



CHEBOYGAN COUNTY PLANNING COMMISSION

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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, Jazdyk, 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