



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 WEDNESDAY, NOVEMBER 20, 2013 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: Stephen B. Hatt, Terrie Powers, Susan Whitener, Ron Whitener, Jess Miller, Tony Matelski, Sue Allor, John F. Brown, Gina Burke, Charles Maziasz, John Moore, Dana Carver, Bill Carver, Nancy Shutes

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 November 6, 2013 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Churchill, to approve the meeting minutes as presented. Motion carried unanimously.

UNFINISHED BUSINESS

Consideration of a zoning ordinance amendment of section 17.7. to allow uses for tents, travel trailers, campers, recreational vehicles and undersized mobile homes outside of campgrounds and to allow outdoor storage of travel trailers, campers and recreational vehicles outdoors.

Mr. McNeil stated that Dave Graves from the DEQ advised him that any more than 4 campers on one parcel would fall under his jurisdiction. Mr. McNeil suggested capping the proposed amendment at 4 campers.

Mr. McNeil referred to section 17.7.1 and reviewed the alternate language that would add a third 12 month period for undersized mobile homes and campers during a time that a main dwelling is being built and is 75% complete or more. Discussion was held. The Planning Commission agreed to include the alternate language.

Mr. McNeil referred to section 17.7.2 and reviewed the alternate language that requires the undersized mobile home be in the rear half of the lot if used by a caretaker. Mr. McNeil noted that the mobile home will have to meet setbacks requirements. The Planning Commission agreed to include the alternate language.

Mr. McNeil referred to section 17.7.4 and reviewed the alternate language in section 17.7.4.e "...in addition to those allowed under provisions in section 17.7.4.a and 17.7.4.b". Mr. McNeil noted that legal counsel should review the proposed amendment again as there have been changes. Mr. McNeil stated he will work on this language based on the Planning Commission's indications that they would like to see this amendment reflect state law. Discussion was held.

Mr. McNeil referred to section 17.7.7 and stated 100ft. setback requirement was removed on lakefront lots and the section was renumbered accordingly.

Mr. McNeil reviewed section 17.7A.5 regarding storage of a camper on a waterfront lot. Mr. McNeil stated this section will allow storage on the lot in the rear half of a waterfront lot provided it meets minimum lot size requirements.

Mr. Jazdyk stated his concerns regarding the length of the ordinance and length of the proposed amendment. Mr. Jazdyk

stated the proposed amendment is difficult to understand. Mr. Jazdyk questioned how this proposed amendment will be enforced. Discussion was held regarding the need for these regulations.

Ms. Croft asked for public comments. Ms. Carver stated Dave Graves from the DEQ is an unelected government official. Ms. Carver read the Public Health Code definition of a campground, "Campground means a parcel or tract of land under the control of a person in which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for 5 or more recreational units." Ms. Carver stated when 5 or more tents/campers are used by family, the units are not offered to the public. Ms. Carver stated private property should not be compared to a public campground. Ms. Carver stated according to the constitution she is able to choose how many tents are allowed on her private property. Mr. McNeil stated the state will oversee the application of their law and it is not a conflict with what the Planning Commission is doing. Ms. Carver stated 4 campers or tents on her property has nothing to do with the definition of a public campground. Mr. McNeil stated that Mr. Graves differs in opinion. Ms. Carver questioned if Mr. Graves lives in Cheboygan County. Ms. Carver stated that Mr. Graves is not an elected official and he is not allowed to make a law. Ms. Carver suggested calling Michigan Representative Peter Pettalia and ask for his opinion on the definition of campground.

Ms. Shutes asked if only immediate family is allowed to camp or can she allow friends to camp. Ms. Shutes asked who will come to check birth certificates to make sure that it is immediately family that is camping. Mr. Kavanaugh and Mr. Borowicz explained that immediate family is the public. Ms. Shutes asked how this will be enforced. Mr. Borowicz noted that the amendment also allows guests of the owner. Mr. Freese stated that an elected official will not be enforcing the law. Mr. Freese stated there will be someone in an administrative position that will be charged with enforcing the law.

Mr. Carver stated if you do not like how an elected official is doing their job, they can be recalled. Mr. Carver asked how a Planning Commission member can be terminated from their position. Mr. Freese suggested going to the Cheboygan County Board of Commissioners who appoints the Planning Commission members.

Ms. Carver stated a person from the DEQ can not interpret a law as he did not write the law. Mr. Freese stated he does have the delegated authority to enforce the law. Ms. Carver stated she does not want this law. Mr. Borowicz explained that legislation passes a law which the governor signs. Mr. Borowicz stated it is then turned over to a state department to write the regulations by which the law will be enforced. Mr. Borowicz stated the regulation is then reviewed and approved again by legislature. Discussion was held.

Ms. Croft stated that Mr. McNeil will make the changes and bring the proposed amendment back for review at a future meeting.

An audience member questioned how much Cheboygan County has grown since 1960. The audience member questioned how much business, homes or construction has come to Cheboygan County. The audience member believes it has stagnated. The audience member believes the proposed amendment will keep people from coming to Cheboygan County.

NEW BUSINESS

Reschedule the first meeting in January 2014

Ms. Croft stated the first meeting in January 2014 falls on New Year's Day. **Motion** by Mr. Borowicz, seconded by Mr. Kavanaugh, to reschedule the January 1, 2014 meeting to January 8, 2014. Motion carried unanimously.

Consideration of draft zoning ordinance amendment regarding sale of firewood, fruit, vegetables and other garden products as an accessory use to a residential use.

Mr. McNeil stated the farm market farm product stand amendment was voted down by the Cheboygan County Board of Commissioners. Mr. McNeil stated he received feedback from a couple of Commissioners as to why the amendment was voted down. Mr. McNeil stated it was due to their concern that there would be regulation of sale of fruits and vegetables by people who grow the items in their gardens and want to place them for sale in front of their home. Mr. McNeil suggested language that clarifies that such activities are deemed an accessory use to a residential use which is how it has been administered. Mr. McNeil asked the Planning Commission if this is something they want to address and bring back to the Cheboygan County Board of Commissioners. Mr. Freese asked if the amendment was turned down or was it sent back to the Planning Commission. Ms. Croft stated it was turned down but there is nothing that says that it can not be brought back in a different form. Mr. Freese stated that most stands are put up within or near the right of way and are therefore illegal structures that violate the setback requirements. Mr. Freese would like to see the stands exempt from setback requirements in all zoning districts. Mr. Jazdyk asked why the Planning Commission doesn't just leave roadside stands alone. Mr. Jazdyk stated the Zoning Department is not writing tickets for roadside stands. Mr. Kavanaugh asked if existing roadside stands are in violation of the Zoning Ordinance if the Planning Commission does not do something. Mr. McNeil stated in his opinion they are

accessory uses which is not in violation. Mr. Freese stated the roadside stands are in violation because they are not meeting setback requirements. Mr. Kavanaugh stated they should be exempt from having to meet the setback requirements and allowed as an accessory use. An audience member asked why create an amendment when no one is complaining about it. The Planning Commission agreed that this amendment will be dropped. Mr. Borowicz stated the Planning Commission was trying to be in compliance with the Right To Farm Act which made it more complex. Mr. McNeil stated the Planning Commission was expanding the use to other zoning districts. Mr. McNeil stated right now that use is only allowed in Agriculture/Forestry. Mr. Borowicz noted that an existing non-conforming use is allowed.

Ms. Croft noted that a new conditional rezoning application was distributed to the Planning Commission members. Ms. Croft stated this is for the Planning Commission members to review. Ms. Croft stated the application will be placed on the next agenda. Mr. McNeil stated that legal counsel will review the application prior to the next meeting. Discussion was held.

STAFF REPORT

Mr. McNeil explained that administering the housing program is taking most of his time. Discussion was held.

PLANNING COMMISSION COMMENTS

Ms. Lyon stated that she would appreciate more background information prior to reviewing an amendment so she can understand why the amendment is necessary. Ms. Lyon suggested including examples or scenarios of what the amendment will correct. Ms. Lyon stated she is still reading the camping amendment and she is not real comfortable with the amendment and it is because of the lack of information. Ms. Lyon questioned if the issue is in the Agriculture/Forestry district or the Lake and Stream district where there are smaller lots. Mr. McNeil stated as the Planning Commission adopts the priorities at the beginning of the year a meeting could be dedicated to review these issues. Mr. Jazdyk stated that when people who are fighting come in to the office the first reaction is to want to help. Mr. Jazdyk stated the first option is to make changes. Mr. Jazdyk stated in the private industry they say they will provide someone who will help or someone to talk to but the reality is the people have to resolve the problem themselves.

PUBLIC COMMENTS

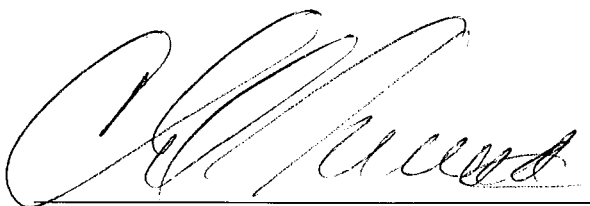
Mr. Hatt asked if legal information was distributed with the rezoning request. Ms. Croft stated it was the rezoning request and a document from legal counsel on a presentation that was done regarding conditional rezoning. Mr. Hatt asked if they can get copies of this information. Ms. Croft stated yes and to contact Mr. McNeil.

Mr. Miller asked for the timeline for this rezoning application. Ms. Croft stated at this time she is not able to provide a timeline. Ms. Croft stated the Planning Commission will have to hold a public hearing which will happen after January 1, 2014.

Mr. Carver thanked Mr. Jazdyk for listening. Mr. Carver explained that he had 20 tents in his yard when he was married and he rented portajohns because he didn't want a mess in his yard. Mr. Carver explained that he does not need someone to tell him to pick up the trash in his yard.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 8:11pm.



Charles Freese
Planning Commission Secretary