



CHEBOYGAN COUNTY PLANNING COMMISSION

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CHEBOYGAN COUNTY PLANNING COMMISSION MEETING & PUBLIC HEARING WEDNESDAY, APRIL 18, 2018 AT 7:00 P.M. ROOM 135 – COMMISSIONER'S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdyk
ABSENT: Churchill
STAFF: Jeff Lawson
GUESTS: Eric Boyd, Carl Muscott, Bob Lyon, Karen Johnson, Ben Varney, Russell Crawford, Cheryl Crawford, Charles Maziasz, Roberta Matelski, John F. Brown, John Moore, Larry Hanson, Rick Tromble

The meeting was called to order by Vice-Chairperson Borowicz at 7:00pm.

PLEDGE OF ALLEGIANCE

Vice-Chairperson Borowicz led the Pledge of Allegiance.

APPROVAL OF AGENDA

The meeting agenda was presented. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to approve the agenda as presented. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Ostwald, Lyon, Jazdyk), 0 Nays, 2 Absent (Churchill, Croft)

APPROVAL OF MINUTES

The April 4, 2018 Planning Commission minutes were presented. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to approve the meeting minutes as presented. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Ostwald, Lyon, Jazdyk), 0 Nays, 2 Absent (Churchill, Croft)

PUBLIC HEARING AND ACTION ON REQUESTS

ERS Telecom Properties and Bernard Jankoviak - Requests a one year extension for a Special Use Permit for a wireless communication facility (section 17.13). The property is located on South Extension Road, Mullett Twp., section 7, parcel #130-007-100-001-00, and is zoned Agriculture and Forestry Management (M-AF).

Mr Borowicz 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 Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to approve the one year extension for a special use permit based on the General Findings, Finding of Fact Under Section 17.13.1.a, Findings, Finding of Fact Under Section 17.13.2.b, Conditions And Standards Under Subsections 17.13.2.b.1 Through 17.13.2.b.6, Findings, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to meeting the standards for screening. Motion carried. 7 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Ostwald, Lyon, Jazdyk), 0 Nays, 2 Absent (Churchill, Croft)

Ms. Croft entered the meeting.

UNFINISHED BUSINESS

Continued Discussion Of Planned Unit Development Draft Language

Mr. Lawson stated that information regarding the proposed amendment has been provided in the packet for the Planning Commission. Mr. Lawson stated that Mr. Freese has been working on a use matrix. Mr. Freese discussed the use matrix. Discussion was held regarding establishing a committee to discuss the matrix and make recommendations to the Planning Commission.

Escrow Account Recommendation For Heritage Cove Farm

Mr. Lawson stated that the county has received information from Heritage Cove Farm related to review by law enforcement and emergency services. Mr. Lawson stated that before a public hearing can be scheduled the Planning Commission must set a new escrow for further review. Mr. Lawson stated the recommendation of \$1,000 is primarily for legal review. Mr. Lawson stated that the Planning Commission could add another \$500 if a special meeting is to be considered. Mr. Lawson stated that once this is set, staff will move forward and post this for a public hearing. Mr. Freese stated that the fee for a special meeting is \$900 and a special use permit amendment is \$150. Mr. Freese stated that this could be reviewed at a regular meeting. Ms. Croft asked if the applicant has indicated a timeframe that they would like this reviewed. Mr. Lawson stated that this is a product of a court decision and this is needed information. Mr. Lawson stated that he believes the applicant would want this reviewed as soon as possible. Mr. Kavanaugh asked if \$1150 is acceptable. Mr. Lawson stated that is what legal counsel recommended. Mr. Lawson stated whatever is remaining will be returned to the applicant. Mr. Lawson stated if additional is required to continue the review, the Planning Commission could set another fee at a future meeting. Discussion was held. **Motion** by Mr. Kavanaugh, seconded by Mr. Freese, to set the escrow for Heritage Cove Farm at \$1,150.00. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 1 Absent (Churchill)

Mr. Freese explained that commercial storage is authorized in various districts. Mr. Freese stated that a property owner in Agriculture and Forestry Management Zoning District on the corner of Inverness Trail and Woiderski Road had a special use permit approved for indoor storage several years ago. Mr. Freese stated that after this approval the Planning Commission put a restriction on Indoor Storage Facilities that it shall be located on a county primary road or state trunkline. Mr. Freese stated that the property owner applied for a variance from section 17.27.3 which states that Indoor Storage Facilities shall be located on a county primary road or state trunkline.

Mr. Freese stated that each Planning Commission member has a map of the existing state trunklines and county primary roads. Mr. Freese stated that neither Inverness Trail and Woiderski Road are a county primary road. Mr. Freese stated that there was a similar indoor storage request for the Inverness Dairy property. Mr. Freese noted that the applicant applied for a conditional rezoning to eliminate the problem. Mr. Freese stated that there was a request for indoor storage on Indian Trail, which is not on a county primary road or state trunkline. Mr. Freese stated that the property backed up to Straits Highway, which is a state trunkline. Mr. Freese stated that the original address of the property was on Indian Trail. Mr. Freese stated that the address was changed to an address off of Straits Highway to eliminate this problem. Mr. Freese questioned why indoor storage is restricted in Agriculture and Forestry Management to county primary roads and state trunklines. Discussion was held. Mr. Freese stated that he does not believe the county primary road or state trunkline requirement is a reasonable requirement and he would like to see this restriction removed. Mr. Freese suggested changing "county primary road" to "county road". **Motion** by Mr. Freese, seconded by Mr. Kavanaugh, to amend the Zoning Ordinance to allow indoor storage buildings on a county road or county primary road. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Lyon, Jazdzyk), 0 Nays, 1 Absent (Churchill)

NEW BUSINESS

No comments.

STAFF REPORT

Discussion Regarding Solar Arrays

Mr. Lawson stated that he met with Grant Township and Orion Renewable Energy to discuss solar development in the county and specifically Grant Township. Mr. Lawson stated that Orion Renewable Energy is securing leases for solar arrays. Mr. Lawson stated that there are no specific provisions for solar whether it be small scale accessory or commercial grade. Mr. Lawson stated the only district, we permit utility grade development is in the industrial districts. Mr. Lawson stated that Orion Renewable Energy will secure leases for approximately 1000 acres. Mr. Lawson stated that the proposed project will be up to 50 megawatt capacity facility and will end up being approximately 300-400 acres. Mr. Lawson stated that MSU Extension had a webinar online on this topic. Mr. Lawson stated that Mr. Muscott has provided information on a solar project that is being developed down state. Mr. Lawson stated that Lapeer County used a conditional rezoning to move this type of project forward. Mr. Lawson stated that currently that the Planning Commission is entering the policy stage will eventually make a recommendation to the Board of Commissioners who will review and make a decision. Mr. Lawson stated that the traditional way of developing language is to start from the beginning and complete an overall analysis by reviewing the Master Plan and build language from it. Mr. Lawson stated that there is a time element to this process, but this may not fit into the timing for a developer. Mr. Lawson stated another tool is a conditional rezoning where we permit developments under industrial. Mr. Lawson stated that there are pros and cons to the conditional rezoning process.

Mr. Freese stated that this is another wind farm situation that the Planning Commission can come up with a regulation that will be thorough and this proposed development will pass by the time the language is complete. Mr. Freese stated that he

believes the Planning Commission should get behind this as it is a good idea. Mr. Freese stated that there are areas set aside for industrial use and no one wants to develop these areas. Mr. Freese stated that there are two Industrial Districts that are doing superbly, Moran Iron Works and Tube Fab. Mr. Freese stated that we can figure out a way to get these approved or we can research it and possibly miss out on this development. Mr. Freese asked if this could be reviewed as a PUD with other agricultural uses. Discussion was held. Mr. Kavanaugh stated that this is new information to some Planning Commission members and he believes it would be beneficial to have someone provide information on solar arrays. Mr. Kavanaugh stated that he would like to see the pros and cons of solar arrays. Mr. Lawson stated that he can provide a link to the MSU videos and slide presentation for the Planning Commission to review.

Village of Mackinaw City – Adopted 2018 Master Plan

Mr. Lawson stated that the notification of the adopted 2018 Master Plan for the Village of Mackinaw City is a requirement under the legislation. Mr. Lawson stated that a response is not required, but the Planning Commission may respond if they chose to do so. Discussion was held.

Discussion was held regarding enforcement issues.

Mr. Lawson asked if it is the Planning Commission’s intention to allow multiple animals on an acre or less parcel in the Agriculture and Forestry Management Zoning District. Mr. Freese and Mr. Kavanaugh stated that GAAMP’s should be referenced in this type of situation. Mr. Borowicz stated that the Michigan Supreme Court has recently decided that GAAMP’s overrule local ordinances. Mr. Lawson stated that the Planning Commission may want to consider residential parcels that are adjacent to one another where one parcel is Residential and the other is Agriculture and Forestry Management. Mr. Lawson stated that currently, the ordinance allows horses and goats on a parcel zoned Agriculture and Forestry Management that is adjacent to a parcel with a dwelling that is in a subdivision and zoned Residential. Discussion was held.

PLANNING COMMISSION COMMENTS

No comments.

PUBLIC COMMENTS

Mr. Muscott stated that business works different than government and if you snooze you lose. Mr. Muscott stated that he doesn’t really think we could fault Cheboygan County for losing Meijer. Mr. Muscott stated that big box retail is changing so fast and he is not holding his breath waiting for Meijer. Mr. Muscott stated that Mr. Lawson brought up a great idea of having one meeting a month for hearings and one meeting a month for work sessions. Mr. Muscott stated that Emmet County’s online ordinance is user friendly and was facilitated by NEMCOG. Mr. Muscott stated that the software is from a company down state. Mr. Muscott stated that he brought this information to the Cheboygan County Board of Commissioners annual meeting last year.

Mr. Muscott stated a self storage commercial building is not allowed in Agriculture and Forestry Management. Mr. Freese stated yes it is allowed. Mr. Muscott stated that no one is moving to the country to enjoy the ambience when there can be a 300 unit self storage unit put right next to them regardless of whether it’s primary road or not a primary road. Mr. Muscott referred to a development on M-27 and stated that there is a loophole that if it’s commercial property, there is no size restriction on a private storage building. Mr. Muscott stated that a 5000sf private storage building can be built and then request a change of use to commercial.

Mr. Muscott stated that he has an audio recording of the Grant Township meeting with the representatives of Orion Renewable Energy. Mr. Muscott stated that if any Planning Commission members would like to listen to the audio recording he will provide a link to Debbie Tomlinson.

Mr. Boyd stated that he is a resident of Grant Township and he lives right in the middle of the proposed development. Mr. Boyd stated that he has a 200 acre field right across from his house. Mr. Boyd stated that a thousand acres is a lot of property and does not want to see it destroyed. Mr. Boyd stated that he is in favor of green energy, but not when you have to live in the middle of it and you’re looking at that on a daily basis. Mr. Boyd stated that it will wreck the environment and the reason why he lives where he lives. Mr. Boyd hopes that the Planning Commission keeps in mind that there are residents that have lived in this area for many, many years and this proposed development will destroy the beauty of the area.

Mr. Boyd stated that he was at the public hearing when Triple D was approved and the Planning Commission placed conditions on the approval. Mr. Boyd stated that permits are required and inspectors are supposed to make sure all the conditions are met. Mr. Boyd stated that in his opinion, this place should have been shut down because they didn’t meet regulations that they agreed to at the meeting.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 9:20pm.

A handwritten signature in cursive script, appearing to read "Charles Freese".

Charles Freese
Planning Commission Secretary