



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 & PUBLIC HEARING WEDNESDAY, MAY 17, 2017 AT 7:00 P.M. ROOM 135 – COMMISSIONER’S ROOM - CHEBOYGAN COUNTY BUILDING

PRESENT: Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Jazdyk
ABSENT: Lyon
STAFF: Scott McNeil, Steve Schnell, Peter Wendling
GUESTS: Eric Boyd, Cal Gouine, Chad Lyons, Dawn Drolshagen, Russell Crawford, Cheryl Crawford, Kerri Sarrault, John F. Brown, Rick Tromble, Michele Tromble, John Moore, Gary Painter, Carl Muscott, Dian Lissfelt, Lou Vassilakos, Roger Jacobs, Chuck Brew, Erika Wheelock

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

APPROVAL OF MINUTES

The May 3, 2017, Planning Commission minutes were presented. **Motion** by Mr. Churchill, seconded by Kavanaugh, to approve the meeting minutes as presented. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Jazdyk), 0 Nays, 1 Absent (Lyon)

PUBLIC HEARING AND ACTION ON REQUESTS

Triple D Sanitation / Erica Wheelock/ Bonnie Nagy - Requests a Special Use Permit for Waste Hauling (Section 7.3.13.) The property is located at 1988 Levering Rd, Beaugrand Township, parcel #041-026-300-003-05 and is zoned General Industrial Development (D-GI). (This item was tabled at the 04/19/17 Planning Commission meeting.)

Mr. McNeil stated that this is a request for a special use permit for a waste hauler. Mr. McNeil stated that the property is located in a General Industrial Development zoning district. Mr. McNeil stated that the use for waste hauler is not found in the Zoning Ordinance. Mr. McNeil stated that as a result, the Planning Commission will consider whether the proposed use is of similar character as other uses allowed in the zoning district. Mr. McNeil stated that if the Planning Commission determines that this use is of similar character to other uses allowed in the General Industrial zoning district, they will consider if it meets the special use permit standards. Mr. McNeil stated that the applicant is proposing to use existing structures on the site with a small addition for an office and a building for a maintenance and storage of waste hauling trucks and parking of trucks. Mr. McNeil referred to the site plan and noted the location proposed for outdoor storage of empty dumpsters. Mr. McNeil stated that a parking area is indicated by the driveway off of Inverness Trail Road. Mr. McNeil stated that the driveway to Inverness Trail Road and the driveway to Levering Road are both proposed to be used.

Mr. Kavanaugh asked Mr. McNeil to explain exclusionary zoning. Mr. McNeil stated that exclusionary zoning is where certain uses are not provided for in a zoning district. Mr. McNeil stated that the law does not allow certain uses to be excluded. Mr. Wendling read from section 8.3.16, "Uses which are not expressly authorized in any zoning district, either by right or by special use permit, or uses which have not been previously authorized by the Planning Commission pursuant to this subsection or corresponding subsections in other zoning districts may be allowed in this zoning district by special use permit if the Planning Commission determines that the proposed use is of the same general character as the other uses allowed in this zoning district, either by right or by special use permit, and the proposed use is in compliance with the applicable requirements of the Cheboygan County Comprehensive Plan for this zoning district." Mr. Wendling explained that the Planning Commission can determine that the use is a use by right, special use or a use that does not match any use by right or

by special use and the use is not allowed for this district. Mr. Wendling stated that we would worry about the exclusionary zoning at another time. Mr. Wendling stated that it may be resolved through the amendment process.

Mr. Wendling stated that through staff's analysis, what is being proposed does not involve a type A or type B transfer station and the Solid Waste Management Plan encourages more waste haulers to come into the area. Mr. Wendling stated that staff has talked with DEQ who has confirmed that this is not a Solid Waste Management Plan issue. Mr. Wendling stated that there are separate internal regulations for the state for waste haulers, but this is a zoning issue exclusively. Mr. Wendling stated that it is not a Solid Waste Management Plan issue. Mr. Wendling stated this is strictly a zoning issue. Mr. Wendling stated that staff finds that what is being proposed is similar to a contractor's equipment or storage yard. Mr. Wendling stated what is the difference between a contractor who has trucks and sends them out to perform various jobs at different locations as opposed to a waste hauler who also sends the trucks out to different sites on different days to pick up the waste. Mr. Wendling stated the Planning Commission has all of the tools for a special use permit to make sure any problems that they foresee with this type of use is alleviated. Mr. Wendling stated if a permit is issued and there are violations, it would be taken care of through staff. Mr. Wendling stated that if the applicant meets the standards for the special use and site plan, then the permit must be approved. Mr. Wendling stated if they do not meet the standards, and the decision is based upon competent material and substantial evidence on the record, he can defend the decision should it be appealed. Mr. Freese stated that the main concern is that these trucks are hauling trash and not sand or gravel. Mr. Wendling stated that it does not constitute storage of trash if it is inside the truck. Mr. Wendling stated that the contents of the truck are not relevant to this analysis, but it may be relevant when determining conditions if the request is approved. Mr. Freese stated that the main difference between a waste hauler and a transfer facility is that a truck full of waste can stay on site overnight. Mr. Freese stated that waste from one receptacle can not be transferred to another receptacle at this location because it would then be considered a transfer station. Discussion was held. Mr. Kavanaugh stated that no garbage can be left in any of the dumpsters. Mr. Kavanaugh stated that the only thing that can be left on the site are the trucks containing garbage. Mr. Kavanaugh stated that that the truck could be stored in a building. Mr. Wendling stated that all the authorities of other agencies are still valid. Mr. Wendling stated that all other regulations that pertain to the site still apply. Mr. Bartlett questioned if the trucks are cleaned on site and how will the trash be handled. Mr. Wendling stated that the only trash allowed on the site would have to remain on a truck that is sealed. Mr. Wendling stated that they can not have dumpsters containing trash on site. Mr. Wendling stated that they cannot unload dumpsters into trucks on the site. Mr. Wendling stated that they are not to have any open bins of trash. Mr. Wendling stated that the only trash that is allowed will be the trash that is contained on the truck when it is parked overnight. Mr. Wendling stated that any removal of that trash must be done at a transfer station or a landfill. Mr. Kavanaugh stated that there will be leachate. Mr. Kavanaugh suggested a condition if the request is approved that a closed drain is required which is to be pumped by a licensed industrial hauler.

Mr. Kavanaugh asked Mr. Wendling to explain how a performance bond works. Mr. Wendling stated that usually, a performance bond is to ensure that the site improvements are performed. Mr. Wendling stated that one of the ways is to have a checklist and as items are checked off, a portion of the bond can be released. Mr. Wendling stated that it doesn't have to be a bond. Mr. Wendling stated that it could be a letter of credit or a cash deposit. Mr. Wendling stated the point behind this is to make sure that the improvements that are part of an approved plan are built out. Mr. Wendling suggested letting the applicant choose if they want a letter of credit, cash deposit or a bond because the intention is to make sure that the funds are available regardless of the source of the funds. Mr. McNeil noted that bonds are to be based on an amount equal to the estimated costs associated with the construction.

Mr. Freese stated that he has seen a pickup truck with a dumpster on a flat bed trailer being used. Mr. Freese asked if the trailer is being taken to the landfill or is it being dumped into a truck. Ms. Wheelock stated it is transferred to a truck and then taken to the landfill. Mr. Freese asked where is it being transferred. Ms. Wheelock stated that when it is filled up it is transferred at that location. Ms. Croft stated that the applicant is using a truck and trailer with a dumpster due to the seasonal road weight limits. Ms. Croft explained that the transfer takes place on a class A road. Discussion was held.

Mr. Jazdzyk referred to the DEQ's solid waste hauler requirements and stated that trucks must be clean to eliminate odor. Mr. Jazdzyk asked how will this be handled. Mr. Dixon stated that they will shovel it out while they are at the landfill and the odor goes away. Mr. Dixon stated that you are not able to smell the truck from 300ft. away. Mr. Dixon stated you have to be close to the truck to smell it. Mr. Jazdzyk asked if the trucks are washed. Mr. Dixon stated that they wash the outside of the truck at the car wash. Mr. Jazdzyk asked if the trucks are washed on site. Mr. Dixon stated no. Mr. Jazdzyk stated that Light Industrial uses indicate approval of limited storage of equipment and there is a different standard in General Industrial. Mr. Jazdzyk stated that there are 200 (8-40 yard) dumpsters proposed. Mr. Dixon stated that he used a high number of dumpsters so he would not be in violation. Discussion was held regarding the outdoor storage of dumpsters being included in the application. Mr. Jazdzyk asked how many dumpsters would be stored on average. Mr. Dixon stated that they currently have 25 dumpsters. Mr. Kavanaugh asked if all of the dumpsters have lids that can be latched. Mr. Dixon stated that some do and some do not. Mr.

Dixon stated that some are temp cans and do not have lid assemblies. Mr. Kavanaugh asked if the big dumpsters come with lids that can be attached. Mr. Dixon stated that usually a solid tarp is put on as that is what the DEQ recommends. Mr. Kavanaugh stated that he is asking this question because of the airport's concerns regarding birds. Ms. Wheelock noted that the dumpsters will be empty. Mr. Kavanaugh stated that the dumpsters will still be dirty and have liquid in them. Ms. Wheelock stated that they do not have very many birds at their current location and they have only had one mouse in the past three years.

Mr. Jazdyk stated that the access drive will be off of Levering Road. Mr. Jazdyk asked if the applicant plans to meet the waste hauler requirements. Ms. Wheelock stated yes.

Mr. Kavanaugh asked if the fire department submitted any comments. Mr. Socha, Inverness Fire Chief, stated his concerns about trucks with a hot load starting on fire.

Mr. Jazdyk stated that the applicant plans to expand in the future. Mr. Jazdyk asked if the applicant will have to come back for Planning Commission approval. Mr. McNeil stated yes. Mr. Kavanaugh stated that it will have to go to the Planning Commission unless it is in the Solid Waste Management Plan. Mr. Kavanaugh stated that their future plans fall under the Solid Waste Management Plan. Mr. Schnell stated that the applicant can apply under the Solid Waste Management Plan but it is not clear how it would come out in the end. Mr. Schnell stated there is not a lot of direction.

Ms. Croft asked for public comments.

Mr. Socha, Inverness Fire Chief, stated that he prefers that the trucks do not come in full and be stored overnight in an enclosed building.

Ms. Johnson stated that she is the neighbor on the corner. Ms. Johnson stated that there should be clarification on a few things that have been brought to everyone's attention. Ms. Johnson stated that there was an email between Steve Schnell, John Ozoga and Margie Ring. Ms. Johnson stated that the original question was "if waste haulers can have waste in their truck overnight". Ms. Johnson stated that the second time the question was asked the content changed to "can an empty solid waste hauling truck be parked within 500ft. of a residence". Ms. Johnson stated that the answer refers back to the Solid Waste Management Plan as well as stating "I don't think parking an empty truck in an industrially zoned area within 500ft. of a residence would be prohibited." Ms. Johnson stated that it should be addressed whether an empty truck or full truck can be parked there. Ms. Johnson stated that the questions that she submitted and the questions that Marcia Rocheleau submitted were answered by the Community Development Department and only reviewed by legal counsel. Ms. Johnson stated that the questions were not submitted to legal counsel as was stated in the minutes. Ms. Johnson stated that many of the answers provided by the Community Development Department indicated that the most recent use of the property was trucking, contractor's yard, and a cement plant. Ms. Johnson stated that the question was not "what is the most recent use of the property." Ms. Johnson stated that the question was "what is the current legal use of the property." Ms. Johnson stated that her question #12 regarding the Michigan Building Code should be re-addressed as the Community Development Department has stated that they have already received a Certificate of Occupancy for the building. Ms. Johnson stated that the proper information needs to be provided to the Department of Building Safety. Ms. Johnson stated that she has proof that the building was built as a residential building and unless the county has proof of it being evaluated and reported on by a qualified engineer or architect for commercial use, the statement made by the Community Development Department should be retracted and a full evaluation of the building conducted prior to use as a commercial facility. Ms. Johnson stated that if the Zoning Department is left to enforce this issue, she believes the policy that is in the Zoning Ordinance should be strictly followed. Ms. Johnson stated that there have been numerous occasions where it has not been followed. Ms. Johnson stated that there have been over 17 visits by the zoning enforcement officer to the current location and this is too many to deal with these issues. Ms. Johnson questioned the intent of the Community Development Department. Ms. Johnson questioned whether the Community Development Department is to protect the people, environment, well-being of Cheboygan County or is to deceive the public as well as the people who look to them for guidance by withholding potentially pertinent information or by not following the direction they were given by the Planning Commission.

Mr. Schnell stated that in regards to the building code issue, it was a decision made by Matt Cronk, Building Official, based on the information that was provided. Mr. Schnell stated that is public information and if there is other information that needs to be provided, Mr. Cronk would review it. Mr. Schnell stated that Mr. Cronk did provide a Certificate of Occupancy for the building. Mr. Schnell stated that he reviewed the current application and it did not change his mind. Mr. Schnell stated that the last known use was based similarly enough, according to the building code, to the proposed use. Mr. Schnell stated that Mr. Cronk would be willing to look at any additional information. Mr. Schnell stated that in regards to the email about empty solid waste hauling truck be parked within 500ft. of a residence, he is not sure that whether a truck is empty or full was

crucial to the question or answer. Mr. Schnell stated that this was a regulation that was focused more on whether a garbage truck could be parked within 500ft. of a residence, according to the DEQ requirements. Mr. Schnell stated that this did include parking it on the site where the operation is located. Mr. Schnell stated that he was advised via an email message from Margie Ring of the Michigan Department of Environmental Quality, which is included in the file as exhibit 11, that this was not to include the site where their business is located. Mr. Schnell stated that if they are out on their route they cannot leave the truck on a public street near a home until the next morning. Mr. Schnell stated that a garbage truck parked on site, whether it does have or does not have garbage, as long as it is sealed and closed, is not treated differently from another garbage truck on site. Mr. Schnell stated that regarding the enforcement concerns, we have learned a lot about enforcement at the other site. Mr. Schnell stated that he hesitates to talk too much about the other site because this site is being reviewed today. Mr. Schnell stated that we know a lot more after consulting with legal counsel about to address these issues. Mr. Schnell stated that this type of thing is difficult and a township blight ordinance would assist with these issues. Mr. Schnell stated that he can only look at the Planning Commission's conditions if it is approved. Mr. Schnell explained that each time trash appears it is a violation and it may go away quickly.

Mr. Wendling stated that the options under the police power ordinance and zoning ordinance are a civil infraction. Mr. Wendling stated that you first try to work with the property owner as the goal is to get compliance with the requirements under the ordinance. Mr. Wendling stated that if the violation continues despite the staff's efforts, the next step would be to issue a municipal civil infraction violation. Mr. Wendling stated that a ticket can be issued every day that the violation continues. Mr. Wendling stated that normally you issue the single ticket which may go to an informational hearing before the magistrate. Mr. Wendling stated that the magistrate's authority is limited to issuing a fine related to the ticket. Mr. Wendling explained that the magistrate cannot authorize injunctive relief which is an order to clean up the site or rectify the problem with a specified number of days. Mr. Wendling stated that if you want injunctive relief you ask for a formal hearing before the District Court judge. Mr. Wendling stated that if the person does not comply with the District Court judge's order, a motion can be filed to find the person or business in civil contempt of court and the penalties can include up to 30 days in the county jail. Mr. Wendling stated an injunctive complaint can be filed with the Circuit Court for a type of violation that needs more in the way of discovery (interrogatories, depositions, etc.). Mr. Wendling stated that the relief that the Circuit Court issues will be similar to the District Court relief. Mr. Wendling stated that with complex cases a Circuit Court action is necessary, even though it is more expensive.

Ms. Rocheleau stated that she is the Supervisor of Beaugrand Township. Ms. Rocheleau stated that according to the DEQ requirements, garbage in a truck cannot sit for long next to a residence when it is being picked up. Ms. Rocheleau stated she is concerned about garbage sitting in a truck within 500ft. of a residence. Ms. Rocheleau stated that this is not right and does not make sense. Mr. Schnell stated that is why he asked the DEQ the question and this is the answer that he was given. Mr. Schnell stated that they clarified that an empty truck is treated the same as a full truck. Ms. Rocheleau asked if legal counsel researched Part 115. Mr. Wendling stated that the question regarding what the DEQ can enforce can be asked through the Attorney General's office. Ms. Rocheleau stated that according to the building permit, the building was constructed as a residential garage.

Mr. Vassilakos stated that he is the Cheboygan County Airport Authority Chairman. Mr. Vassilakos stated that garbage attracts birds and it creates a safety hazard for aircraft.

Ms. Wheelock stated that there are several birds that are currently around the site due to the farmers tilling up land. Ms. Wheelock stated that there is no activity going on at this site.

Mr. Painter stated that he is the Cheboygan County Airport Manager. Mr. Painter stated that they are careful with the birds. Mr. Painter stated that they use explosive devices and they have a permit to shoot birds. Mr. Painter stated that the biggest problem with birds is when it rains and the night crawlers come up onto the runway. Mr. Painter stated that they do watch the birds carefully and they try to scatter them when they know when a plane is coming in.

Mr. MacArthur stated that he is representing Beaugrand Township. Mr. MacArthur stated that he agrees with everything that civil counsel has said tonight. Mr. MacArthur stated that there are questions that have not been answered to the satisfaction of the Planning Commission and the people in the audience in regards to what the DEQ does and does not permit in regards to the trucks. Mr. MacArthur stated that this property is now zoned General Industrial but the future land use is Light Industrial. Mr. MacArthur stated that this a potential change for the use of this property. Mr. MacArthur stated that the Solid Waste Management Plan may be amended by the Cheboygan County Board of Commissioners. Mr. MacArthur stated that it is premature to move forward with the application at this time. Mr. MacArthur stated that there is precedence to table this request. Mr. MacArthur stated that in the past an application was delayed for months to amend to provide for a specific zone for windmills. Mr. MacArthur stated that the Planning Commission should not start something that eventually

will change because the zoning for this location will change or because the county will amend the Solid Waste Management Plan. Mr. MacArthur urged the Planning Commission to not move forward at this point.

Mr. Muscott stated that his understanding from the last Cheboygan County Board of Commissioners meeting was that they do not plan to amend the Solid Waste Management Plan. Mr. Muscott asked Commissioner Gouine to comment on the Solid Waste Management Plan. Mr. Gouine stated that they are discussing amending the Solid Waste Management Plan. Mr. Gouine stated that they will talk more about it. Mr. Churchill asked when it may be finalized. Mr. Gouine stated that it will take at least 6 months. Mr. Jazdyk stated that he does not believe delaying the decision will make a difference as all the waste hauling units will have to comply with the Solid Waste Management Plan. Mr. Jazdyk stated that he is considering where they stand today compared to the things Mr. Wendling talked about and the application.

An audience member asked how a residential home is next to a Light Industrial zoning district. The audience member stated her concerns that there will be a waste hauling facility on Levering Road, which is a major way into Cheboygan. The audience member stated that this site is an eyesore now. The audience member asked the Planning Commission members if they are familiar with the place and if they would want it in their backyard. The audience member stated that there are concerns for the environment. The audience member stated that there is never a clean dumpster, clean garbage truck or clean landfill.

Mr. Schnell stated that state law requires that all zoning jurisdictions have a place for every kind of use that someone would want to use with their land. Mr. Schnell stated that Burt Township has their own Zoning Ordinance for their township and because of this they have an industrially zoned area that is next to the highway.

Public comment closed.

Mr. Oswald stated his concerns about residences being built in Light Industrial and General Industrial zoning districts. Mr. Freese stated that a house is allowed as a permitted use in Light Industrial and General Industrial zoning districts. Mr. Freese stated that a residential house can be put in any zoning district in Cheboygan County but that does not mean that the area is zoned residential. Mr. Freese stated that the use is residential but the area may be zoned General Industrial and they (homeowner) have to put up with the uses allowed in the zoning district.

Mr. Freese stated that this use is similar to other uses that are permitted in the district and he believes that the Planning Commission will have to allow this use. Mr. Freese stated that the proximity to the airport will be a problem and it will have to be taken care of in the conditions put on the approval to make sure that there is no trash to attract seagulls. Mr. Freese stated that there is a major problem with the high water table. Mr. Freese stated that there is an artesian well on the site. Mr. Freese stated that there is a designated wetland on the north end of the property and there will have to be restrictions put on any approval to prevent possible contamination to the ground water from leachate coming out of the trucks or dumpsters. Mr. Freese suggested that the dumpsters will have to have lids on them and be secured. Mr. Freese stated that the trucks will have to be locked up and there will have to be a hard surface so that the leachate does not run off. Mr. Freese stated that the hard surface will take care of the leachate getting into the ground water if there is a collection system. Mr. Freese stated that there should be a collection system anywhere trucks are parked. Mr. Freese stated there should be a collection system where dumpsters are parked and in the garage that is used to service the trucks. Mr. Freese stated that screening the area for the dumpsters is a consideration. Mr. Freese stated the problems that are inherent in this site can be taken care of with conditions on the approval but they will be extensive.

Mr. Churchill stated that he listens carefully to everyone and there are a lot of concerns. Mr. Churchill stated his biggest concern is safety. Mr. Churchill stated that Mr. Painter and Mr. Vassilakos are concerned about birds. Mr. Churchill stated he is concerned about safety and does not want there to be an "oops" moment. Mr. Churchill stated you can't guarantee that there won't be problems.

Mr. Kavanaugh stated that he has some of the same concerns also and that is why he is interested in a bond. Mr. Kavanaugh stated that a bond may be necessary for a hard surface, building for trucks or fencing/screening. Mr. Kavanaugh stated that the existing well should be evaluated to make sure that leachate doesn't get into this water supply and contaminate the rest of the water supply. Mr. Kavanaugh stated that background sampling should be done one time and then a sample should be done once a year. Mr. Kavanaugh stated that hard surface with drains that don't have discharges and industrial waste pickup is important. Mr. Kavanaugh stated that isolation from the neighbors well is also important. Mr. Kavanaugh stated that the Planning Commission was considering a building for the trucks to not attract seagulls, but the fire chief explained that a building would increase the fire risk. Mr. Kavanaugh stated that he is concerned about the interpretation of the full and empty garbage trucks. Mr. Kavanaugh stated that we need these types of facilities and there are 4-5 places in the county that it could go. Mr. Kavanaugh stated that this is the one that the applicant chose so the Planning Commission will deal with it. Mr.

Kavanaugh stated that there will be a lot of restrictions. Mr. Kavanaugh stated that he would like to see Department of Building Safety evaluate the building for a commercial building. Mr. Kavanaugh stated that the Planning Commission has no choice but to approve the request if the applicant meets the standards.

Mr. Jazdyk stated that he agrees with Mr. Freese's comments. Mr. Jazdyk stated that he believes there is a need to place some conditions on this group but they should be reasonable conditions. Mr. Jazdyk stated that this is a business that doesn't have a lot of employees and is trying to get their feet off the ground. Mr. Jazdyk stated that we want to make sure this is safe, but there may be a waste management site down the road that doesn't have half of the restrictions. Mr. Freese stated that a waste management site that is located in the industrial park in the city will have water and sewer. Mr. Freese stated it would be a different situation than being located next to the airport with wetlands on the property. Mr. Freese stated that there will have to be conditions placed on any approval which satisfy the safety of the specific site under consideration.

Mr. Schnell stated that there was confusion regarding the site plan and the application because it notes in 4 locations that there are proposed items on the drawing. Mr. Schnell stated that recycling is noted in the General Findings but the applicant is not doing recycling so it is not part of the review. Mr. Schnell stated on the drawing there is an area for empty dumpster storage. Mr. Schnell stated that empty dumpster storage is what the applicant is proposing now. Mr. Schnell stated that a 13' x 17' office addition is proposed for the future. Mr. Dixon stated that they don't need it, but it is already half built. Mr. Schnell asked Mr. Dixon if this is part of the application. Mr. Dixon stated yes. Mr. Schnell explained that if the building is proposed now, customer parking and employee parking spaces would have to be provided before opening. Mr. Schnell asked if Mr. Dixon if this was part of his application. Mr. Dixon stated yes.

Mr. Kavanaugh asked if the Planning Commission should move forward or wait for clarification. Mr. Wendling stated that the Planning Commission should let him know if there is something he can do or Mr. Schnell can do before they can proceed with processing this application. Mr. Wendling stated that you want to be fair to the applicant as this is the third hearing on this matter.

Mr. Freese stated that the Planning Commission should require that any of the buildings used for this operation meet Department of Building Safety requirements for commercial buildings. Mr. Freese stated that if the building does not meet the requirements, it will have to be brought up to the standard. Mr. Schnell stated that Matt Cronk, Building Official, has inspected the site and issued a certificate of occupancy. Mr. Schnell stated that it was not dependent upon zoning. Mr. Schnell stated that it doesn't mean that they can move in but from a Department of Building Safety perspective, he can issue a certificate of occupancy that says with what they are proposing to do meets the current code. Mr. Freese asked if they meet the commercial code. Mr. Schnell stated that they met the code for what they were proposing. Mr. Schnell stated that he reviewed the application that the Planning Commission has in their packet and he said that it does not change what he saw on the site at that time. Mr. Kavanaugh stated that the Planning Commission could add a condition that the buildings meet the commercial standard.

Discussion was held regarding how to determine the amount of the bond. Mr. Kavanaugh stated that this could be worked out between the applicant and staff. Mr. Freese stated that you cannot determine the amount of the bond until the Planning Commission decides what will be required. Mr. McNeil asked if the responsibility of the estimated cost can be deferred to staff. Mr. Wendling stated yes, this is something that can be assigned to staff to work on with the applicant.

Motion by Mr. Freese, seconded by Mr. Kavanaugh, to grant the topography waiver request. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Jazdyk), 0 Nays, 1 Absent (Lyon)

The Planning Commission reviewed and approved the General Findings, Determination Under Section 7.3.13, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Kavanaugh, seconded by Mr. Churchill, to approve the special use permit based on the General Findings, Finding of Fact Under Section 7.3.13, Finding of Fact Under Section 18.7 and the Specific Findings of Fact Under Section 20.10 subject to the following conditions:

1. Must meet all state, federal, local applicable laws and regulations.
2. Impervious surface is to be provided in the area where the trucks are parked and the dumpsters are stored. This area is to be properly graded to collect the leachate in an enclosed drain system.
3. Liquids must be collected in the enclosed drain system and must be hauled by a licensed industrial hauler.
4. Well and septic inspections by the Health Department.
5. Provide results of a baseline study sample for bacteria, partial chemical, and volatile organics.
6. Only containers with integral covers to be used.
7. Prior to making any changes to the property, the existing site conditions are to be approved by the Health Department

and Zoning Department.

8. No storage of waste in dumpsters.
9. No burning.
10. No recycling.
11. Request that all approvals are to be written approvals for the record.
12. Must comply with the Michigan Uniform Construction Code.
13. Fence to screen the dumpsters from view as required under Section 17.18 of the Zoning Ordinance.
14. Must comply with all applicable requirements of solid waste transporting units under Public Act 451 of 1994 as amended and all applicable administrative rules such as R229.4602, as referenced in PA 451 of 1994, as amended.
15. Must utilize completely sealed waste hauling vehicles at all times.
16. Must not operate any aspect of the business, including maintenance of trucks, operation of trucks, movement of dumpsters or canisters/totes outside of business hours. Hours of operation will be from 6:00am until 11:00pm. Office hours will be from 9:00am until 5:00pm, Monday through Friday. The office will be open from 9:00am until 3:00pm in the summer. Closed on Sundays and all major holidays.
17. All waste hauling vehicles must use Levering Road driveway and provide proof of driveway approval by the Michigan Department of Transportation. No waste hauling vehicles may use Inverness Trail Road unless and until such time as the road has been improved to an all-season road and a driveway permit has been obtained, if required by the County Road Commission.
18. Vehicles shall not be cleaned on site.
19. Each dumpster stored on site shall have a cover that is secured so that the cover cannot be opened.
20. Each dumpster stored on site shall not contain any waste material.
21. No customer drop off of waste or recyclable material is permitted on site.
22. The methods of performance guarantee, as provided under section 18.9, are to be utilized with the amount of money reserved to be worked out between staff and the applicant based upon industry costs for those improvements. The performance guarantee will cover screening, base line study, hard surface and closed drain system.
23. No washing of dumpsters on site
24. See Exhibit 24
 - a. The application appears to be for only a hauling business and recycling, therefore it would not be inspected and licensed by the DEQ.
 - b. Any buildings with floor drains should be in compliance with the Part 31 regulations, the DEQ, Water Resources Division enforces those regulations.
 - c. As stated in previous emails, no burning or burial of waste can occur onsite.
 - d. Any burning of trees or brush that may occur needs to comply with DEQ, Air Quality Division and DNR regulations.
 - e. Should any spills of polluting materials occur, the DEQ, Remediation and Redevelopment Division should be contacted.
 - f. No waste can be stored in container overnight onsite.
 - g. The DEQ, Water Resources Division should be contacted regarding any potential issues regarding storm water management.
 - h. The application does not address composting. If composting is to occur it is regulated under the Part 115 regulations and the DEQ, Waste Management and Radiological Protection Division should be contacted. If any illegal or unauthorized solid waste disposal activities occur onsite please contact me.

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

Michelle Tromble/Tromble Bay Farms LLC – Requests a Site Plan Review for Riding Academy and Stable Facility (Section 17.15.) The property is located at 1313 M-33 Hwy., Koehler Township, section 9, parcel #172-009-100-001-02 and is zoned Agriculture and Forestry Management (M-AF).

Mr. McNeil stated that the applicant is proposing both academy and stable activities and uses. Mr. McNeil read section 17.15, "Commercial facilities for horseback riding may be allowed in the Commercial, Light Industrial, General Industrial and Agriculture/Forestry Districts, subject to the review and approval of the Planning Commission. Animal housing facilities must be located at least 300 feet from any off-premises, residential structure." Mr. McNeil stated that this parcel is located in an Agriculture and Forestry Management zoning district. Mr. McNeil stated that there is a proposed finding that the use is located more than 300 feet from any off-premises residential structure. Mr. McNeil stated that the property is 78.4 acres. Mr. McNeil stated that request is being submitted for site plan review. Mr. McNeil stated that all of the buildings that are indicated are integral to the proposed use.

Ms. Tromble referred to the site plan and noted the location of the arena, horse barn, stabling area and grazing area. Ms. Tromble stated that the rest of the property is used mostly for the cattle farm.

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

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

The Planning Commission reviewed and approved the General Findings and the Specific Findings of Fact Under Section 20.10. **Motion** by Mr. Freese, seconded by Mr. Jazdzzyk, to approve the special use permit based on the General Findings and the Specific Findings of Fact Under Section 20.10. Motion carried. 8 Ayes (Bartlett, Freese, Kavanaugh, Borowicz, Croft, Ostwald, Churchill, Jazdzzyk), 0 Nays, 1 Absent (Lyon)

UNFINISHED BUSINESS

2018 Capital Improvement Program Project Description For County Building Jail Expansion And Storage Building

Mr. McNeil stated that the single program description for County Building Jail Expansion and Storage Building has been included in the packet. Mr. McNeil stated that the Planning Commission can request someone provide an overview of this project. Mr. McNeil stated that this is only the project description that the Planning Commission will assign a "needed" or "desirable" project designation. Discussion was held regarding this project being new construction. Mr. Jazdzzyk stated that he would like to talk to someone about this project. The Planning Commission agreed with Mr. Jazdzzyk.

Discussion Regarding Boat Shelter Survey

Mr. McNeil stated that included in the packet is information that would be put on the website, the survey and a copy of the contents of a postcard that would be mailed to all of the property owners along the rivers that have been designated for consideration allowing these boat shelters. Mr. McNeil stated that the Planning Commission may want to consider sending the survey to other stakeholders. Mr. McNeil asked when this should be released and what should be the deadline for submitting the survey.

Mr. Kavanaugh stated that the townships should be included. Mr. Kavanaugh stated that other stakeholders to include are lake associations and Tip of the Mitt. Mr. Kavanaugh stated that any of the public should be able to complete the survey since it will be on the website. Discussion was held.

Mr. McNeil asked if this should be released on June 1st and allow 30 days or 60 days. Mr. Freese stated it should be released as soon as possible and allow 30 days. The Planning Commission agreed with Mr. Freese.

Zoning Ordinance Amendment Regarding Temporary Signs

Mr. McNeil referred to Mr. Graham's memo and stated that the Planning Commission wanted to allow more temporary signage during a certain period of time prior to an election. Mr. McNeil explained that Mr. Graham recommends not regulating political signs. Mr. McNeil provided a draft amendment that would allow temporary signage. Mr. McNeil stated that it would allow quite a bit more temporary signage than we allow now. Mr. Freese stated that this amendment is a good start. Mr. Churchill asked how this proposed amendment would apply to a portable trailer on a lot with 26 political signs on it. Mr. Churchill stated that it may fall under mobile signs in the Zoning Ordinance. Discussion was held. The Planning Commission asked Mr. McNeil to forward the proposed amendment to legal counsel for review.

NEW BUSINESS

No comments.

STAFF REPORT

Mr. Schnell stated that he was waiting for things to slow down before scheduling the soil erosion workshop.

Mr. Schnell stated that the Cheboygan County Board of Commissioners did not come to a conclusion on the planned unit development amendment yet. Mr. Schnell stated that they are still considering whether it is their responsibility or the Planning Commission's responsibility. Mr. Schnell stated that there are two options. Mr. Schnell stated that the first option is an ordinance amendment that was only the Planning Commission making all of the decisions. Mr. Schnell stated that the second option is the option in which the Cheboygan County Board of Commissioners makes the decisions. Mr. Schnell stated that the Planning Commission could recommend both amendments to the Cheboygan County Board of Commissioners and let them decide which one they prefer when they see all of the language. Mr. Schnell suggested a joint meeting with the Cheboygan County Board of Commissioners to discuss the amendment. Mr. Freese stated that he believes there should be a joint meeting so several items could be reviewed. Discussion was held.

PLANNING COMMISSION COMMENTS

Mr. Kavanaugh stated that the Planning Commission had no other option but to approve the request for Triple D Sanitation. Discussion was held.

PUBLIC COMMENTS

Mr. Muscott stated that the Triple D Sanitation decision was a tough decision. Mr. Muscott stated that in regards to content-neutral signs, he has seen where additional signage is allowed starting on the candidate's filing date. Mr. Muscott stated that in the State of Michigan the signs have to be taken down within 10 days after the election. Mr. Muscott stated that this would allow more than just election signs to be put up. Mr. Muscott stated that he had hoped the boathouse issue would progress faster but he appreciates that the Planning Commission is trying to move it along. Mr. Muscott stated that in regards to the Triple D Sanitation request, he has seen other jurisdictions require parking under a shelter instead of requiring a hard surface. Mr. Muscott explained that the open shelter will keep the rain off the truck and will prevent the leachate from running off of the trucks. Mr. Muscott stated that this may help with the concerns regarding the birds also.

Mr. Jacobs asked if the sign ordinance regulates signs on a trailer. Mr. Jacobs stated that he does not believe that a sign on a licensed trailer can be regulated if there are wheels on the trailer. Mr. Schnell stated it can be regulated, but we choose not to regulate it. Mr. McNeil stated that the ordinance recognizes that if the trailer is put in place and not used as a vehicle then it can be used as a sign. Mr. Schnell stated that this excludes vehicles used in the day to day operation of the business. Discussion was held regarding boat shelters.

ADJOURN

Motion by Mr. Kavanaugh to adjourn. Motion carried. Meeting was adjourned at 9:33pm.



Charles Freese
Planning Commission Secretary