



CHEBOYGAN COUNTY PLANNING COMMISSION

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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, DECEMBER 5, 2018 AT 7:00 P.M. ROOM 135 - COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzzyk
ABSENT: Churchill
STAFF: Mike Turisk
GUESTS: John Brown, Carl Muscott, Mark Underwood, Bruce Brandt, Andrew Sweet, Eric Boyd, Bob Lyon, Roberta Matelski, Russell Crawford, Cheryl Crawford, Cal Gouine, John Moore, Scott Eno, Karen Johnson, Charles Maziasz, Chuck Leady

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. Kavanaugh, seconded by Mr. Borowicz, to approve the agenda as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzzyk), 0 Nays, 1 Absent (Churchill)

APPROVAL OF MINUTES

The November 7, 2018 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, Jazdzzyk), 0 Nays, 1 Absent (Churchill)

PUBLIC HEARING AND ACTION ON REQUESTS

MU Campgrounds, LLC/Mark Underwood - Requests a special use amendment to construct a non-residential, accessory storage building, per Section 18.11. The subject property is zoned Commercial Development (D-CM) and located at 9575 N. M-33 Hwy., Inverness Twp., Section 18, Parcel #092-018-400-007-00.

Mr. Turisk reviewed the background information contained in the staff report covering the application.

Discussion was held and Ms. Lyon questioned the location of the septic field and whether it would interfere with the building location. Mr. Kavanaugh pointed out that District Health Department #4 had inspected the site and found no problems. Mr. Kavanaugh asked if the building would only be used for storage. Mr. Sweet answered yes.

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

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to waive the topography requirement. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzzyk), 0 Nays, 1 Absent (Churchill)

The Planning Commission reviewed and approved the General Findings and the Finding of Fact Under Section 18.7. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to approve the special use permit amendment based on the General Findings and the Finding of Fact Under Section 18.7 with the condition that Department of Building Safety requirements be met. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzzyk), 0 Nays, 1 Absent (Churchill)

Bruce Brandt - Requests a special use permit for a motor vehicle sales and/or repair facility, per Section 9.3.2. The subject property is zoned Agriculture and Forestry Management (M-AF) and located at 6530 N. M-33 Hwy., Benton Twp., Section 33, Parcel #104-033-100-008-00.

Mr. Turisk reviewed the background information contained in the staff report covering the application. Mr. Turisk indicated that elevation drawings have been provided which were obtained from Department of Building Safety and based on the floor plan drawing the required parking is a total of 9 spaces plus ADA. Discussion was held. Mr. Freese indicated that the parking spaces are not included on the site plan.

Motion by Mr. Freese, seconded by Mr. Borowicz, to waive the topography requirement. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 1 Absent (Churchill)

Ms. Croft asked for public comments. Mr. Brown stated that he is in favor of this project. Public comment closed.

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

1. Department of Buildings Safety requirement be met.
2. District Health Department #4 requirement be met.
3. MDOT requirement be met.
4. Submission of a revised site plan showing the location of required parking spaces.

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

Andrew Sweet - Requests site plan review for firewood production and sales as well as bulk mulch and topsoil sales in a Commercial Development (D-CM) zoning district, pursuant to Section 6.2.14. The subject property is zoned Commercial Development (D-CM) and is located at 3499 E. Mullett Lake Rd., Koehler Township, Section 20, Parcel #171-020-200-010-00.

Mr. Turisk reviewed the background information contained in the staff report covering the application.

Discussion was held. Mr. Kavanaugh stated that the existing site is always well kept and he was sure the additional site would be well kept. Mr. Kavanaugh asked whether the fence would be the same as that on the parcel across the road and was told that it would be the same.

Ms. Croft asked for public comments. Mr. Muscott stated that he didn't feel the use advertised was an adequate description of the actual use. Mr. Turisk indicated that legal counsel had stated the use description was the most appropriate use listed in the regulation. Public comment closed.

Mr. Freese indicated that the sign location would have to comply with section 12.20.B and 12.20.C.

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

1. Relocate sign in accordance with section 17.20B and 17.20C and submit a revised site plan showing its location.
2. Provide curbs and gutters in accordance with Cheboygan County Road Commission requirements.

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

UNFINISHED BUSINESS

Mr. Turisk asked for a date to be determined for the public hearing on the solar ordinance that had been canceled. Discussion was held. **Motion** by Mr. Borowicz, seconded by Mr. Kavanaugh, to reschedule the public hearing on the Solar Ordinance Amendment to January 16, 2019. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 1 Absent (Churchill)

Mr. Freese stated the reason given for cancellation of the November 21, 2018 meeting was that it fell on the day before Thanksgiving and the perception might be that we were attempting to avoid a larger public discussion of the Solar Ordinance by scheduling it on a date that many people would not be available to attend the meeting. The Solar Ordinance was established as the number one priority by the Cheboygan County Board of Commissioners early last spring and has been a subject of discussion at virtually every meeting since April 18, 2018. In the eight meetings that the regulation has been

discussed, comments from commercial solar energy sources and the general public have been incorporated as have those of legal counsel. Seven revisions have been made in an attempt to produce a comprehensive draft for presentation at the public hearing. It is anticipated that the initial public hearing will not be the only public hearing on this ordinance but will require additional hearings to discuss and incorporate public comments. The public hearing that was canceled was to solicit comments on the solar regulation and not on an actual special use permit for a solar farm which might in the future be located in Grant Township. The object of the hearing is to obtain comments from the public on how the proposed regulation might be tightened or loosened to more adequately fit the public needs and if possible accommodate their objections.

Mr. Freese stated that the notice in the Tribune is not a very effective means of getting information across to the general public but he isn't sure of a better way and that perhaps email or some other form of social media might be more effective, however, cost and time requirements might make these means prohibitive. The newspaper notice requires preparation to begin 20 days prior to the meeting date. It takes about 16 hours to get the mailing list prepared to notify property owners within 300 feet of any parcel proposed for a special use permit, site plan review or Zoning Board of Appeals action requiring public notification and the actual notice has to be submitted to the newspaper by Friday of the week before the notice is to appear on Tuesday. This is a 20 day lead time for every public notice. There are usually three meetings per month (1 Zoning Board of Appeals and 2 Planning Commission) which require this effort for a total of 48 hours. This requires over 27% of one person's time each month. Because of the large number of State owned property in Cheboygan County and the fact that many property owners in the County are only seasonal, many notices are returned undeliverable. All this effort is both time consuming and expensive. In addition to the mailing lists, several email lists are maintained to attempt to keep those involved with an interest in Planning and Zoning issues. Keeping these lists current is also time consuming. Additionally, this material that is to be presented at a public meeting is also posted on the County website subject to the material being available in a timely manner and no technical problems being encountered with the website. It should be noted that only the newspaper notice and the letter notification to property owners within 300ft. are legally required. The email list and the website are efforts to get Planning and Zoning information across to a greater proportion of the general public. Mr. Freese stated the US Postal Service might provide a more effective means of keeping the public informed and hopefully more involved. He suggested informational letters might be sent to all County residents providing information on current Planning and Zoning issues similar to those letters utilized by politicians. A one time request by letter or postcard could ask whether the recipient would wish to be placed on an email list for particular subject categories (e.g. new regulations or changes, special use permits, site plan reviews or variance requests). The mailing lists could be created by zip code to localize the area of interest. This type of bulk mailing would be much cheaper than 1st class mail. He stated that contact with local high schools to the civics classes might be useful to create interest in Planning & Zoning issues with young people. He also felt contact with computer programming classes might be useful in finding a better way to involve the general public through other social media means since students are more effective with these means.

Mr. Maziasz stated that he felt the newspaper notification and website were adequate for anyone with a real interest in a subject and that the time spent on this issue was off the Solar Ordinance subject under discussion and that Mr. Freese was not in favor of public hearings. Mr. Freese stated that this was not correct and that he has not stated that he was not in favor of public hearings. Mr. Freese stated that he feels that the means of notifying the public of the hearings was not as effective as it might be and that some other method or combination of methods might be better than just a notice in the paper and a letter to those property owners within 300 feet of a proposed site to generate interest and the involvement of the public.

Mr. Jazdyk stated that he felt meeting the basic legal requirements was sufficient and that those that were interested would get the notice. Mr. Muscott indicated that material that was supposed to be available on the website was not available in a timely manner. Discussion was held on the problems which have been encountered with timely postings of materials on the website.

NEW BUSINESS

No comments.

STAFF REPORT

Mr. Turisk stated that he would be providing information on recreational marijuana at the next meeting. He also stated that the Motor Vehicle Repair and Sales amendment had been approved by the Cheboygan County Board of Commissioners.

PLANNING COMMISSION COMMENTS

Mr. Freese stated that the issue of bathrooms in pole barns should be discussed in one of the next meetings.

PUBLIC COMMENTS

Ms. Gardner provided a brief summary available through the MSU Extension office and thanked everyone for participation in the Citizen Planner training program which is being completed.

Mr. Leady discussed information on small cell tower units, their potential health issues and who controls permits for their location. He feels local control is important and measures are under consideration at both the state and federal level to take control away from local jurisdictions. He feels the permitting process should require all pertinent technical specifications on any of this type tower and that control of these installations should remain at the local level.

Mr. Brown stated that he would like to see the review of the Master Plan be amended to include the provision to allow a hardship permission to rebuild a business which is nonconforming when it is destroyed or damaged by natural causes.

ADJOURN

Motion by Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 8:45pm.



Charles Freese
Planning Commission Secretary