

CHEBOYGAN COUNTY PLANNING COMMISSION

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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, JUNE 17, 2015 AT 7:00 P.M. ROOM 135 - COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill, Jazdyk
ABSENT: None
STAFF: Scott McNeil
GUESTS: Carl Muscott, Tony Matelski, John F. Brown, John Moore, Russell Crawford, Cheryl Crawford

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. Borowicz, to approve the agenda as presented. Motion carried unanimously.

APPROVAL OF MINUTES

The June 3, 2015 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

Cheboygan County – Requests a review of capital improvement expenditure for two (2) structure additions to an animal shelter. The property is located at 1536 Hackleburg Rd., Koehler Township, Section 8, parcel #172-008-200-001-02 and is zoned Agriculture & Forestry Management (M-AF).

Mr. McNeil explained that this is a request for a capital expenditure as opposed to a special use permit which was originally advertised in the newspaper. Mr. McNeil stated that counties are not subject to their own zoning. Mr. McNeil stated the county is requesting approval of a capital expenditure as required by the Planning Enabling Act. Mr. McNeil stated he prepared general findings and specific findings related to review of capital improvement expenditure for the Planning Commission to review. Mr. McNeil stated he also prepared a report for the Cheboygan County Board of Commissioners which is also required under the Planning Enabling Act. Mr. McNeil stated this project was in the Capital Improvement Plan for the prior year and the Planning Commission received a presentation at that time. Mr. McNeil referred to the site plan and noted the location of the two additions. Mr. McNeil stated parking will remain the same.

Mr. Borowicz asked for the dollar amount for this project. Mr. Lawson stated the estimated cost for this project is \$400,000. Discussion was held.

Ms. Croft asked for public comments. There were no public comments. Public comment closed.

The Planning Commission reviewed and approved the General Findings. The Planning Commission reviewed and approved the Specific Findings. The Planning Commission finds that the proposed location and extent of the proposed Phase II addition to the existing animal control facility meets all standards applicable to like improvements which require a special use permit and the Planning Commission further finds the location and extent of the proposed Phase II addition to the existing animal control facility does not contravene the Cheboygan County Master Plan. **Motion** by Mr. Kavanaugh, seconded by Mr. Churchill, that the Planning Commission hereby has no further comment based on the General Findings and the Specific Findings. Motion carried unanimously.

UNFINISHED BUSINESS

Proposed Zoning Ordinance Amendment - P-LS zoning district changes and setback from intermittent streams, ponds or lakes in other zoning districts.

Mr. McNeil stated the Planning Commission is now looking at having the Lake and Stream Protection zoning district along all of the major lakes and rivers as well as the perennial streams that were identified when the Planning Commission discussed the other zoning district. Mr. McNeil stated zoning maps were included in the packet to show what this will look like with the Lake and Stream Protection along the perennial streams. Mr. McNeil stated that he provided the amendment that was previously worked on that would be used to put the rezoning into effect. Mr. McNeil stated language would have to be added that will provide for the Lake and Stream Protection zoning district along the perennial streams as well as the rivers and ponds. Mr. McNeil stated all other provisions are the same as previously discussed as for the Lake and Stream Protection rezoning.

Mr. Jazdyk referred to section 10.5.2 and stated that a vegetation strip shall be maintained for a distance of 40ft. inland. Mr. Jazdyk asked if the 40ft. has to be a vegetative strip. Mr. Freese stated that shall means that it is mandatory. Mr. McNeil stated this should be changed because under the first paragraph under this section the vegetative strip should be or could be maintained and then there is this contradictory statement that Mr. Jazdyk cited. Mr. McNeil stated this can be corrected within this amendment document. Mr. McNeil stated that the vegetative strip requirement has not been enforced in the past. Mr. McNeil stated a 40ft. setback will still be required from drains, intermittent streams and ponds in Residential and Agriculture/Forestry Management. Mr. Jazdyk stated his concerns that if he were to build his house today he would have 10ft. of frontage and then there would be a vegetative strip. Mr. McNeil stated he will revise this section to encourage a vegetative strip or to make a vegetative strip a recommendation.

Mr. Jazdyk referred to section 17 and stated that end lots in the Lake and Stream Protection district shall contain a minimum of 100ft. of frontage in addition to minimum lot requirements. Mr. Jazdyk asked if minimum lot requirements are different than frontage. Mr. McNeil stated yes it is. Mr. Borowicz stated there are lots that are 100ft. wide with a stream that only cuts a corner of the lot. Mr. McNeil stated the 100ft. of frontage requirement was previously in the ordinance and it was removed by a mistake in an amendment. Mr. McNeil stated this will just restore this requirement. Mr. McNeil stated you could end up with many lots with 10ft. of frontage and 200ft. at the rear of the lot. Mr. Freese stated what this section says is that if the stream cuts across a side of the property that is the front and that lot has to be 100ft. wide. Mr. Borowicz and Mr. McNeil stated that this section requires 100ft. of frontage. Mr. McNeil stated we currently require 100ft. of width. Mr. McNeil noted that 100ft. of frontage has been required in the past. Mr. McNeil stated the definition of lot width is the average of the two sides. Discussion was held. Mr. McNeil stated he will make the requested changes.

2016 Capital Improvement Program Review Of Project Summary and Prioritization Of Proposed Projects

Mr. McNeil stated he has provided all of the project descriptions along with the capital improvement summary. Mr. McNeil stated the summary provides the project title and the estimated cost. Mr. McNeil stated on the project summary he provided a n or d where in the past the Planning Commission has either classified in the needed category or the desired category. Mr. McNeil stated any of these designations can be changed by the Planning Commission. Mr. McNeil stated there are two new projects that the Planning Commission will need to classify in the needed category or the desirable category. Mr. McNeil stated the two new projects are the Mullett Township Topinabee Beach Park Improvements and the Cheboygan County Marina Fuel Dock and Fuel Tank Replacement.

The Planning Commission agreed that the Cheboygan County Marina Fuel Dock and Fuel Tank Replacement is needed. Mr. Kavanaugh and Ms. Lyon stated that the Mullett Township Topinabee Beach Park Improvements is desirable. Mr. Jazdyk believes that the Mullett Township Topinabee Beach Park Improvements should be left off of the list. Ms. Lyon asked if this will hurt Mullett Township when applying for grants if this is not included on the list. Ms. Croft and Mr. Freese stated it might. Ms. Lyon stated she does not see where it is needed. Mr. Freese stated he believes it is desirable. Discussion was held. Mr. Kavanaugh asked if the Planning Commission can't make any comment and not include it in the Capital Improvement Plan. Mr. McNeil stated the Planning Commission first makes a decision that the project doesn't meet any of the standards for needed or desirable and that it will not be included in the Capital Improvement Plan. Mr. Kavanaugh stated he is on the borderline between not doing anything and desirable. Ms. Lyon asked Mr. Kavanaugh what part doesn't fit for him. Mr. Kavanaugh stated the controversy, moving the septic system that is functioning, additional parking spaces and trees may have to be taken down does not fit for him. Mr. Churchill stated the Planning Commission has to look at whether or not this project is good for the community and then let them work out all of the details. Mr. Ostwald asked Mr. Brown to comment on this project. Mr. Brown stated the Mullett Township board spent a lot of time deciding on how to enhance the park. Mr. Brown stated there has been a lot of discussion on whether the beach project has or has not improved visitation to Topinabee. Mr. Brown stated there are

people who are in favor of what was done and there are people who are not in favor of what was done. Mr. Brown stated they are now looking at improving parking and Mullett Township is not looking to finance all of these improvements and they do not know if they will receive the grant. Mr. Brown stated Mullett Township will spend money if they receive the grant. Mr. Brown questioned how this is being reviewed by the Planning Commission at this time when they are not in a situation to say they are going to do this project or they are not going to do this project. Mr. McNeil stated it is totally voluntary for any township to participate in the Capital Improvement Plan. Mr. McNeil stated there hasn't been a project that he has seen that someone hasn't liked. Mr. McNeil stated that from a planning standpoint we want to encourage other entities to show us their projects and to review them against the Master Plan. Mr. Freese stated the Planning Commission is in a position to encourage or discourage this project. Mr. Freese stated it fits in with the Master Plan and the Mullett Township board is elected and we should support their efforts. Mr. Freese stated there are always nay sayers. Mr. Freese stated there may or may not be problems with the project but that is not the Planning Commission's concern. Mr. Freese stated he believes the Planning Commission should support it by saying it is desirable. Mr. Bartlett agreed with Mr. Freese and does not believe the Planning Commission is in a position to say that Mullett Township can or can't do this project. **Motion** by Mr. Kavanaugh, seconded by Mr. Churchill, that the Cheboygan County Marina Fuel Dock and Fuel Tank Replacement is needed and the Mullett Township Topinabee Beach Park Improvements is desirable based on the guidelines for capital improvements. Discussion was held. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Churchill), 1 Nay (Jazdyk), 0 Absent

NEW BUSINESS

No comments.

STAFF REPORT

Mr. McNeil stated there was a meeting with Aloha Township and the final decision was to not go forward with the proposed rezoning.

Mr. McNeil stated that after the camping amendment and the lake and stream rezoning he would like to review the Zoning Plan (pages 28-31). Mr. McNeil stated that at the next meeting the Planning Commission can adopt priorities for him to work on.

PLANNING COMMISSION COMMENTS

No comments.

PUBLIC COMMENTS

Mr. Gauthier stated there seems to be a lot of confusion regarding the vegetative strips and it has been clear that the lakefront properties with vegetative buffers were never under consideration. Mr. Gauthier stated discussions regarding whether or not Burt Lake is crystal clear seems to discount the fact that Burt Township included a mandatory vegetative buffer strip for 70% of the width of lots. Mr. Gauthier stated this is another factor helping Burt Lake maintain water quality. Mr. Gauthier stated that prior to Commissioner Matelski stating that there will be a push back that will come from the vegetative buffer strips, the Planning Commission was on the right track with discriminating from the intermittent streams and the perennial streams. Mr. Gauthier stated more people are concerned about the perennial streams being protected to a higher degree than they currently are protected. Mr. Gauthier stated within the amendment there is a disparity in language and read "vegetative buffer strips should be put forward" and "vegetative buffer strips shall be 40ft. in minimum". Mr. Gauthier stated that these both could be encouraged or recommended. Mr. Gauthier stated if the Planning Commission is going to go back and re-write the amendment he encourages them to keep the language in place at a bare minimum. Mr. Gauthier stated the Planning Commission should be promoting the vegetative buffer strips and not remove it entirely from the ordinance. Mr. Gauthier stated people who fish want water quality because it sustains the fish population. Mr. Gauthier stated if the Planning Commission takes voluntary engagement on perennial streams too far then there will be push back from the community. Mr. Gauthier stated this dialog has materially changed since last October and if there is going to an amendment to the ordinance it will require a public comment period. Mr. Gauthier stated that if the Planning Commission comes to a conclusion and forwards it to the Cheboygan County Board of Commissioners without more public comments they have missed the mark.

Mr. Muscott stated it is voluntary whether or not Mullett Township submits their projects for the Capital Improvement Program. Mr. Muscott stated that when a project is marked as desired then that becomes ammunition and argument of the viability of the project when it goes to outside entities. Mr. Muscott noted that two of three businesses that are directly affected opposed this project. Mr. Muscott stated there are only three business people in the two blocks in Topinabee. Mr. Muscott stated that he would like the Planning Commission to address Tuscarora Township submitting their capital improvements to the county. Mr. McNeil stated that Tuscarora Township could have their own Capital Improvement Plan.

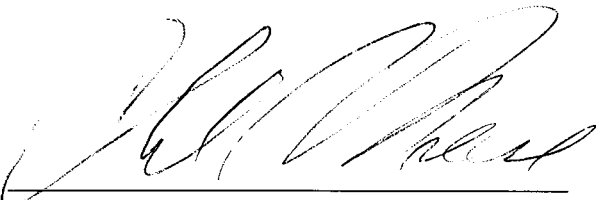
Mr. Freese noted that Tuscarora Township would have to have a Capital Improvement Program as it is mandatory. Discussion was held.

Mr. Matelski stated the reason for the lake and stream amendment was to eliminate the phantom lakes and stream that the federal government said that we have in Cheboygan County. Mr. Matelski stated they have been eliminated the way it is written now.

Mr. Jazdyk stated he agrees with Mr. Gauthier on some things and he is not a person who wants to see the lakes destroyed and he is not against progress. Mr. Jazdyk stated he is a person of words as words mean something. Mr. Jazdyk stated that in the Constitution the words must and shall mean something. Mr. Jazdyk stated the Planning Commission may understand it but we are not here all of the time and the Planning Commission doesn't mean anything in a court of law. Mr. Jazdyk stated we should be careful with the words we use and the meaning of the words otherwise the interpretation may live on long after us and what we intend.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 7:56pm.

A handwritten signature in black ink, appearing to read 'Charles Freese', written over a horizontal line.

Charles Freese
Planning Commission Secretary