be used for human habitation at any time.
- Currently, Subsection 17.23.1.h. indicates that no bathroom facilities are permitted in private storage structures; therefore, the amendment would delete said text.
- Subsection 17.23.1.j. includes the text in green:
17.23.1.j. **Except for approved home occupations**, the structure cannot be used for any commercial and/or business uses including the storage of materials, vehicles or other items used for commercial or business purposes.

Please feel free to reach out should you have questions. See you on Wednesday evening.



Enclosure(s):

Amendment #154

CHEBOYGAN COUNTY ZONING ORDINANCE
AMENDMENT #154

AN ORDINANCE TO AMEND CHEBOYGAN COUNTY ZONING ORDINANCE NO. 200 RELATIVE
TO HOME OCCUPATIONS AND PRIVATE STORAGE BUILDINGS

Section 1. Amendment of Section 2.2.

Section 2.2. of the Cheboygan County Ordinance 200 is hereby amended to amend the following Definitions, which shall read in their entirety as follows:

PRIVATE STORAGE BUILDING

A building or structure that is used for private non-commercial storage of materials that are owned by the property owner and used only by the property owner and does not have permanent facilities for living, sleeping and/or cooking.

PRIVATE STORAGE/WORKSHOP BUILDING

A building that is used for private, non-commercial storage or home workshop purposes or home occupation purposes with no provisions for overnight living or sleeping areas.

AGRICULTURAL/PRIVATE STORAGE/WORKSHOP BUILDING

A building that is used for both agricultural and private non-commercial storage, home workshop purposes or home occupation purposes with no provisions for overnight living or sleeping areas.

CONTRACTOR

General builders engaged in the construction, modification, or residential, commercial, and industrial structures and/or involved in activities such as masonry, paving, highway construction, and utility construction.

HOME OCCUPATION

Any commercial business operation on a residential use parcel by the residents thereof or within a stand-alone private storage building and that does not conflict with or operate out of character with any surrounding land uses.

Section 2. Amendment of Section 17.21.

Section 17.21. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

SECTION 17.21. HOME OCCUPATIONS (Rev. __/__/19, Amendment #154)

Cheboygan County recognizes the desire and/or need of some citizens to use their residence for business activities in order to reduce trip generation and to provide another economic development tool, but it also recognizes the need to protect the surrounding areas from adverse impacts generated by these business activities.

17.21.1 ADMINISTRATION

A. Home occupations requiring zoning permits are those involving any of the following:

- 1.) Requires an additional on site, non-resident employee.
- 2.) Requires commercial signage.
- 3.) Requires additional parking for or results in additional traffic from customers.
- 4.) Requires commercial deliveries or pick ups of materials or supplies used in the home occupation.

B. No home occupation shall be conducted until a zoning application has been approved by the Zoning Administrator. The application shall include the following:

- 1.) The type of business and business activities.
- 2.) The number of employees.
- 3.) The vehicles used in the home occupation.
- 4.) The number of expected customer visits per day.
- 5.) The number of expected deliveries/drop offs.

17.21.2 PERMITTED USES

It is recognized that this list may not be totally inclusive. The Zoning Administrator shall determine whether a request is similar to a following listed use as to approve or deny.

- A. Home offices, including architects, counselors, clergy, doctors, dentists, engineers, attorneys, contractors, and accountants
- B. Home studios, including artists, sculptors, musicians, photographers, and authors
- C. Personal services, including barbershops and beauty parlors
- D. Instructional services, including music, dance, art, and craft classes
- E. Repair services, including small appliances, small engines, and computers/electronics
- F. Workrooms, including weaving and woodworking
- G. Day care homes

17.21.3 STANDARDS

- A. Home occupations must be conducted within the principal residential structure, permitted accessory structures or private storage building.
- B. Customer visits and delivery vehicles are limited to the hours of 8am to 7pm.
- C. Delivery vehicles are limited to passenger vehicles, mail carriers, and express carriers.
- D. Nonresident employees on the premises are limited to one (1) at any one time.
- E. Home occupations shall not create traffic, visible displays, vibrations, heat, noise, odors, dust, glare, or other similar nuisances not normally found in the surrounding area.
- F. Home occupations shall not generate waste or sewage in volume or type which is not normally associated with residential use.

17.21.4 CONDITIONAL APPROVALS

The Zoning Administrator may impose reasonable conditions with the approval of an application, pursuant to Section 17.21.3 of this Ordinance.

Section 3 Amendment of Section 17.23.

Section 17.23. of the Cheboygan County Zoning Ordinance No. 200 is hereby amended to read in its entirety as follows:

SECTION 17.23 PRIVATE STORAGE BUILDINGS AND USES (Rev. __/__/19, Amendment #154)

Cheboygan County recognizes the desire and/or need of some citizens to have a parcel that is used primarily for indoor storage of items that are typically used in a home or to store equipment used for maintenance of a single family home or enjoyment by the residents of a single family home. Private storage is a primary use, not subordinate to another use on the same property. Placement of a private storage building on the property should support the future placement of a residence.

Section 3. 17.23.1 STANDARDS

The following standards apply to private storage buildings and uses on the Residential (D-RS), Rural Character/Country Living (D-RC) and Lake and Stream Protection (P-LS) zoning districts. Private storage buildings that are allowed in other zoning districts do not have to abide by this section, but must follow all other applicable standards.

- a. The structure shall not serve as a residence or dwelling of any kind.
- b. Only goods and material storage and/or approved home occupations are is permitted in the private storage structure. The structure is not to be used for human habitation at any time.
- c. If within thirty (30) feet of a side property line, all such private storage buildings must be screened from view of the side property lines with a solid evergreen hedge with a minimum height of six (6) feet or privacy fence with a minimum height of six (6) feet.
- d. No more than two (2) private storage buildings are allowed per acre of contiguous property under the same ownership as recorded with the office of the register of deeds with a maximum of four (4) storage buildings allowed for all properties under the same ownership.
- e. The total floor area of the foot print(s) of all private storage buildings on the same lot of record or on one or more contiguous lots of record under the same ownership, as recorded with the office of the register of deeds, shall comply with the following applicable requirements:
 1. If the area of the lot of record or the area of the contiguous property on which the private storage buildings are located is two (2) acres or less, then the total floor area shall be no more than 1,600 square feet.
 2. If the area of the lot of record or the area of the contiguous property on which the private storage buildings are located is more than two (2) acres but is three (3) acres or less, then the total floor area shall be no more than 3,200 square feet.
 3. If the area of the lot of record or the area of the contiguous property on which the private storage buildings are located is more than three (3) acres, then the total floor area shall be no more than 6,000 square feet.
- f. In the P-LS district, all private storage buildings must meet a minimum setback from the water's edge of 50 feet and must meet all other applicable setbacks for the zoning district in which located.
- g. The structure may not be used to house or support animals of any type.
- h. Except for approved home occupations, the structure cannot be used for any commercial and/or business uses including the storage of materials, vehicles or other items used for commercial or business purposes.

Section 3. Severability.

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 4. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the County.

CHEBOYGAN COUNTY

By:
John B. Wallace
Its: Chairperson

By:
Karen L. Brewster
Its: Clerk

August 7,2019

Planning Commission Members,

P & Z Director Michael Turisk's desire to allow bath facilities and home occupations in private storage buildings is fraught with problems. Mr Turisk seems to think there is some growing demand to add sanitation facilities to storage buildings. Private storage buildings, as either an accessory building or more recently as a standalone building, are typically a low cost metal-sheathed pole barn. They offer a cheap alternative to get vehicles, RV's, boats, and other items out of the weather.



The above four stand-alone private storage buildings ignore Section 17.23 -**Placement of a private storage building on the property should support the future placement of a residence.**

Three of these are located in D-RS zoning, surrounded by homes. The bottom left photo is a D-CM lot within a residential neighborhood. That storage building is a low cost engineered all metal building with a 14 x 332 RV carport constructed alongside. The bottom right photo on Poplar St in Indian River with lawn chairs out front has a porta-potty placed on the right side of the drive.

P & Z Director Mike Turisk ill-conceived changes would allow Home Occupations- Any commercial business operation on a residential use parcel by the residents thereof or **within a stand-alone private storage building** and that does not conflict with or operate out of character with any surrounding land uses to be used commercially.

Home occupations must be limited to accessory buildings; buildings on the same contiguous lot where the owner lives.

Thank you-Carl Muscott



CHEBOYGAN COUNTY PLANNING COMMISSION

870 SOUTH MAIN STREET ■ CHEBOYGAN, MI 49721 ■ PHONE: (231)627-8489

Now comes the Planning Commission of Cheboygan County addressing the Cheboygan County Board of Commissioners .

At the July 3rd, 2019 Planning Commission meeting a "Motion by Ms. Johnson and seconded by Mr. Freese, to compose a letter and send to the Cheboygan County Board of Commissions stating the Planning Commission's concerns regarding the lack of enforcement." Motion carried unanimously. (See Meeting Minutes)

At the August 1st, 2018 Planning Commission meeting a "Motion by Mr. Freese, seconded by Mr. Kavanaugh, that a full time enforcement officer is necessary to carry out the duties that are required for enforcement in Cheboygan County. Motion carried unanimously. Mr. Freese stated that this motion is to be forwarded to the Board of Commissioners." (See Meeting Minutes).

It has come to the attention of the Planning Commission that the newly hired Zoning Enforcement Officer, Mr. Michael Peltier, is being utilized in other capacities within the county, such as Soil and Sedimentation. Apparently Mr. Peltier is being required to spend at least ½ of his time allocated to Soil and Sedimentation. In the last few weeks Mr. Peltier has spent more than ½ of his time doing such duties as directed by administration. We would like the Cheboygan County Board of Commissioners to discuss this administrative decision and overturn the requirement for Mr. Peltier to spend ½ of his time on Soil and Sedimentation and redirect him to spend **all** of his time on zoning enforcement.

In the short amount of time since Mr. Peltier has been with Cheboygan County there has been a noticeable difference in enforcement within the county and is very appreciated by the Planning Commission, while it not only makes our jobs important and viable, it has also made an impact on our citizens. The question that needs to be answered is "If we do not have enforcement than why do we have zoning requirements?"

Please consider this request at your next meeting. An expedited result would be much appreciated.

Sincerely ,

The Planning Commission of Cheboygan County

Patty Croft (Chairperson)

Harold Borowicz (Vice Chairperson)

Stuart Bartlett

Charles Freese

Michael Kavanaugh

Charles Ostwald

Ed Delana

Sharon Lyon

Karen Johnson



CHEBOYGAN COUNTY PLANNING COMMISSION

870 SOUTH MAIN ST., ROOM 103 • PO BOX 70 • CHEBOYGAN, MI 49721
PHONE: (231)627-8489 • TDD: (800)649-3777

CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, JULY 3, 2019 AT 7:00 P.M. ROOM 135 – COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Johnson
ABSENT: Delana
STAFF: Jen Merk, Mike Turisk
GUESTS: Eric Boyd, John F. Brown, Carl Muscott, John Moore, Bob Lyon, Amber Howard, Craig Knaffle, Dustine Mecham

The meeting was called to order by Chairperson Croft at 7:00pm.

PLEDGE OF ALLEGIANCE

Chairperson Croft led the Pledge of Allegiance.

APPROVAL OF AGENDA

The meeting agenda was presented. **Motion** by Mr. Borowicz, seconded by Mr. Kavanaugh, to approve the agenda as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Johnson), 0 Nays, 1 Absent (Delana)

APPROVAL OF MINUTES

The June 5, 2019 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Ms. Johnson, to approve the meeting minutes as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Johnson), 0 Nays, 1 Absent (Delana)

PUBLIC HEARING AND ACTION ON REQUESTS

Terry Knaffle - Requests an amendment of a Special Use Permit to construct three Indoor Storage Facilities, per Sections 9.3.24 (Indoor Storage Facilities) and 18.11 (Amendment of Special Use Permit) of the Zoning Ordinance. The subject property is zoned Agriculture and Forestry Management (M-AF) and is located at 12106 Inverness Trail, Beaugrand Twp., Section 35, Parcel #041-035-300-008-08.

Ms. Merk reviewed the background information contained in the staff report.

Board held discussion. Ms. Lyon asked if there will be a holding area for the water from the roofs. Mr. Knaffle explained that he would dig down to the sand and put in gravel. Mr. Knaffle stated that he is requesting three buildings, but he is unsure that he will build all three buildings. Mr. Freese explained that Mr. Knaffle owns the property that drops off towards Woiderski Road. Mr. Freese stated that Mr. Knaffle will have to comply with DEQ requirements as there are possible wetlands on the south edge of the building site.

Mr. MacArthur stated that he is representing Mr. Knaffle. Mr. MacArthur stated the property is L shaped and if all three buildings are constructed they would all drain onto Mr. Knaffle's property. Mr. MacArthur stated that property owners to the south had concerns, but the three proposed buildings are remote and there wouldn't be an impact. Discussion was held. Mr. Kavanaugh stated that he talked with the Department of Building Safety and the Zoning Department and no complaints have been filed since Mr. Knaffle has started this business. Discussion was held regarding letters of support and letters of opposition that have been submitted in regards to the application.

Ms. Croft asked for public comments. Ms. Rocheleau stated that the issue with the ditch has been an ongoing issue. Ms. Rocheleau stated that the ditch has been drained. Ms. Rocheleau noted that there is water in the ditch by her house. Ms. Rocheleau stated that Mr. Knaffle's place is very neat and tidy. Ms. Rocheleau stated that existing fence is substantial. Public comment closed.

Motion by Mr. Freese, seconded by Mr. Bartlett, to grant the topography waiver request. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Johnson), 0 Nays, 1 Absent (Delana)

The Planning Commission reviewed and approved the General Findings, Finding of Fact under Section 18.7, Specific Findings of Fact under Section 20.10 and Specific Findings of Fact under Section 17.27. **Motion** by Mr. Kavanaugh, seconded by Mr. Borowicz, to approve the special use permit amendment based on the General Findings, Finding of Fact under Section 18.7, Specific Findings of Fact under Section 20.10 and Specific Findings of Fact under Section 17.27 with the following conditions:

1. Meet Department of Building Safety requirements
2. Meet Cheboygan County Road Commission requirement
3. Screening on north side in accordance with Zoning Ordinance #200
4. Meet DEQ requirements

Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Johnson), 0 Nays, 1 Absent (Delana)

Nicolas Bunker/Pat Schultz - Requests a Special Use Permit to construct an Indoor Storage Facility, per Section 6.3.16 (Indoor Storage Facilities) of the Zoning Ordinance. The subject property is zoned Commercial Development (D-CM) and is located at 4901 Webb Road, Nunda Twp., Section 8, Parcel #251-008-106-051-00.

Ms. Croft declared a conflict of interest based on a business relationship with Nicolas Bunker and Pat Schultz.

Ms. Merk reviewed the background information contained in the staff report.

Mr. Kavanaugh stated that he believes that other indoor storage facilities in Commercial Development were not allowed 24 hour access. Ms. Lyon stated that it does not make sense to allow 24 hour access when there is no lighting proposed. Mr. Borowicz questioned the purpose of the chain link fence if there is 24 hour access. Mr. Bunker stated the chain link fence is for security. Mr. Freese asked if access will be through the restaurant parking area. Mr. Bunker stated yes. Mr. Kavanaugh and Ms. Lyon noted that no lighting or signs are proposed. Discussion was held.

Mr. Borowicz asked for public comments. Mr. Muscott suggested keeping the self storage buildings toward the rear of the lot and preserving the more valuable commercial frontage on Webb Road. Mr. Freese noted that it is the property owner's choice. Mr. Moore stated that the township does not have any concerns. Public comment closed.

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to grant the topography waiver request. Motion carried. 7Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Ostwald, Lyon, Johnson), 0 Nays, 1 Absent (Delana)

The Planning Commission reviewed and approved the General Findings, Finding of Fact under Section 18.7, Specific Findings of Fact under Section 20.10 and Specific Findings of Fact under Section 17.27. **Motion** by Mr. Kavanaugh, seconded by Mr. Freese, to approve the special use permit based on the General Findings, Finding of Fact under Section 18.7, Specific Findings of Fact under Section 20.10 and Specific Findings of Fact under Section 17.27 with the following conditions:

1. Meet Department of Building Safety requirements
2. Meet Cheboygan County Road Commission requirement
3. Hours of operation limited to 6:00am to 10:00pm

Motion carried. 7Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Ostwald, Lyon, Johnson), 0 Nays, 1 Absent (Delana)

UNFINISHED BUSINESS

Continuing Discussion Regarding Zoning for Tiny Homes and Accessory Dwelling Units.

Mr. Turisk stated that a discussion was held on 06/05/19 regarding tiny home land uses with the intent of determining if the Planning Commission wanted to proceed. Mr. Turisk explained that the six questions that were mentioned in the "Practice Tiny Houses" manual should assist the Planning Commission in determining if they want to proceed. Mr. Turisk stated that there are allowances for tiny homes such as a guest house in the Zoning Ordinance. Mr. Turisk stated that guest homes are not a stand-alone principal uses. Mr. Turisk stated that guest homes are allowed up to 600sf and this is a tiny home. Mr. Turisk asked if we want to identify areas where we would allow these types of uses. Mr. Freese stated that he prefers not to use the term tiny home. Mr. Freese noted that if it is an accessory dwelling on a property with a principal dwelling, there is an incentive on the part of the home owner to prevent having a less than acceptable dwelling on his property. Mr. Freese suggested allowing guest houses in more districts than just the Lake and Stream Protection Zoning District. Mr. Freese stated that tiny homes could be authorized in PUD's. Mr. Kavanaugh stated that this will be going backwards if tiny homes are allowed. Mr. Kavanaugh stated that the Zoning Ordinance requires 720sf and the average new house being constructed is 2100sf. Mr. Kavanaugh stated that he would like to see tiny homes authorized in a PUD. Mr. Bartlett asked if we are getting

requests for tiny homes. Mr. Turisk stated he has not received any recent inquiries, but staff has received inquiries. Mr. Turisk stated that we have not received a great number of inquiries over the past 6-8 months. Mr. Kavanaugh stated that interest was prompted due to a recent enforcement issue. Mr. Kavanaugh stated that tiny homes should be authorized in a PUD since there is not a lot of interest at this time. Ms. Lyon stated that tiny homes should be a stand-alone use, according to Building Code regulation. Discussion was held regarding Mr. Turisk reviewing aesthetic standards with legal counsel.

NEW BUSINESS

City of Cheboygan - Draft Master Plan Discussion

Ms. Croft stated that the Planning Commission has received a copy of the City of Cheboygan's draft Master Plan. Ms. Croft asked if there are any comments. Ms. Croft stated that she reviewed the Master Plan and she does not have any comments. Mr. Turisk stated he will continue to review the draft Master Plan and if he has any questions or points to consider he will bring them up at the next meeting. Mr. Turisk stated that the Planning Commission members can submit questions and comments to the Planning and Zoning Department.

STAFF REPORT WITH UPDATE ON MASTER PLAN REVISION

Mr. Turisk stated that the expansion of guest house uses or accessory dwelling units was identified in the 2014 update. Mr. Turisk stated PUD's and allowing for home occupations in a private storage building was also discussed. Mr. Turisk provided an example of an owner of a private storage building allowing someone to rent space in the private storage building for a fee. Mr. Turisk stated that currently this is considered commercial storage. Mr. Borowicz stated that this is unenforceable. Mr. Turisk noted that our enforcement is complaint driven. Mr. Turisk asked if this is something that the Planning Commission would like to consider. Discussion was held. Mr. Freese stated that this is not something that the Planning Commission should condone as it is saying that private storage buildings are allowed to be used as commercial storage buildings. Mr. Freese stated that the Planning Commission should authorize home occupations in a private storage building. Discussion was held.

PLANNING COMMISSION COMMENTS

Mr. Borowicz stated that the Michigan Department of Agriculture has changed their standards for the location of new and expanded animal agricultural operations. Mr. Borowicz stated that zoning is no longer referred to in GAAMP's. Mr. Borowicz stated that it should not be a problem as permits are based on residential density within certain distances.

Ms. Johnson stated that it has come to her attention that the Zoning Enforcement Officer is not only doing zoning enforcement but he is also responsible 50% of the time for soil and sedimentation. Ms. Johnson stated that this Planning Commission voted in August 2018 that a full time Zoning Enforcement Officer is necessary to carry out the duties that are required. Ms. Johnson proposed that the Planning Commission come together again and support a letter to the Cheboygan County Board of Commissioners to let them know that a full time Zoning Enforcement Officer is needed and not someone who is also responsible for soil and sedimentation. Mr. Borowicz and Mr. Kavanaugh agreed that this is a good point. **Motion** by Ms. Johnson, seconded by Mr. Freese, to compose a letter and send it to the Cheboygan County Board of Commissioners stating the Planning Commission's concerns regarding the lack of enforcement. Board held discussion. Mr. Borowicz stated that if we do not have enforcement, we may as well not have zoning. Mr. Freese stated that we are finally making progress on enforcement and if Mr. Peltier is spending 50% of his time on anything else, then we are defeating the primary purpose of this job. Ms. Johnson stated that this was brought to her attention by a concerned citizen and she talked with Mike Peltier last week. Ms. Johnson stated that last week he spent 30 hours doing Soil and Sedimentation inspections. Ms. Croft asked if Mr. Peltier has completed the Soil and Sedimentation training. Mr. Turisk stated that Mr. Peltier has completed the first phase of the certification which allows him to inspect and document. Mr. Turisk stated that he does not have the full certification. Mr. Turisk explained that Mr. Peltier is doing a lot of the "repeat" soil inspections. Ms. Croft asked who is fully certified for Soil and Sedimentation. Mr. Turisk stated Matt Cronk and Paul Morse are fully certified. Mr. Turisk stated that he has the SESC certification, which is the same certification that Mr. Peltier has obtained. Mr. Turisk stated he intends to obtain the full certification to help out. Mr. Turisk stated that he is aware of the Planning Commission's concern of a lack of enforcement in the past. Mr. Turisk stated that Mr. Peltier has done an admirable job cleaning up a lot of the enforcement issues and there is still a lot of work to be done. Ms. Johnson stated her concerns regarding the enforcement going back to the way it was in the past. Ms. Johnson stated that this is a failure of our responsibilities to the general public. **Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Johnson), 0 Nays, 1 Absent (Delana)**

Mr. Kavanaugh stated that there is new legislation regarding control by local planning and zoning regarding short term rentals. Mr. Kavanaugh stated that he saw on the news that Charlevoix is not allowing short term rentals. Discussion was held.

PUBLIC COMMENTS

Mr. Muscott stated that there is a new solar array at the corner of Woodmansee and Straits Highway and it appears that it complies with Zoning and Department of Building Safety requirements. Mr. Muscott stated that it sticks out like a sore thumb. Mr. Muscott stated at the corner of Elmwood and Westway there is a private storage building that is an engineered steel building with no wood structure and no eaves. Mr. Muscott stated this is what Cheboygan County allows but he prefers a nicely sided small house rather than a private storage building.

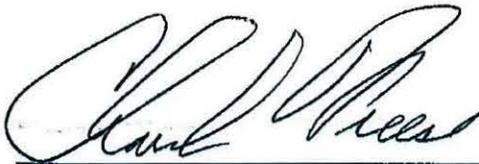
Mr. Muscott stated that there is a tiny home under 500sf built on the Cheboygan River across the road from VFW Road. Mr. Muscott stated that he talked to Mr. Peltier about this enforcement issue. Mr. Muscott does not believe that a variance would be approved for this small home.

Mr. Muscott believes that 3 previous employees who have left Cheboygan County also received the soil certification. Mr. Muscott stated he talked with the person at the state level who looks after soil erosion and Cheboygan County is lacking in a lot of areas. Mr. Muscott stated that there may be a need for a full time Soil Erosion Officer.

Mr. Muscott stated that section 3.5. has been identified by other county planning officers as a blight ordinance that deals with inoperable and unlicensed vehicles. Mr. Muscott stated that Mr. Peltier is not allowing an unlicensed vehicle with a trail permit on it. Mr. Muscott stated that a plow truck may be unlicensed and it is not allowed by Mr. Peltier based on Section 3.5.

ADJOURN

Motion by Mr. Borowicz to adjourn. Motion carried. Meeting was adjourned at 8:37pm.



Charles Freese
Planning Commission Secretary



CHEBOYGAN COUNTY PLANNING COMMISSION

870 SOUTH MAIN ST., ROOM 103 • PO BOX 70 • CHEBOYGAN, MI 49721
PHONE: (231)627-8489 • TDD: (800)649-3777

CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, AUGUST 1, 2018 AT 7:00 PM ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Jazdzyk, Churchill, Lyon
ABSENT: None
STAFF: Michael Turisk
GUESTS: Eric Boyd, Karen Johnson, Bob Lyon, Cal Gouine, John F. Brown, Russell Crawford, Cheryl Crawford, John Moore, Roberta Matelski, Carl Muscott, Cheryl Clarkson, Jim Clarkson

The meeting was called to order by Chairperson Croft at 7:00pm.

PLEDGE OF ALLEGIANCE

Chairperson Croft led the Pledge of Allegiance.

APPROVAL OF AGENDA

The meeting agenda was presented. **Motion** by Mr. Churchill, seconded by Mr. Kavanaugh, to approve the agenda as presented. Motion carried unanimously.

APPROVAL OF MINUTES

The July 18, 2018 Planning Commission minutes were presented. **Motion** by Mr. Borowicz, seconded by Mr. Kavanaugh, to approve the meeting minutes as presented. Motion carried unanimously.

PUBLIC HEARING AND ACTION ON REQUESTS

No comments.

UNFINISHED BUSINESS

Continued discussion regarding draft Planned Unit Development (PUD) language.

Mr. Turisk stated that there is good language that the Planning Commission has worked on so far for the proposed PUD amendment. Mr. Kavanaugh stated that a PUD committee was created and there were quite a few committee meetings that were held to discuss the PUD amendment.

Mr. Freese stated that the Planning Commission should consider whether performance bonds will be required or what type of collateral will be required. Mr. Freese stated that the Planning Commission needs to decide if it should be put into this regulation. Ms. Croft stated that Mr. McNeil was checking with legal counsel on this question. Mr. Freese stated that legal counsel would rather see it in the section where it is already covered. Mr. Kavanaugh stated that there were questions about who can change the amount of the bond. Mr. Kavanaugh stated that this should be reviewed by legal counsel. Discussion was held.

Discussion was held regarding an application that has been submitted for Planning Commission review. Mr. Freese stated that he has proposed deleting from consideration the overlay districts. Mr. Freese stated that this project is a fairly large parcel and the applicant is considering several different uses that might not otherwise be authorized due to the zoning. Mr. Freese stated that several uses might be considered for parcels in the overlay districts. Mr. Freese stated that there is a five acre requirement, but the Planning Commission can consider a smaller parcel. Mr. Freese stated that the Planning Commission has rezoned a parcel that has two zoning districts and it has not always turned out for the best. Mr. Freese stated that if the Planning Commission could have considered a PUD, there may not have been as many problems. Mr. Freese asked the Planning Commission members if they would consider opening up some of the districts to consideration for a PUD. Mr. Freese stated that most of the application would have to be considered with a reduction of the 5 acre requirement. Mr. Kavanaugh stated that without the overlay, there isn't a lot that could be considered on some of the parcels.

Discussion was held on the matrix to be used for the PUD amendment. Mr. Freese suggested using the twenty categories that

he supplied for the PUD amendment instead of using the matrix. Mr. Freese stated that the matrix can be used for consolidating and redefining terms in the future. Ms. Lyon and Mr. Kavanaugh stated their concerns about existing rules still being in place such as not allowing a medical marijuana shop next to a school. Mr. Turisk noted that a PUD should be complimentary and serve the immediate community. Mr. Turisk stated it should make land use sense. Mr. Turisk agrees that this should be kept broader as there are oversight mechanisms in place, such as a concept plan, with the pre-application meeting. Mr. Freese asked the Planning Commission members to consider all of the uses that they would want to allow in the twenty categories that he provided. Mr. Freese and Ms. Croft asked that the matrix be mailed to all Planning Commission members.

Mr. Turisk asked if the Planning Commission would consider for future discussion, identifying areas that would not be considered open space. Mr. Turisk noted that some communities have had developers try to use utility right of way for open space. Mr. Turisk stated that applicants may try to justify using off street parking and community drain fields as open space.

NEW BUSINESS

Citizen Planner Program -- Lindsey Gardner, Government and Community Educator, Michigan State University Extension

Ms. Croft stated that there are only a couple of Planning Commission members who have signed up for the Citizen Planner Program. Mr. Turisk stated that the Citizen Planner Program start on October 1, 2018. Mr. Turisk stated that there will only be six sessions. Mr. Turisk stated in 2009 there was a resolution that adopted by the board that speaks to providing the Planning Commission a minimum of 4 hours of training annually. Mr. Turisk stated that this program is not required, but it would qualify for fulfilling the training requirement. Discussion was held.

Ms. Gardner stated she is the Government and Community Educator for MSU Extension. Ms. Gardner stated that her role is to bring the latest and greatest resources from Michigan State University to local officials and residents. Ms. Gardner stated that she is the first educator based out of the Cheboygan MSU Extension office. Ms. Gardner stated that she focuses on community development and land use directly to serve the Planning Commission, Zoning Board of Appeals, Cheboygan County Board of Commissioners and any local unit of government. Ms. Gardner provided example of trainings that are available for the Planning Commission. Ms. Gardner stated that the Citizen Planner is a six week certificate course and is designed to sharpen the skills land use decision makers. Ms. Gardner stated that it will be held at the Tuscarora Township Hall on Monday evenings in October and November from 6:00pm to 9:00pm. Ms. Gardner stated that if you are not able to attend all six sessions, you can watch a recording and complete the program. Ms. Gardner reviewed the benefits of the Citizen Planner program. Ms. Gardner explained Master Citizen Planner. Mr. Turisk asked if there is a maintenance requirement for Master Citizen Planner. Ms. Gardner stated yes there are educational opportunities each year that are usually 2-4 hours as a webinar or conference. Ms. Gardner stated that 4-8 educational opportunities are offered each year.

Ms. Gardner that there will be a special program on Planning and Zoning for Solar in Alpena Township on September 19, 2016 from 6:00pm until 8:30pm. Ms. Lyon stated that this will be held on the Planning Commission's regular meeting day and asked if this will be offered as a webinar. Ms. Gardner stated that another program can be held in this area if there is enough interest. Discussion was held.

Mr. Turisk noted that the deadline to sign up for Citizen Planner is September 24, 2018.

STAFF REPORT

Mr. Turisk noted that the draft solar amendment is currently under review by legal counsel. Mr. Turisk stated that this should be on the Planning Commission's agenda at a September meeting.

Mr. Turisk reviewed items that will be on the 08/15/18 Planning Commission agenda.

PLANNING COMMISSION COMMENTS

Mr. Bartlett stated that he was on another Planning Commission that reviewed a PUD on a lake with a golf course. Mr. Bartlett stated that there were a tremendous number of different uses and the PUD went over very well. Mr. Bartlett stated it was a tremendous asset to the community.

PUBLIC COMMENTS

Ms. Clarkson stated that she lives on Silver Beach Road and she has a neighbor five houses away free ranges chickens and the chicken end up in her garage and yard. Ms. Clarkson stated that she has spoken to the owners and the chickens are still in her yard and garage. Ms. Clarkson asked what are her rights with free range chickens on her lakefront property. Mr. Turisk stated that he has spoken with Ms. Clarkson on several occasions and we are currently investigating the possible options for possible

recourse. Mr. Turisk stated that in the Commercial zoning district, hobby farms are a permitted use and this is one avenue to explore. Mr. Turisk stated that the investigation is ongoing. Mr. Turisk stated that animal control and law enforcement have been out to investigate and there has been very little in the way of clear direction as to what can be done. Mr. Jazdyk asked how long it will take to look at the available options. Mr. Turisk stated that he needs to consult with legal counsel on a few questions and this could take a few days. Mr. Kavanaugh asked how long this has been going on. Ms. Clarkson stated that she has been trying to resolve this for two years. Ms. Clarkson stated that she does not have use of her property as the chickens defecate in her yard, chase her and go after her dog. Mr. Churchill asked how many chickens are in her yard. Ms. Clarkson stated 5-6 chickens. Mr. Jazdyk asked if this is a commercial operation or is it for their personal use. Ms. Clarkson stated that she does not know. Mr. Kavanaugh stated that there must be some relief for having these animals on your property. Mr. Borowicz stated that animal control would take care of it if they were dogs that were roaming. Discussion was held. Mr. Borowicz stated that he can raise and sell, free range chickens but they have to range free on his property not his neighbor's property. Mr. Borowicz stated that the Right To Farm Act does not allow him to use other people's property for his profit. Mr. Turisk stated that he needs to review this point with legal counsel. Discussion was held.

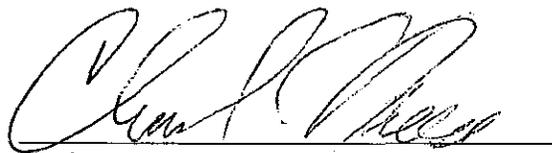
Ms. Johnson stated that coming up with a solution for Ms. Clarkson does not resolve the issue in Cheboygan County and that need to be addressed and taken seriously. Ms. Johnson that there is a resolution to the situation that she is dealing with and there is no enforcement.

Mr. Freese stated that for the past 15 years he has stated that there is a problem in this county with enforcement and we will continue to have problems until somebody does something about it. Mr. Freese stated that at several times we have had an enforcement officer and then his duties are expanded and he no longer has time for enforcement. Mr. Freese stated that this position can't have three different job descriptions and expect him to do a good job on all of them. Ms. Johnson agreed with Mr. Freese. Mr. Freese stated that unless the position is authorized and filled there is nothing that the Planning Commission can do about it at this level other than complain and they have been doing it for years. Ms. Johnson suggested making a resolution of support to be brought to the Cheboygan County Board of Commissioners. Ms. Johnson stated that she had tried to address this issue with the Board of Commissioners. Mr. Kavanaugh stated that there are three Commissioners at the Planning Commission meeting tonight. Mr. Kavanaugh stated that the Planning Commission members bring up this enforcement issue on a regular basis. Mr. Kavanaugh stated that there is an ordinance and it is not enforced. Mr. Kavanaugh stated that stipulations that are placed on approvals are not enforced. Mr. Turisk stated that we do not have enforcement staff currently and he and Mr. Lawson have been doing code enforcement. Mr. Turisk stated that a complaint regarding a trailer along Barbara Avenue has been resolved recently. Mr. Turisk stated that in the last few weeks there has been an influx of complaint submittals which is reasonable given the seasonal nature to our community. Mr. Churchill and Mr. Freese ask if this is an effective use of his time and Mr. Lawson's time. Mr. Turisk stated that the concerns have been conveyed to administration from him, others and the public. Mr. Turisk stated he has noticed a general lack of enforcement within a few weeks of being here. Mr. Turisk stated that there has to be some oversight mechanism that enforces the Zoning Ordinance, but not proactive where staff is driving around looking for violations. Mr. Turisk stated we do not have the will or the budget for that type of enforcement. Mr. Turisk stated that violations are complaint driven and we rely on the neighbors and the community to report violations. Mr. Turisk stated that when we get a complaint we have a responsibility to follow through on the complaint. Mr. Turisk stated that as the department head, he does not have the time to devote to enforcement. Mr. Turisk stated that administration does recognize the need for enforcement. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, that a full time enforcement officer is necessary to carry out the duties that are required for enforcement in Cheboygan County. Motion carried unanimously. Mr. Freese stated that this motion is to be forwarded to the Board of Commissioners.

Mr. Muscott stated that this is a great motion and the Planning Commission has to be more vocal on these issues as they have been ongoing for years. Mr. Muscott stated that Emmet County has zoning enforcement that keeps a spreadsheet of complaints with what action is being taken. Mr. Muscott stated that this report is forwarded to the Planning Commission, Zoning Board of Appeals and Board of Commissioners each month. Mr. Muscott stated that there is a food truck operating at the Modern Pharmacy location. Mr. Muscott stated that this is another enforcement issue. Discussion was held.

ADJOURN

Motion by Mr. Borowicz to adjourn. Motion carried. Meeting was adjourned at 8:41pm.



Charles Freese
Planning Commission Secretary