

CHEBOYGAN COUNTY PLANNING COMMISSION

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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, MAY 19, 2021 AT 7:00 P.M. ROOM 135 - COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Croft, Lyon, Delana, Thompson
ABSENT: None
STAFF: Mike Turisk
GUESTS: Steve Warfield, Shane David, Eric Boyd, John Moore, Greg Whittaker

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 unanimously.

APPROVAL OF MINUTES

The April 7, 2021 Planning Commission minutes were presented. **Motion** by Mr. Kavanaugh, seconded by Mr. Borowicz, to approve the meeting minutes as presented. Motion carried unanimously.

The April 21, 2021 Planning Commission minutes were presented. **Motion** by Mr. Borowicz, seconded by Mr. Kavanaugh, to approve the meeting minutes as presented. Motion carried unanimously.

SCHEDULED PUBLIC HEARING

Zoning Ordinance Amendment #162 that would establish the Nunda Township Marijuana Overlay District that authorizes certain recreational marijuana facilities within the township and permitted under Nunda Township Ordinance No. 21-02.

Mr. Turisk stated that on March 9, 2021 Nunda Township adopted Ordinance 21-02 that authorizes recreational marijuana uses in Nunda Township. Mr. Turisk stated that Nunda Township amended that ordinance in April 2021 to include parcels located in the Agriculture and Forestry Management Zoning District and on a county primary road. Mr. Turisk stated that the Planning Commission will have to memorialize that Nunda Township is allowing the use. Mr. Turisk stated that legal counsel has suggested an overlay district for Nunda Township. Mr. Turisk stated that an amendment could be considered by the Planning Commission that would apply county wide if any additional townships wish to adopt an ordinance that would approve such uses in their respective townships. Mr. Turisk stated that the overlay district would apply to properties zoned Light Industrial, General Industrial and Agriculture and Forestry Management if located on Class A (paved, all season) county primary road. Mr. Turisk stated that this is the only change that has been made to the proposed amendment. Mr. Turisk stated this amendment would be discussed at the Board of Commissioners first meeting in June if it is recommended for approval.

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

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to forward Zoning Ordinance Amendment #162 to the Cheboygan County Board of Commissioners with a recommendation for approval. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Lyon, Delana), 1 Nay (Thompson), 0 Absent

UNFINISHED BUSINESS

Proposed Zoning Ordinance Amendment #161 that would provide zoning, development and operational standards for waste hauler facility land uses.

Mr. Turisk stated the Planning Commission began a discussion in March regarding site development standards for waste hauler land uses. Mr. Turisk stated that the Planning Commission reviewed and discussed the purpose statement, definitions and development standards. Mr. Turisk stated that the Planning Commission also reviewed conditions of approval for previous special use permits. Mr. Turisk noted that some conditions of approval are embedded in the proposed amendment. Mr. Turisk stated that the draft amendment has been reviewed by legal counsel. Mr. Turisk stated that any changes that will be made to the proposed amendment will be reviewed by legal counsel.

Mr. Turisk referred to Section 17.31.2 and stated that there are 9 proposed provisions that are applicable to all waste hauler facilities. Mr. Turisk referred to Section 17.31.3 and reviewed the application requirements for waste hauler facilities. Mr. Turisk referred to Section 17.31.4 and noted that the application will be submitted to the Zoning Administrator for review before forwarding the application to the Planning Commission if all required information has been submitted. Mr. Turisk stated that the Zoning Administrator has 10 days to notify the applicant of the deficiencies. Mr. Turisk referred to Section 17.31.6.A and stated that after research by staff, a minimum of 500ft. is recommended for separation between boundaries of the use and adjacent property boundaries. Mr. Turisk stated that the waste hauler facility is also to be 100ft. from any public or private right of way. Mr. Turisk stated that Section 17.31.6.B requires an 8ft. high security fence be maintained around the boundaries of the use (not the property). Mr. Turisk stated that Section 17.31.6.C requires a minimum of 8ft. evergreen trees (at the time of planting) for screening. Mr. Turisk stated that Section 17.31.6.D requires the applicant to submit an engineered drainage report. Mr. Turisk stated that Section 17.31.6.E addresses nuisance and vector controls. Mr. Turisk stated that section speaks to the Planning and Zoning Department and Planning Commission having the authority to require the facility to employ a pest control agent to inspect and treat the facility. Mr. Turisk questioned this section may be difficult to enforce as there will need to be reasonable proof to employ a pest control agent to inspect.

Mr. Freese reviewed the definition of garbage which refers to bulky waste, yard waste, hazardous waste, industrial waste and construction and demolition debris. Mr. Freese stated that there are definitions for bulky waste, yard waste and hazardous waste. Mr. Freese stated that there should be definitions for industrial waste and demolition waste. Mr. Freese asked if medical waste is considered hazardous waste. Mr. Borowicz noted that there is a definition for construction and demolition debris. Ms. Croft reviewed the definition for medical waste. Mr. Freese stated that the medical waste definition and the hazardous waste definition should be combined.

Mr. Freese referred to Section 17.31.2.2 and suggested including a limit on how long garbage can be maintained on the site. Mr. Freese suggested one day if it is during the week and two days if it over the weekend. Mr. Freese referred to Section 17.31.2.7 and suggested including the hours of operation for the waste hauler facility. Mr. Freese suggested including a requirement that trash is not to be delivered by private individuals to the site as that would constitute a transfer station. Mr. Freese referred to Section 17.31.2.6 and stated that waste hauler facilities should be allowed in more districts than just Light Industrial and General Industrial. Mr. Freese believes waste hauler facilities should be allowed in Agriculture and Forestry Management with provisions. Mr. Borowicz noted that 40 acres would be needed for a waste hauler facility and there are not many 40 acre parcels in the Light Industrial Zoning District and General Industrial Zoning District. Discussion was held. Mr. Turisk stated that he will have maps at a future meeting to show what properties might work based on the proposed standards. Mr. Turisk stated that these maps will help to determine the appropriate zoning districts and setback distances. Mr. Borowicz noted that this use should be located on a class A road. Mr. Turisk stated that if the waste hauler use is allowed in the Light Industrial Zoning District and General Industrial Zoning District, the Planning Commission should consider reducing the separation distances.

Mr. Freese referred to Section 17.31.6.B and suggested requiring fencing around the perimeter and to have a locked gate at night. Mr. Freese referred to Section 17.31.6.C and suggested including maintenance and replacement of trees.

Mr. Kavanaugh stated that garbage should not be delivered to the waste hauler facility by the public. Mr. Kavanaugh stated that it will be hard to prove how long the garbage has been maintained on the site, but there should be a time limit. Mr. Kavanaugh stated his concerns regarding requiring an impervious area where dumpsters are stored to collect leachate. Mr. Kavanaugh stated that an enclosed system to collect leachate should be required in case the trucks are washed on site. Mr. Kavanaugh stated an enclosed drain should be required. Mr. Kavanaugh asked if the Planning Commission will allow the trucks to be washed on site. Mr. Kavanaugh stated that dumpsters are to be covered. Mr. Kavanaugh stated that all buildings with floor drains are to be in compliance with Part 31 regulations. Mr. Kavanaugh noted that the hours of operation should be required for the facility. Mr. Kavanaugh stated that regarding water and sewage, the Planning Commission should look at well depth to protect the aquifer. Mr. Kavanaugh stated that security fencing and screening could be the same if they install a high fence such as a hurricane fence or a cyclone fence. Mr. Turisk noted that the requirement for fencing serves as a security purpose to minimize garbage from going off site. Mr. Turisk stated that along with security fence, an outside

perimeter of vegetative screening could be required around the use and not the whole parcel. Mr. Kavanaugh stated that with regard to vector control, the Planning Commission could require a copy of the inspection sheet be submitted to the Planning and Zoning Department.

Discussion was held regarding recycling. Mr. Turisk stated that he has contacted the Cheboygan County Recycling Coordinator and asked for him to attend a Planning Commission meeting. Mr. Turisk stated that he has not received a response. Mr. Freese believes this regulation should be part of the Cheboygan County Waste Management Plan. Discussion was held.

Mr. Kavanaugh referred to Section 17.31.2.A.7 and stated that this section should reference residential and non-residential properties. Mr. Borowicz stated that "from residential properties" should be deleted from Section 17.31.2.A.7.

Mr. Thompson referred to Section 17.31.2.A.7 and stated that the hours of operation should be discussed. Mr. Thompson stated his concerns regarding collecting waste from 6:00am until 9:00pm. Mr. Thompson stated many people are sleeping at 6:00am and 9:00pm in Indian River and collecting waste is not quiet. Mr. Thompson suggested changing the hours of operation to 7:00am until 8:00pm. Mr. Kavanaugh stated he would like to see the hours changed, but he doesn't believe this is responsible as the business would need additional employees and additional vehicles. Discussion was held. Mr. Moore stated the Planning Commission can only regulate the land use where the business is located. Mr. Turisk stated that whatever hours are imposed must pertain to the waste hauler land use itself and not on the routes and hours of operation for collecting waste.

Mr. Thompson referred to Section 17.31.6.B and asked if the fence can be something that you can't see through. Mr. Thompson noted that the required screening (evergreen trees) after 5 years will be taller than the fence. Mr. Kavanaugh noted that the evergreen trees are to be 8ft. at the time of planting. Mr. Kavanaugh suggested having the fencing and the screening the same if they install a cyclone fence.

Ms. Lyon asked if the Planning Commission should be more specific in the type of tree required. Discussion was held regarding whether the Planning Commission should review the screening requirement in the Zoning Ordinance. Mr. Kavanaugh stated that the Planning Commission could request a specific type of vegetation and request that a forester or MSU Extension review to ensure it is adequate. Discussion was held.

NEW BUSINESS

Mr. Freese stated that in regards to kennels, Ms. Walters from Animal Control stated that double fencing is required by a state law from 1919 that governs dogs. Mr. Freese stated that our regulation requires a fence for a kennel which is defined as 4 dogs or more. Mr. Freese stated the state regulation requires a fence that prevents another person or another dog getting in contact with the dogs in the kennel. Mr. Freese stated that the regulations that he has reviewed state that they do not apply if the county has a licensed dog warden unless the Cheboygan County Board of Commissioners state that they wish to be governed by the state law. Mr. Freese stated that Mary Talaske, Cheboygan County Animal Control, stated in October 1975 the Board of Commissioners specified that they would go by state law, but a review of the minutes of that meeting didn't show that the Board of Commissioner had addressed that subject in that meeting. Mr. Freese stated that the Sheriff's Department uses state law. Mr. Freese stated that if state law is applicable, a state kennel license is required with a double fence for anyone with three dogs or more. Mr. Freese stated that many people in the county will be unhappy if they are required to obtain a state kennel license for three dogs or more. Discussion was held regarding the Cheboygan County Zoning Ordinance being less restrictive than the state law. Mr. Borowicz noted that the Board of Commissioners may want to address or clarify this issue. Discussion was held.

STAFF REPORT WITH UPDATE ON MASTER PLAN REVISION

Mr. Turisk stated at 9:30am on Tuesday, May 25, 2021, the Cheboygan County Board of Commissioners will be honoring Chum Ostwald for his many years of service. Mr. Turisk stated that all Planning Commission members are welcome to attend.

Mr. Turisk stated that at the next Planning Commission meeting there will be draft language regarding a food truck ordinance that Tuscarora Township has recently adopted. Mr. Turisk stated that this will not require a lot of consideration, but it will memorialize the need for any applicant for a mobile food truck in Tuscarora Township to provide the county with approval from the township before a zoning permit is approved. Mr. Turisk stated that Tuscarora Township wanted a working coordination with the Planning Commission and the Planning and Zoning Department to ensure that new food trucks in the township honor their requirements. Discussion was held regarding the time that the Board of Commissioners meeting will begin on Tuesday, May 25, 2021. Mr. Warfield stated that the presentation to Chum Ostwald will happen early in the meeting and will most likely happen within the first 10 minutes of the meeting.

Mr. Turisk stated that a new employee started and is currently working on soil inspections and will be involved in zoning enforcement soon. Mr. Turisk stated that he will attend a meeting soon to be introduced to the Planning Commission members. Mr. Turisk stated that another employee will start on June 11, 2021 who will help on a part-time basis. Discussion was held.

PLANNING COMMISSION COMMENTS

Mr. Kavanaugh asked if the Zoning Ordinance will be amended or if there will be an overlay district as a result of the Tuscarora Township regulation. Mr. Turisk stated that language reflective of the Tuscarora Township ordinance will be included in the Cheboygan County Zoning Ordinance stating that an applicant for a mobile food unit in Tuscarora Township must provide an approval from Tuscarora Township to the Planning and Zoning Department before issuing a zoning permit.

PUBLIC COMMENTS

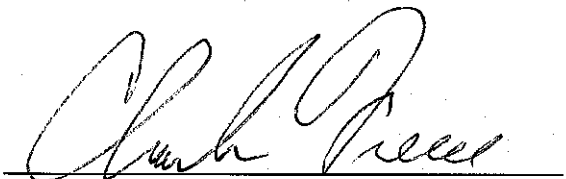
Mr. Warfield stated that he will work with Mr. Turisk regarding the Board of Commissioners addressing Cheboygan County being governed by the state law regarding kennels.

Mr. Warfield stated that the Board of Commissioners extended Mr. Turisk's employment agreement which is good news. Mr. Warfield congratulated Mr. Turisk.

Mr. Turisk provided information to the Planning Commission on a case summary that is in the Planning and Zoning News. Discussion was held.

ADJOURNMENT

~~Motion by Mr. Kavanaugh, to adjourn. Motion carried. Meeting was adjourned at 8:40pm.~~



Charles Freese
Planning Commission Secretary