

WETLAND ORDINANCE - PUBLIC HEARING
SEPT. 5, 2000 - 7 P.M.

Planning Commission members present: Arlen Turner, chairman; Jack Norris, vice-chairman; Diane Pepper Bromelmeier, Richard Hoadley, Jim Ferguson, Jill Barnard, Stan Moore, members.
(Members not present: Laura Stanek, Sandra Hoinka, and Steven Roote.)
Also: Peter Garwood, planner-coordinator; Joel Dye, assistant planner; and Janet Person, Antrim Conservation District Executive Director.

Meeting opened at 7 p.m. and proceeded according to attached agenda up to point 4 - D.

Introductions around the table

Planning Commission Chairman, Arlen Turner stated why we are here for the hearing.

Joel Dye discussed the importance and benefits of Wetlands.

Pete Garwood discussed the process followed for drafting the ordinance and the maps taped to the walls. Public Hearing is an important step. We want to hear from both sides – those in favor and those not in favor. Planning Commission is interested in collecting information and attitudes. The Planning Commission will pass this information on to the County Board of Commissioners – your voice will be heard.

"Draft Map" is a wetland inventory. There may be Wetlands we do not know about, and there may be some properties indicated in the Wetland area that are not actual Wetlands. When an application comes in it will be field checked.

Janet Person gave an overview of how the ordinance would be administered and the process an applicant would follow to get a permit. Similar to Soil Erosion in Antrim County the emphasis will be on education. One permit, you will apply to the Conservation District. When land is looked at, if it is determined that it is not a wetland, the fee will be refunded. If it is a wetland a copy of the application will be sent to the DEQ. Ms. Person stated that the goal of Board of Commissioners is no net loss of wetlands in the County. That doesn't mean you will never be allowed to build in a wetland.

Public comments made as follows:

1 – John Hummer, Friends of the Jordan:

Read letter of support from that organization. Letter is attached.

2 – Allen Luurtsema, Hudsonville, MI:

In the process of building a home and getting permits. If ordinance adopted Sept. 14, as is possible, do I need new permits? Pete: rod. not in effect until after publication, so probably not. If build pole barn in future, need new permits? [Pete: not if impact not on wetland.] What is DEQ impact over the county - do they set new fees? [Janet: no, they work together. File only once to satisfy both jurisdictions.]

3 – Kent McNeil, Kearney Twp.:

Proposed several questions concerning authority of county to impose this ordinance - "When did privately owned land become community property in Antrim County?" [Arlen: the public controls uses of lands not the wetlands themselves.] [Pete: regulating done under Michigan Public Act 451.] More questions about authority under state or federal constitutions for imposing this ordinance: what provisions in ordinance for patented land; does commission know difference between land and property; how accurate can a survey of support from 1991 be; how much tax money has been spent to create the ordinance.

[Jack: please present the list of questions so the commission members can go over them.]

4 – Gary Rush, Hartland, MI:

Expressed praise for commission putting the ordinance together. "I'm a victim of people who use public property for their own uses." I know how they split projects into several phases so no one gets the whole picture. I'm aware of what people do to twist laws and cause confusion.

5 – Doug Strang, Milton Twp. Coordinated Design:

"I'm one of the 'bad guys' - a wetland consultant." This ordinance has a Catch 22; if you're not caught in sec. 1, then sec. 2 or 3 will get you or 5 or 6. DEQ set up to protect all. This is only a delaying act with a no-growth attitude. Agree that the Veit problem is one that fell through the cracks. Have questions about some of the wording for reasonable uses, unregulated wetlands, $\frac{1}{2}$ acre designations. Questions about how this policed, how many people involved, how funded. "I don't think this is necessary with the DEQ already in process of reviewing permit activity."

6 – Harvey Theibert, Mancelona:

I own the land. If the county wants to regulate it, let them pay the taxes on it. If there's an appeal, they can always get witnesses to be against you.

7 – Lurlene Walls, Kewadin:

We went through everything to make sure we had everything done legally, yet have had private people come through our property and say we have to do this or do that. It's not fair after we've paid everybody for the right permits. Questions wording that makes it seem private individuals and/or organizations able to go on property any time. Pepper: that can be reworded.

8 – Burt Stanley, Kearney Twp. planning board:

Generally in favor of the ordinance. Kearney Twp. dealt with this problem in the past and doesn't have the resources to handle it. Concerned about how the ordinance will be put in place. It's good to have it countywide because wetlands don't follow political boundaries. But the townships have been left out of the process at several points. Any project involving township should have township people involved. A Kearney Township survey more recent than the one cited for 1991 show the residents strongly agree to preserve wetlands. Several questions about wording in the ordinance, criteria for acreage, provisions for amending the ordinance. [Janet: wording taken out of part 303 of Act 451.] [Jim: each township was sent flyers in December informing of the wetland ordinance study, requesting participation from each township. Not one township sent representation.]

9 – Andrew Geffert, Boyne City (Voice and Assoc.):

The ordinance is more expansive than originally intended; seems virtually impossible to get a wetlands permit; have to go through process and officer decides whether you need delineation or not and can require it even if not needed. [Janet: that wording can be changed.] This allows the county to inspect land at any time and charge you for it. Glad I'm not an official resident here. The cost to implement this ordinance is astronomical.

10 – Scott McEwen, Tip of the Mitt Watershed Council:

We also have consultants like Voice and Doug Strang to assist with wetlands. The reason for wetland laws is that in 1970s Congress found these to be in the public benefit. Probably the main reason is the number of lawsuits resulting from activity on one private parcel affecting the next private parcel. Tries to protect one neighbor from his own neighbor's activities. Wetland ordinances try to mitigate these problems by negotiating some way to protect people's land.

11 – Steve Voice, Boyne City, Voice and Associates:

"I guess I'm one of the bad guys, too." Guess the county is just not happy with the DEQ. But you can't just say NO. The Supreme Court determined that. Have to be able to develop property according to its designation (commercial, whatever). This will actually increase lawsuits. This goes well beyond state statutes, and you can't do that. That will come out in lawsuits. In the end you're doing what the DEQ does.

12 – Brad Jensen, Alden, Three Lakes Association:

Read letter of support. Letter is attached. Offered any assistance from association.

13 – Marilyn Bagdonas, Bellaire, Three Lakes Association:

Just want to say that we have rights on property, but also have responsibilities, too.

14 – Mary Rubingh, Ellsworth:

Dairy farmer in Banks Twp. Can you have example of a permit issued under this ordinance? If a person applies, what would be granted? [Pepper and Pete: the decisions are site-specific and we'd work with the property owner.] What about property tax abatement - if permit is denied and land value decreases, wouldn't that spread to all surrounding owners? I commend the board on allowing the agricultural uses, but I fear the ordinance will get stricter as time goes along. I'm personally opposed - don't support it.

15 – Mark Randolph, Bellaire:

I'm speaking strictly as a private citizen. The basic American law is self-government - we enact our own laws. A person can do anything until it impacts other people. Water is the issue, not a particular property - water doesn't stay in one place - water isn't owned, it's shared - it's logical for the local government to regulate it. Where water goes impacts other people, both surface water and ground water.

16 – Leon Steenbergh, East Jordan:

I live on Six Mile Lake and am in favor of the ordinance. I was raised on a farm near Horton Bay and could see the countryside. Now can't see the lake for the condos on it. It's all big

business - people sell their souls to build where they want. On Six Mile Lake now, 22 acres have been sold for a home and six unattached condos and boat slips at the end of the lake. There goes the wetlands again. I tried 4 or 5 years ago to put sand on ice so it would melt into the lake to replace sand eroded away by boats and ski jets. DNR denied it. Why can someone come along now and do this?

17 – Russell Turk, Bellaire:

I live in Kearney Township, in Bellaire, am a business owner and own wetlands. The ordinance is a little overburden some. The regulation of non-contiguous 1/2 acre sites is excessive. It incorporates too many odd pieces. You can't justify taxing land if we can't use it. Hope the ordinance passes if it follows state law, but now it is too bureaucratic.

18 – Alan Martel, Kewadin:

When will the commissioners meet on this? [Pete explained.] Are you having a real meeting (hearing) or is this just to rubber stamp the ordinance. My background is in developing land and science education. I live in a historical forest, but have the right to cut it down. How come we don't have ordinances to protect forests, etc. At the Veit property, the driveway has wetlands on both sides and wetlands across the road, and they'll all be there forever. What about the wetland officer - is the person trained - can they go to court and testify? I had a bear on my property last week - is anyone protecting the bear? It's false to parade separate laws like this. I think it's a bad law - a layer of bureaucracy we don't need.

19 – Nancy Ellison, Milton Twp. East Bay Excavating:

I have nothing against preserving wetlands. But the present system works. We jumped through every hoop possible to get our work done. This ordinance is very expensive. Who will be hired? [Pete: the current soil erosion officer.] Is the person qualified - will he have the time? The burden of proof is on the local government and therefore they have to hire people who are experts. The soil erosion and DEQ are working OK now. This gives one person an ungodly amount of power.

20 – Brett Pharo, Rapid City:

That responsibility goes along with rights is right, but it's MY responsibility, no the county's. What brought the board into this issue? [Pete: Degradation of property, public health concerns, and natural resources.] How does it increase the health and welfare of the area by regulating 1/2 acre non-contiguous pieces? [Pepper: because each individual wetland has impact further down.] I don't think this ordinance is necessary - we'll wind up just going back to state regulations.

21 – John Taylor, Ellsworth:

I have a title company in Charlevoix and think this ordinance would help me. I bought 13 acres on Wilson Lake and hope to build on the upland. But the boathouse would be on wetlands. I could build it on pilings - can I do this with the ordinance? [Pete: I can't say offhand. I'm not the wetland officer, but you probably could.] [Jack: I'm sure this would be considered in the ordinance.] OK - if so, can someone build a house the same way - on pilings - house and driveway built on pilings? [Doug Strang said the Army Corps of Engineers currently says that is

okay.] We have ability to use the wetlands under state law.

22 — Howard Bouwens, Ellsworth:

I have the 22 acres on Six Mile Lake. I've submitted all applications to the DEQ, the county, etc. etc. I consulted Tip of the Mitt, Grand Traverse Conservancy and Six Mile Lake people. The DEQ said send more money. Tip of the Mitt said sell to the conservancy. I don't see any need for this ordinance. There's a right way and a wrong way to do this, and this is not the way. More legislation is just a knee-jerk reaction to some ill. I don't believe we need this. People generally take care of themselves.

Public comment ended.

Chairman said this board would decide on the next step, whether to recommend the ordinance or not. The board took a break prior to holding formal meeting after public hearing. Public Hearing was closed at 9:05 pm

Submitted by
Marjorie Fleet

ATTACHED ARE LETTERS SUBMITTED FOR PUBLIC COMMENT

County Of Antrim

PLANNING. COMMISSION

Arlen Turner, Chairman
Jack Norris, Vice-Chairman

Laura Stanek
Diane Bromelmeier
Richard Hoadley
Sandra Hoinka

Steven Roote
Jim Ferguson
Jill Barnard
Stan Moore

Minutes

January 4, 2000
(7:00 P.M.)

Antrim County Board of Commissioners Room

Members Present: Jim Ferguson, Laura Stanek, Arlen Turner, Jack Norris, Richard Hoadley, Stan Moore, Sandy Hoinka (Arrived 7:09 PM), and Jill Barnard (Arrived 7:36 PM)

Members Absent: Pepper Bromelmeier, and Steve Roote

Staff Present: Peter Garwood and Eric Cline

Others Present: Fred Hunt (Antrim County Road Commission) and Dave Howelman (Kearney Township Supervisor)

1. **Call to Order:** Meeting called to order at 7:03 PM by Chairman Turner.
2. **Approval of Minutes:** Approval of the Minutes for December 7, 1999. Stanek noted that the date was incorrect. Norris noted that in #6 the word effluent was misspelled. He also noted that in #12 the word presented should be present.

Motion by Ferguson to approve Minutes with corrections. Second by Stanek. Motion passed Unanimous.

3. **Organizational Meeting:** The Planning Commission conducted an organizational meeting for the Year 2000. Pete Garwood opened the floor for nominations. Norris nominated Arlen Turner for Chairman; Ferguson nominated Jack Norris for Vice-Chairman; Stanek nominated Jill Barnard for Secretary. The following nominations were then voted upon.

Motion by Norris to appoint Arlen Turner as Chairman for the Year 2000. Second by Stanek. Motion passed Unanimous.

Motion by Hoadley to appoint Jack Norris as Vice-Chairman for the Year 2000. Second by Stanek. Motion passed Unanimous.

Motion by Turner to appoint Jill Barnard as Secretary for the Year 2000. Second by Norris. Motion passed Unanimous.

Motion by Norris to continue to have the Planning Commission meet on the first Tuesday of every month at 7:00 PM. Second by Stanek. Motion passed Unanimous.

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4. **Discussion with Road Commission:** A discussion occurred on the following issues.

- ◆ *Wetland Grant:* Cline informed the Planning Commission that his office had assisted the Conservation District in developing a grant application to the EPA in order to develop a countywide Wetland Ordinance. A copy of the grant application was circulated for review.
 - ◆ *Buckley Schools:* Ferguson informed the Planning Commission that a letter of support had been received from an environmental science class in Buckley Schools. A copy of this letter was circulated for review. Ferguson read a reply that he had drafted. He also asked the Planning Commission if these letters should be submitted to the local paper for public notification. The Planning Commission authorized both letters to be submitted to the Antrim County News.
 - ◆ *Road Commission:* Mr. Hunt informed the Planning Commission on how the Road Commission determines the approval of Right-of-Way permits. Mr. Hunt stated that the Road Commission looks strictly at how a road will be affected. Mr. Hunt stated that the Road Commission grants about 400 permits per year. A copy of the Right-of-Way permit was circulated for review. Mr. Hunt noted that #11 listed the limitations of the Permit. Mr. Hunt also stated that it was his understanding that private utilities would need the permission of adjacent landowners in order for a utility to be placed across their portion of Right-of-Way. Cline presented the Planning Commission with a copy of Eyde Brothers Development Company v. Eaton County Drain Commission. Cline noted that this case suggested that the County Drain Commissioner had some input into the placement of private utilities. A short discussion of this issue occurred. Garwood stated that the County's legal consul had been informed of this case. Mr. Hunt also stated that all property owners should apply for a Driveway Permit but that the Road Commission cannot deny the application unless it is located on a limited access road. Turner stated that the Building Department was investigating seeking the authority from the County Board of Commissioners to require all applicants to have a Driveway Permit prior to being issued a Building Permit.
 - ◆ *Veit Property:* Cline stated that the County's legal consul had received a preliminary report from an expert witness hired to investigate this issue. Garwood stated that the report was not yet public knowledge. Cline stated that he had also sent a FOIA request to the DEQ requesting all information on this issue but had not yet received any information. Cline also stated that Charles Belanger, former Kearney Township Supervisor, had contacted him and asked that he arrange a meeting between the County, the Township, the DEQ, and Representative Bradstreet's office. A discussion of this meeting occurred. It was decided to have a preliminary meeting with all interested parties within the County prior to a formal meeting with the DEQ. No further action taken.
5. **Staff Activity Report:** Cline presented the December Planning Department Staff Activities Report (ON-FILE). A short discussion of several activities occurred. Cline circulated a copy of the Planning Commissioners Journal for review. No further action taken.
6. **Regional Planning Report:** Cline and Garwood presented the Regional Planning Report for November 1999. Cline stated that a new regional planner, Megan Motil had been hired. Cline informed the Planning Commission of the joint February 18, 2000 PRAC meeting with Planning Commissioners from all 10 counties. He stated that this meeting would also feature a presentation of the new Planning Commissioner workshop being developed by the PRAC.

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Cline asked if any of the members would like to attend this meeting. Jack Norris and Sandy Hoinka volunteered. No further action taken.

7. **Master Plan Sub-Committee Report:** Ferguson presented the Master Plan Sub-Committee report. Norris asked that some form of wetlands preservation ordinance be added to the Master Plan. Cline stated that this was being looked into but, at minimum, the Planning Commission could adopt the Resolution passed by the County Board of Commissioners in January of 1999. Ferguson informed the Planning Commission that he was researching to see if the County Board of Commissioners had any guiding principles that they operated by. Stanek indicated that they did not. Ferguson stated that the Board of Commissioners should be approached for their support for the Master Plan and its implementation. Ferguson also noted that he wanted the Sub-Committee to more closely coordinate with the other committees that were developing plans that could be adopted by the Planning Commission as part of the Master Plan. Ferguson also stated that he would like to formalize the Master Plan process by assigning areas of responsibility to other Planning Commissioners. He also suggested that all Planning Commissioners review the old Master Plan to see if there were any sections that were still viable and/or any areas that needed to be re-worked. It was also noted that the Sub-Committee would be meeting the last Tuesday of every month. No further action taken.
8. **Old Business:** The following items of Old Business were presented.
 - ◆ *Takings Workshop:* Cline reminded the Planning Commission that the Takings Workshop was going to be held on Friday, January 21, 2000 at 2:00 PM in Traverse City. It was decided to ask the Board of Commissioners if they would be interested in attending.
 - ◆ *Banks Township:* Cline informed the Planning Commission that Banks Township had sent them a Thank You note for their help on the Banks Township Zoning Ordinance. The Planning Commission expressed appreciation for these comments. Cline also noted that Banks Township had some additional questions on the Planning Commission's comments and would be sending additional reviews.
 - ◆ *Airport Zoning:* Cline stated that he had seen a recent article concerning the County's effort to develop an Airspace Zoning Ordinance. Cline noted that since the Planning Commission was not part of this process if they would like him to check into its status and report back. Cline was directed to do this.
 - ◆ *Torch Lake Township:* Cline stated that a communication had been received from Torch Lake Township stating that a Zoning Board of Appeals hearing would be held concerning a decision by the Zoning Administrator on a property in Eastport. Norris provided detailed information as to this communication. A short discussion of the issue occurred. It was noted that this hearing was both an appeal of a decision and asking for an interpretation of a decision. No further action taken.
9. **New Business:** The following items were presented.
 - ◆ *Senate Bill 205:* Cline presented information on a proposed bill that would exempt agricultural areas from zoning restrictions. It was noted that the Governor signed the Bill into Law on December 31, 1999. Stan Moore provided a detailed explanation of the purpose of this law. He stated that its purpose was to eliminate anti-agricultural zoning practices in many rural-residential areas. Moore also stated that he has had only positive

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experiences with this program so far. A discussion of the issue occurred. Norris reviewed a letter he had received from Senator McManus on this issue. No further action taken.

- ◆ *Senate Bill 265:* Cline informed the Planning Commission of a proposed Bill that would amend the Urban Cooperation Act by allowing local municipalities to jointly develop and administer regional zoning ordinances. A short discussion occurred on the implications of this amendment. No further action taken.

10. **Communications/Informational:** Cline informed the Planning Commission that the grant application to the DNR Trust Fund for the acquisition of the Jabara property had been funded in full. The Planning Commission expressed their support for this decision. A short discussion occurred. No further action taken.

11. **Member/Public Comment:** The following comments were made.

- ◆ *Jack Norris:* Norris presented the Planning Commission with a copy of the proposed National River Protection Education Program being developed by the Michigan Land-Use Institute. A discussion of this program occurred.
- ◆ *Jim Ferguson:* Ferguson asked if the Planning Commission would be interested in having a family picnic at his home sometime in mid-August. The Planning Commission thought this was a great idea.
- ◆ *Jim Ferguson:* Ferguson informed the Planning Commission of a zoning permit request to Forest Home Township for a condominium development on a 1-acre, historically filled wetland parcel on Clam Lake. A discussion of this issue occurred. It was noted that now is the time to implement natural resource protection measures because Antrim County would be facing growing development pressures in the future.

12. **Adjournment:** Meeting was adjourned at 9:24 PM.

Respectfully Submitted:

Jill Barnard, Secretary

Eric Cline Recording
Secretary

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Arlen Turner, Chairman
Jack Norris, Vice-Chairman

Laura Stanek
Diane Bromelmeier
Richard Hoadley
Sandra Hoinka

Steven Roote
Jim Ferguson
Jill Barnard
Stan Moore

Minutes

February 1, 2000
(7:00 P.M.)

Antrim County Board of Commissioners Room

Members Present: Jim Ferguson, Arlen Turner, Jill Barnard, Stan Moore, Pepper Bromelmeier, Sandy Hoinka, and Richard Hoadley (Arrived 7:14 PM) **Members**

Absent: Laura Stanek, Jack Norris, and Steve Roote

Staff Present: Eric Cline and Peter Garwood (Arrived 8:40 PM)

Others Present: Brad Jensen (Three Lakes Association), Efrain Rosalez (Antrim Conservation District) (Arrived 8:23 PM), Scott McEwen (Tip of the Mitt Watershed Council), Megan Motil (Northwest Michigan Council of Governments), and Jim Olsen (Olsen & Noonan) (Arrived 7:43 PM)

1. **Call to Order:** Meeting called to order at 7:13 PM by Chairman Turner.
2. **Approval of Minutes:** Approval of the Minutes for January 4, 2000. **Motion by Hoinka to approve Minutes. Second by Ferguson. Motion passed Unanimous.**
3. **Wetland Update:** Scott McEwen of Tip of the Mitt Watershed Council gave a presentation to the Planning Commission on the development of a countywide wetland ordinance. Mr. McEwen presented the Planning Commission with information on wetlands and how to protect them (ON-FILE). Mr. McEwen's presentation focused upon the following items.
 - ◆ *Definition of a Wetland:* Mr. McEwen reviewed who has wetland ordinances around the State. He noted that Antrim County would be the first county in the State to adopt an ordinance. Mr. McEwen then presented a clear definition of exactly how a wetland is defined and why.
 - ◆ *Regulation Options and Exemptions:* Regulation options were discussed. It was noted that the State will not regulate a wetland smaller than 5 acres but with a county ordinance wetlands as small as 1/4 acre could be regulated. It was also discussed that a county ordinance could apply only to regulated wetlands, non-regulated wetlands, or both. Various exemptions to regulation were also discussed.
 - ◆ *Administration and Funding:* The options for administration of an ordinance were discussed. Mr. McEwen stated that the County could administer an ordinance "in-house," contract with another public entity, or contract with a private entity to be the enforcing agent. Funding

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options were also discussed. It was noted that since a wetland ordinance is a permitting process that the cost of the permits typically pays for the program.

- ◆ *DEQ Coordination:* Mr. McEwen discussed how a county ordinance would work in conjunction with the DEQ wetland permitting process.
- ◆ *Legal Challenges:* The issue of legal challenges and regulatory takings were discussed. Mr. McEwen stated that with many of the other communities around the State with wetland ordinances legal challenges were few. He noted that the courts have ruled that local governments have the authority and there are considerable public benefits to regulating wetlands. He also noted that because of these rulings the ability for legal challenges is limited
- ◆ *Questions and Answers:* The Planning Commission asked Mr. McEwen a number of questions about developing an ordinance. Jim Olsen, of Olsen & Noonan, answered a number of legal questions concerning wetland ordinances.

Jim Olsen left the meeting at 7:50 PM.

- ◆ *SWAMP Grant:* Megan Motil of NWMCOG informed the Planning Commission that the regional SWAMP grant did have some time and perhaps some funds available to assist the Planning Commission in developing a wetland ordinance. Ms. Motil also stated that there would also be a Wetland Workshop in Antrim County on March 16, 2000 at 5:00 PM.
- ◆ *Letters:* Cline informed the Planning Commission about two additional letters of support that had been received concerning previous Planning Commission actions on wetland preservation. No further action taken.

Motion by Ferguson to recommend to the County Board of Commissioners that, based upon their previous support, the Planning Commission be granted permission to create a model Wetland Ordinance for the protection of all wetland resources within the County of Antrim. Motion also states that upon completion the Planning Commission will recommend its adoption to the County Board of Commissioners. Second by Hoadley. Motion passed Unanimous.

4. **Staff Activity Report:** Cline presented the January Planning Department Staff Activities Report (ON-FILE). A short discussion of several activities occurred. No further action taken.

Megan Motil and Scott McEwen both left the meeting at 7:55 PM.

5. **Regional Planning Report:** Cline presented the Regional Planning Report for December 1999. Cline focused his comments on the upcoming Regional Planning Awards program, the Planning Commission Training Workshop, and the Trails Summit. No further action taken.
6. **Master Plan Steering Committee Report:** Cline presented the Master Plan Steering Committee report. Ferguson asked the Steering Committee members to let the Office of the Coordinator/Planner know if they could not attend a meeting. Jill Barnard stated that she had conflicts with her work schedule and asked to step down from the Committee. Pepper Bromelmeier volunteered to take her place on the Steering Committee. No further action taken.
7. **Old Business:** The following items of Old Business were presented.

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- ◆ *Airport Zoning:* Cline updated the Planning Commission on the County's effort to develop an Airspace Zoning Ordinance. Cline stated that the Airport Zoning Committee was preparing a draft ordinance for two public review periods over the next few weeks. A short discussion on this issue occurred. The Commission directed the staff to invite a representative from the Airport Zoning Committee to the March meeting to give a presentation on the draft ordinance. No further action taken.
- ◆ *Wetland Ordinance:* Efrain Rosalez updated the Planning Commission on some of the administrative rules and State Attorney General's Opinions concerning the adoption of a wetland ordinance by counties. A short discussion of this issue occurred. No further action taken.
- ◆ *Banks Township:* Cline updated the Planning Commission on a communication sent from Banks Township concerning the Banks Township Zoning Ordinance. He stated that the Township apparently had additional questions about the Commission's review of the draft ordinance but that he had been unable to find out what those questions were. No further action taken.

**Efrain Rosalez left the meeting at 8:39 PM.
Pete Garwood joined the meeting at 8:40 PM.**

- ◆ *Natural River Care Program:* Cline presented the Planning Commission with information sent to him from the Michigan Land Use Institute concerning their Natural River Care Program. Cline stated that Jack Norris had mentioned this information last month. A short discussion of the issue occurred. No further action taken.

8. New Business: The following item was presented.

- ◆ *MSPO Training:* Cline presented information on upcoming Planning Commissioner training offered by the Michigan Society of Planning Officials. It was noted that this was a good training program. A very short discussion of the issue occurred. No further action taken.

9. **Communications/Informational:** Cline presented the Planning Commission with articles on US-131 improvements, cell tower construction, and historic preservation in Cadillac. A short discussion of these articles occurred. No further action taken.

10. **Member/Public Comment:** The following comments were made.

- ◆ *Sandy Hoinka:* Ms. Hoinka asked the staff how the Planning Commission did in fulfilling its 1999 Goals and Objectives. A short discussion of this issue occurred. The staff stated that they would place this on the March agenda. No further action taken.

11. Adjournment: Meeting was adjourned at 8:46 PM.

Respectfully Submitted:

Jill Barnard, Secretary

Eric Cline
Recording Secretary

County Of Antrim

P L A N N I N G C O M M I S S I O N

Arlen Turner, Chairman
Jack Norris, Vice-Chairman

Laura Stanek
Diane Bromelmeier
Richard Hoadley
Sandra Hoinka

Steven Roote
Jim Ferguson
Jill Barnard
Stan Moore

Minutes

March 7, 2000
(7:00 P.M.)

Antrim County Board of Commissioners Room

Members Present: Laura Stanek, Richard Hoadley, Sandy Hoinka, Arlen Turner, Jack Norris, Stan Moore, and Jill Barnard **Members Absent:** Jim Ferguson, Pepper Bromelmeier, and Steve Roote

Staff Present: Eric Cline

Others Present: Doug Strang (Coordinated Design Consultants), Edgar Roy (Brandt, Fisher, Alward & Roy), Joe Villeneuve (Torch Lake Township Resident), and Lon Bargy (Milton Township Supervisor)

1. **Call to Order:** Meeting called to order at 7:11 PM by Chairman Turner.
2. **Approval of Minutes:** Approval of the Minutes for February 1, 2000. **Motion by Hoinka to approve Minutes. Second by Stanek. Motion passed Unanimous.**
3. **Torch Lake Township:** Cline explained to the Planning Commission that a review of a proposed zoning ordinance amendment from Torch Lake Township had been placed on the agenda. He further explained that due to miscommunication with the Township the material had not yet been officially transmitted but the applicants were in the audience for discussion. The Planning Commission agreed to hear input from the applicants since they had taken the time to come to the meeting. Doug Strang and Ed Roy spoke on behalf of the applicant. They informed the Planning Commission that the request was to rezone two parcels from Commercial to Residential. Mr. Roy gave a detailed explanation as to why the request was being made. The Planning Commission asked several questions for clarity. Cline stated that he had been informed earlier that day that the Torch Lake Township Planning Consultant was preparing a Finding-of-Fact on the matter and that the Township would be taking no official action until then. Chairman Turner thanked the applicants for their input but stated that until the County Planning Commission officially heard from the Township no official action could be taken. No action taken.

Ed Roy, Doug Strang, and Joe Villeneuve left the meeting a 7:50 PM.

4. **Farmland Preservation:** Cline informed the Planning Commission about the Ultimate Land Use Conference he and Mr. Bargy attended in February. Cline stated that Mr. Bargy had

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contacted him about getting Planning Commission support for farmland preservation in Antrim County. Lon Bargy gave a detailed explanation of the problem to the Planning Commission. He stated that Michigan is the only state in which farmland is taxed on its highest and best use and not as farmland. He also stated that estimates show that by 2050 Michigan will have developed half of its farmland. Mr. Bargy stated that Milton Township was working on some short-term zoning solutions to this problem but that long-term solutions were needed. Mr. Bargy stated that he hoped that a grassroots committee could be developed to educate the public on this issue. Turner stated that the Planning Commission always supported this issue. Turner also noted that the county cannot stop development but could do a better job of controlling it. Stanek suggested holding a meeting of township officials to determine if there is support for this issue. Moore suggested inviting a resource person to this meeting as well. The Planning Commission agreed to host a meeting at the start of their April meeting. No further action taken.

Lon Bargy left the meeting at 8:19 PM.

5. **Staff Activity Report:** Cline presented the February Planning Department Staff Activities Report (ON-FILE). A short discussion of several activities occurred. No action taken.
6. **Regional Planning Report:** Cline presented the Regional Planning Report for January 2000. Cline focused his comments on growing interest in the affordable housing issue. Cline also presented the Planning Commission with a copy of the new regional planning newsletter ("Northwest Beacon") for review. Cline also reviewed the article that covered the Regional Planning Awards Program. Cline then, in his capacity as Chairman of the PRAC Education Committee, presented Chairman Turner with a Longevity Recognition Award from the PRAC. The Planning Commission congratulated Chairman Turner on this award. Cline then reviewed the news article covering the Trails 2000 Summit. No action taken.
7. **Master Plan Steering Committee Report:** Cline presented the Master Plan Steering Committee report. Cline stated that he hoped to have more introductory material developed by the next meeting. Cline also presented the Planning Commission with a copy of an article on rural sprawl. Cline asked the Commission members to read it because he felt that it was very applicable to Antrim County. Cline also reviewed an article concerning rural sprawl initiatives in Whitewater Township (Grand Traverse County). Cline then presented the Planning Commission with copies of the completed Antrim County Comprehensive Recreation Plan for their review. Cline stated that the Master Plan Steering Committee would be reviewing the document for potential inclusion in the Master Plan. No action taken.
8. **Wetland Update:** Cline informed the Planning Commission that the County Board of Commissioners had given their approval for the development of a countywide wetland ordinance. Cline then reviewed a news article concerning the development of this ordinance. A discussion was then held concerning the status of the Veit property. Cline stated that he knew that a Soil Erosion permit had been issued but that he had no other information. It was noted that the development of a stricter septic ordinance would also help control wetland development. Cline presented the Planning Commission with sign-up sheets for a wetland workshop being held in Bellaire by the Northwest Michigan Council of Governments in mid-March. All Commissioners present signed-up. A discussion was held on the organization of a committee to oversee the development of the wetland ordinance. Moore suggested inviting a representative from the DEQ to the meetings. Stanek asked if anyone in the county was

County Of Antrim

PLANNING COMMISSION trading and permits. A short discussion was held on this issue.

The staff was directed to organize a meeting on ordinance development as soon as possible. No further action taken.

9. Old Business: The following items of Old Business were presented.

- ◆ *99 Goals:* Cline presented the Planning Commission with copies of their 1999 objectives. A discussion was held as to how the Planning Commission did in fulfilling these goals. The overall consensus was that good progress was made and that 2000 would be a very busy year. No action taken.
- ◆ *Airport Zoning:* Cline presented the Planning Commission with a draft copy of the County's Airspace Zoning Ordinance. Cline stated that a representative from the committee developing the ordinance was invited to the meeting but that no one had responded to the invitation. A short discussion on this issue occurred. Cline stated that the County Airport Manager had told him that the ordinance would be going to two public hearings over the next couple of months. No action taken.

10. New Business: The following item was presented.

- ◆ *MSPO Training:* Cline presented information on upcoming Planning Commissioner training offered by the Michigan Society of Planning Officials. No action taken.
- ◆ *Data Sharing Agreement:* Cline presented copies of a draft Data Sharing Agreement, developed by the Northwest Michigan Council of Governments, for Planning Commission review. Cline informed the Planning Commission that NWMCOG wanted each county in the region to adopt a policy for data sharing with the Council of Governments but that they also wanted County Planning Commission review and input before presenting it for adoption. Cline stated that the County Coordinator, Equalization Director, and county's legal consul had reviewed the document and had made comments. Cline stated that he would place this on the April meeting agenda. No action taken.
- ◆ *Torch Lake Model Protection Ordinance:* Cline stated that the County Parks and Lands Committee had forwarded this item to the Planning Commission for review. Norris informed the Planning Commission that Jim Olsen (Olsen & Noonon) had jointly developed the ordinance with the Torch Lake Property Owners Association and the Three Lakes Association. Norris also stated that the presented copy was not a good copy to review. A short discussion of the issue occurred. The Planning Commission decided to invite a representative from the Torch Lake Property Owners Association to the May meeting to review the ordinance with the Planning Commission. No further action taken.

11. Communications/Informational: The following items were presented.

- ◆ *Village of Elk Rapids:* The Planning Commission was informed of an upcoming public hearing in Elk Rapids. The hearing concerns the development of an Environmentally Sensitive Overlay District.
- ◆ *Rural Development Conference:* The Planning Commission was informed of an April rural development conference being held at Shanty Creek Resort in Bellaire.
- ◆ *Smart Places:* The Planning Commission was informed of the development of a new GIS analytical tool (*Smart Places*) being developed by MSU Extension.
- ◆ *Historic Districts:* An article discussing the possible development of an historic district in downtown Traverse City was reviewed.

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- ◆ *Historic Barns*: An article concerning preservation of historic barns in Missaukee County was reviewed.

12. **Member/Public Comment:** No member or public comments were made.

13. **Adjournment:** Meeting was adjourned at 9:36 PM.

Respectfully Submitted:

Jill Barnard, Secretary

Eric Cline Recording
Secretary

County Of Antrim

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Arlen Turner, Chairman
Jack Norris, Vice-Chairman

Laura Stanek Diane
Bromelmeier
Richard Hoadley
Sandra Hoinka

Steven Roote
Jim Ferguson
Jill Barnard
Stan Moore

Minutes

March 20, 2000
(7:00 P.M.)

Antrim County Board of Commissioners Room

Members Present: Sandy Hoinka, Jill Barnard, Richard Hoadley, Arlen Turner, and Steve Roote

Members Absent: Jim Ferguson, Laura Stanek, Jack Norris, Stan Moore, and Pepper Bromelmeier

Staff Present: Eric Cline and Peter Garwood

Others Present: N/A

1. **Call to Order:** Meeting called to order at 7:58 PM by Chairman Turner. Chairman Turner reminded that the Planning Commission that the purpose of this special meeting was to discuss the review of a proposed zoning ordinance map amendment within Torch Lake Township.
2. **Torch Lake Township Review:** Cline presented the Planning Commission with copies of the Staff Analysis of the proposed amendment for their review and consideration. A review of the need for the proposed amendment was conducted. After the review of the Staff Analysis a discussion of the issue occurred. Garwood stated that the township should not establish precedent with a decision to rezone because it could establish two lot standards within the zoning district. Garwood also stated that a decision to rezone would bring the subject parcels into conformity with the Township master plan and zoning ordinance. Garwood also noted that most of the lots in the immediate area were nonconforming. Roote and Turner both stated that the subject parcels were not wetland areas. A short discussion occurred about the fact that a decision to rezone would probably mean additional private utilities being placed in the public road Right-of-Way. Garwood noted that this was an issue of growing concern within the county. After all discussion concluded a motion was made.

Motion by Roote to recommend approval to Torch Lake Township of the proposed zoning map amendment. The Motion states that in the final Record of Decision the Township should stipulate that the subject parcels are not wetland areas. The Motion also states that the Record of Decision should stipulate that a decision to rezone, thereby creating nonconforming lots, is not precedent setting. The Motion further states that a decision to rezone should be based upon the fact that rezoning the parcels would bring them into conformity with the Township Zoning Ordinance and Comprehensive Development Plan and that the parcels can be used as nonconforming lots. The Motion also recommends that the Township attempt to keep a record of any private utility lines placed in the road Right-of-Way as a result of a decision to rezone. Second by Turner. Motion passed Unanimous.

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3. **Old Business:** No Old Business was presented for discussion.
4. **Communications/Informational:** Cline presented the Planning Commission with a copy of the draft Helena Township Zoning Ordinance for advanced review. Cline also stated that Forest Home Township had submitted a draft ordinance for review and that it would be addressed in the upcoming April meeting.
5. **Member/Public Comment:** No member comments were made.
6. **Adjournment:** Meeting was adjourned at 8:17 PM.

Respectfully Submitted:

Jill Barnard, Secretary

Eric Cline Recording
Secretary

County Of Antrim

PLANNING COMMISSION

Arlen Turner, Chairman
Jack Norris, Vice-Chairman

Laura Stanek
Diane Bromelmeier
Richard Hoadley
Sandra Hoinka

Steven Roote
Jim Ferguson
Jill Barnard
Stan Moore

Minutes

April 4, 2000
(7:00 P.M.)

Antrim County Board of Commissioners Room

Members Present: Arlen Turner, Stan Moore, Jack Norris, Sandy Hoinka, Richard Hoadley, Pepper Bromelmeier, Laura Stanek, and Jill Barnard (Arrived 7:10 PM) **Members**

Absent: Jim Ferguson and Steve Roote

Staff Present: Pete Garwood and Eric Cline

Others Present: Jerome Dobrzelewski (Warner Township Supervisor), Megan Motil (Northwest Michigan Council of Governments), Brad Jensen (Three Lakes Association), Lon Bargy (Milton Township Supervisor), William Kitchen (Kitchen Farms, Inc), Billie Russell (Torch Lake Township Planning Commission), Lee Slavlin (Torch Lake Township Planning Commission), Michael Crawford (Helena Township Planning Commission), Gary Kitchen (Kitchen Farms, Inc), Judy Haney (Friends of the Jordan), Joseph Haney (Jordan Township Supervisor), and Rod Cortwright (MSU Extension)

1. **Call to Order:** Meeting called to order at 7:06 PM by Chairman Turner.
2. **Approval of Minutes:** Approval of the Minutes for March 7, 2000 and for the Special Meeting on March 20, 2000.

Motion by Norris to approve Minutes for March 7, 2000. Second by Hoinka. Motion passed Unanimous.

Motion by Hoinka to approve Special Meeting Minutes for March 20, 2000. Second by Stanek. Motion passed Unanimous.

3. **Farmland Preservation:** Cline informed those present that this meeting had developed from the March meeting with Lon Bargy of Milton Township. The stated purpose of this meeting was to gauge the level of support for farmland preservation within Antrim County. Cline introduced Rod Cortwright of MSU Extension who would be speaking on this topic. Mr. Cortwright began a very detailed presentation concerning farmland preservation and the principles of Conservation Design. His presentation focused upon the following topics.
 - ◆ *Standard Zoning:* Mr. Cortwright stated that most "traditional" zoning ordinances do not protect farmland because most ordinances are based on an urban model which is designed to separate land-use for the purposes of public health. Mr. Cortwright stated that the legal

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authority for zoning was established by the US Supreme Court in 1926 with *V of Euclid v. Amber Realty*. Mr. Cortwright then stated that by 2020 Antrim County was projected to have another population increase between 21% - 55%, which would have tremendous impacts upon agricultural areas within the County.

- ◆ *Impacts:* Mr. Cortwright stated that the impacts of the traditional zoning ordinance was that it promoted massive sprawl which leads to more travel time and more travel trips. It was noted that 23% of the average household income was spent on transportation, which was the 2nd largest household expense.
- ◆ *Conservation Design Zoning:* Mr. Cortwright then began a very detailed discussion of the principles of Conservation Design Zoning. He stated that the focus of this technique was to protect resources by establishing where development would not occur. The primary tool in this approach was that density and not minimum lot size was the key feature.
- ◆ *Questions and Answers:* After the presentation ended the audience asked Mr. Cortwright a number of detailed questions. Several audience members noted that there was strong support for the preservation of farmland within the County and that Conservation Design would be a good technique to explore. After the question and answer session concluded Chairman Turner thanked Mr. Cortwright for the presentation and the audience members for attending.

Chairman Turner called a ten-minute recess from 8:35 - 8:45 PM.

Lon Bargy, Rod Cortwright, William Kitchen, Billie Russell, Lee Slavlin, and Gary Kitchen left the meeting at 8:45 PM.

4. **Helena Township Zoning Ordinance Review:** The Planning Commission reviewed the Staff Analysis for the proposed Helena Township Zoning Ordinance. The Planning Commission offered several suggestions to items within the proposed ordinance and a discussion of the issue occurred. Norris stated in Section 2.21C that the "30% rule" was not enforceable and that the ordinance should require some form of even distribution or filtered view. Norris also suggested that in Section 2.21 F that the lot width for lakeshore properties should be measured between the side lot lines and not along the lakeshore. Bromelmeier suggested that #7 and #8 in Section 15.04F should reference the Michigan statute on soil erosion. Another suggested change to Section 2.19D, #6 was offered. Moore noted that in Section 2.12 that most agricultural fencing needed to be higher than 6'. Garwood stated that a copy of the Zoning Map needed to be included in the ordinance. Moore suggested that in Section 2.21E that the requirements by for the docking of one boat per 50' of shoreline. After the discussion and analysis had concluded the following Motion was made.

Motion by Barnard to recommend approval to Helena Township of the proposed zoning ordinance. The Motion also states that the Township should strongly consider implementing the principles of *Conservation Design* throughout the Township. Second by Norris. Motion passed Unanimous.

Michael Crawford, Joseph Haney, Judy Haney, and Jerome Dobrzelewski left the meeting at 9:40 PM.

5. **Forest Home Township Zoning Ordinance Review:** Cline presented the Planning Commission with copies of the Staff Analysis for the proposed Forest Home Township Zoning Ordinance. Cline explained to the Planning Commission that due to the length of the proposed

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Ordinance that the entire document had not yet been completely reviewed. The Planning Commission agreed to review what portions of the Staff Analysis that had been completed. A discussion of the Analysis occurred and comments were offered. Garwood noted that by law a copy of the Zoning Map must be included in the Ordinance. It was suggested that the Ordinance should reference both the County Stormwater and Soil Erosion Control Program and the State Soil Erosion law. Another change was suggested to Section 6-503 #2. The staff was directed to transmit all available comments to the Township and complete a review of the Ordinance by the May meeting. After the discussion the following Motion was made.

Motion by Bromelmeier to forward the current Planning Commission comments and concerns to Forest Home Township for their review and consideration. The Motion also states that final recommendation will not be made at this time pending further review of the zoning ordinance. Second by Stanek. Motion passed Unanimous.

6. **Wetland Update:** Cline updated the Planning Commission on the first meeting of the Wetland Protection Sub-Committee. Meeting Notes from this meeting were distributed for review (ON-FILE). Cline stated that several members of the Committee wished to develop an Interim Ordinance that could be put in-place ASAP. Cline stated some concerns he had with this idea and presented the Planning Commission with a copy of a letter from Megan Motil of the Council of Governments relating similar concerns. A discussion was held on this issue and the Planning Commission, by consensus, agreed that the ordinance should be developed at a more careful pace. Another short discussion was held concerning on what legal basis an ordinance would go into effect and under what mechanism it would have jurisdiction over the local units of government. It was agreed that this issue needed to be researched more thoroughly. Moore suggested taking a copy of a draft ordinance to all local units of government to seek their recommendations and comments prior to submitting it to the Board of Commissioners for adoption. Garwood suggested taking a draft ordinance to a local meeting of the Michigan Township Association. A short discussion was held on this issue.

Motion by Norris to seek County Board of Commissioner approval to take a draft copy of the Wetland Ordinance to each local unit of government in order to seek recommendations and comments prior to adoption. Second by Barnard. Motion passed Unanimous.

7. **Staff Activity Report:** Cline presented the March Planning Department Staff Activities Report (ON-FILE). A short discussion of several activities occurred. No action taken.
8. **Regional Planning Report:** Cline presented the Regional Planning Report for February 2000. No comments on this report were offered. No action taken.

Pepper Bromelmeier, Megan Motil, and Brad Jensen left the meeting at 10:44 PM.

9. **Master Plan Steering Committee Report:** Due to no meeting being held there was no Master Plan Steering Committee Report.
10. **Old Business:** The following items of Old Business were presented.

- ◆ *Data Sharing Policy:* Cline reminded the Planning Commission that the NWMCOG was still seeking input on their draft Data Sharing Policy. Garwood reviewed the policy with the

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Planning Commission and explained what comments had been submitted to the NWMCOG to date. The Planning Commission offered no additional comments. No action taken.

- ◆ *Torch Lake Protection Ordinance:* Cline presented the Planning Commission with a new draft copy of the Model Torch Lake Protection Ordinance. A short discussion of this ordinance occurred. Norris suggested inviting a member of the Torch Lake Protection Alliance to the May meeting to explain the ordinance. The Planning Commission directed Norris to invite the proper individuals. No other action taken.

11. **New Business:** No items of New Business were presented for discussion.

12. **Communications/Informational:** The following items were presented.

- ◆ *Farmland Development Agreements:* The Planning Commission was informed of several new Farmland Protection Agreements being submitted to the MDNR from individuals within Antrim County. These agreements were reviewed without comment.
- ◆ *MSPO Training:* Cline informed the Planning Commission of upcoming MSPO training workshops.
- ◆ *Population Growth:* Cline presented the Planning Commission with an article showing population growth within Michigan during the 1990's. It was noted that Antrim County was the 8th fastest growing county in the State during this period.
- ◆ *Open Space Preservation:* Cline informed the Planning Commission of an upcoming NWMCOG workshop on Open Space Preservation. Several Commission members signed-up to attend.
- ◆ *Rural Development Conference:* The Planning Commission was informed of an April rural development conference being held at Shanty Creek Resort in Bellaire.
- ◆ *HR 2372:* The Planning Commission was informed of HR 2372, the Private Property Rights Implementation Act.
- ◆ *Michigan Planner, Planning and Zoning News, and Great Lakes Bulletin:* Cline informed the Planning Commission that the latest issues of these publications were available.

0. **Member/Public Comment:** No member or public comments were made.

1. **Adjournment:** Meeting was adjourned at 11:04 PM.

Respectfully Submitted:

Jill Barnard, Secretary

Eric Cline
Recording Secretary

County Of Antrim

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Arlen Turner, Chairman
Jack Norris, Vice-Chairman

Laura Stanek
Diane Bromelmeier
Richard Hoadley
Sandra Hoinka

Steven Roote
Jim Ferguson
Jill Barnard
Stan Moore

Minutes

May 2, 2000
(7:00 P.M.)

Antrim County Board of Commissioners Room

Members Present: Sandy Hoinka, Jim Ferguson, Arlen Turner, Jack Norris, Pepper Bromelmeier, Richard Hoadley, Jill Barnard, and Laura Stanek (Arrived 7:11 PM)

Members Absent: Stan Moore and Steve Roote

Staff Present: Eric Cline

Others Present: Burt Stanley (Kearney Township Resident), Terry Malone (Torch Lake Protection Alliance), John Elzinga (Banks Township Resident), and Phyllis Elzinga (Banks Township Resident)

1. **Call to Order:** Meeting called to order at 7:06 PM by Chairman Turner.
2. **Approval of Minutes:** Approval of the Minutes for April 4, 2000. Norris noted that Lee Salvin from Torch Lake Township was actually Lee Colvin, Norris stated that the Motion recommending approval of the Helena Township Zoning Ordinance appeared to be incorrectly presented. Norris also stated that in #4 the last sentence contained a grammatical error.

Motion by Hoinka to approve Minutes for April 4, 2000, with corrections. Second by Ferguson. Motion passed Unanimous.

3. **PA 116 Request:** The Planning Commission heard testimony from Mr. and Mrs. John Elzinga of Banks Township pertaining to their request to terminate a PA 116 agreement. Mr. Burt Stanley acted as the agent for the Elzinga's. Mr. Stanley stated that according to state law Banks Township was the governing authority on this issue but that the Planning Commission had to review the application and could provide comment to the township. Mr. Stanley then outlined the criteria for terminating an agreement, saying that economic hardship, major changes in surrounding land-use and/or major changes in the physical characteristics of the land were qualifying criteria. Mr. Stanley explained at length that the Elzinga's were requesting a termination of the agreement due to economic hardship, changes in local zoning and the surrounding land-use, and due to health reasons. A lengthy question and answer session began after Mr. Stanley had concluded his comments. The Planning Commission asked several questions pertaining to the zoning status of the area, land-use changes, and what would have occurred if the Elzinga's had not recently renewed their agreement. Several Planning Commissioners also expressed regret that the farm market portion of the Elzinga's

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farm might have to be closed or sold. After the discussion concluded the following Motion was made.

Motion by Norris that the Planning Commission recommend to Banks Township that the request for the termination of the PA 116 Agreement by Mr. and Mrs. John Elzinga be approved based upon the finding of substantial hardship to the property owners. Second by Bromelmeier. Motion passed Unanimous.

4. **Model Torch Lake Protection Ordinance:** Terry Malone, of the Torch Lake Protection Alliance, updated the Planning Commission on the proposed Model Torch Lake Protection Ordinance. Mr. Malone stated that the purpose of the ordinance was to preserve the availability of access sites for the general public. He also stated that it would prevent the "massive" use of private docks and boat hoists in the immediate area around access sites and also provides for the enforcement of the Ordinance by the County Sheriff. A general discussion of the Ordinance occurred with the Planning Commission asking several questions of Mr. Malone. Mr. Malone stated that several townships within the County, the County Sheriff, the Antrim Conservation District, and the County Prosecutor had reviewed the Ordinance. Mr. Malone also stated that the Ordinance was under revision based upon input but that the Torch Lake Protection Alliance would like to see a common countywide ordinance developed for the protection of Torch Lake. After the discussion concluded the following Motion was made.

Motion by Norris that the Planning Commission Minutes of May 2, 2000 reflect that the Antrim County Planning Commission supports the concept, development, and adoption of a model ordinance to provide better protection to Antrim County's inland lakes. Second by Hoinka. Motion passed Unanimous.

Burt Stanley, John Elzinga, and Phyllis Elzinga left the meeting at 7:51 PM.

5. **Forest Home Township Zoning Ordinance Review:** Cline reviewed with the Planning Commission the Staff Analysis Report for the remainder of the proposed Forest Home Township Zoning Ordinance. A discussion of several issues within the ordinance occurred. A length discussion was held concerning issues of non-conformance. Comments were offered on sections 13-303 and 13-403. It was suggested that these sections should be amended to reflect that "not more than 50% of the original replacement costs." After the conclusion of all discussion the following Motion was made.

Motion by Stanek to recommend approval of the proposed Forest Home Township Zoning Ordinance with special attention being paid to the comments and concerns of the County Planning Commission prior to adoption of the ordinance. Second by Norris. Motion passed Unanimous.

6. **Master Plan Steering Committee Report:** Due to no meeting being held there was no Master Plan Steering Committee Report.

Terry Malone left the meeting at 8:21 PM.

7. **Wetland Protection Sub-Committee Report:** The Planning Commission reviewed and approved the Minutes of the Wetland Protection Sub-Committee (ON-FILE) (MOTION MADE, SEE BELOW). Cline updated the Planning Commission on the status of the development of the

County Of Antrim

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Ordinance. A short discussion occurred as to some of the potential problems and concerns that could arise among the Board of Commissioners and the general public about this issue. The Planning Commission agreed that developing a sound ordinance was more important than quickly developing an ordinance. Norris suggested developing a resource library of wetland protection material. No additional action taken.

Motion by Norris to approve the Wetland Protection Sub-Committee Minutes as presented. Second by Bromelmeier. Motion passed Unanimous.

8. **Staff Activity Report:** Cline presented the March Planning Department Staff Activities Report (ON-FILE). A short discussion of several activities occurred. No action taken.
9. **Regional Planning Report:** No Regional Planning Report was presented this month. No action taken.
10. **Old Business:** Cline presented the Planning Commission with an update to the proposed update to the Generally Accepted Agricultural Management Practices. Cline stated that he was unsure of some of the details of the information and, due to the absence of Stan Moore, was unable to fully comment upon the information. The Planning Commission tabled the issue with no action taken.
11. **New Business:** Barnard stated that she had checked with the Bellaire Library to determine if they received copies of MDEQ Wetland Permit Applications and that the library had stated that they do not. A short discussion occurred as to how and where the DEQ posted permits and how the Planning Commission could keep better track of these applications. Norris stated that he would try and get the Planning Commission added to the DEQ mailing list. No action taken.
12. **Communications/Informational:** The following items were presented.
 - ◆ *Attorney General Opinion:* Cline presented the Planning Commission with a copy of an Attorney General's Opinion stating that Townships could not act on a zoning or master plan amendment prior to the expiration of the thirty-day review period allotted to the County Planning Commission.
 - ◆ *Mancelona Zoning:* Cline presented the Planning Commission with two articles concerning the status of the lawsuit against the Village of Mancelona over the adoption of a Zoning Ordinance.
 - ◆ *Open Space Workshop:* Bromelmeier updated the Planning Commission about the NWMCOG workshop on Open Space Preservation that she attended.
 - ◆ *Michigan Planner, Planning and Zoning News, and Great Lakes Bulletin:* Cline informed the Planning Commission that the latest issues of these publications were available.
13. **Member/Public Comment:** The following comments were made.
 - ◆ *Jack Norris:* Mr. Norris commented on the proposed Happy Town Marina development in Forest Home Township. He stated that the public outcry against the development had forced the developers to remove planned dredging activities from the site plan. Mr. Norris stated that all Planning Commissions' had to remain vigilant against future dredging activities.

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Pepper Bromelmeier. Ms. Bromelmeier stated that Antrim County would be receiving a new MDEQ Wetlands Officer. She stated that this was occurring because the DEQ was splitting the territory currently administered by John Arevalo.

14. Adjournment: Meeting was adjourned at 9:14 PM.

Respectfully Submitted:

Jill Barnard, Secretary

Eric Cline
Recording Secretary

County of Antrim Planning Commission

Antrim County Building
(616) 533-6265

P.O. Box 187
Bellaire, Michigan 49615

Arlen Turner, Chairman
Jack Norris, Vice-Chairman

Laura Stanek
Diane Bromelmeier
Richard Hoadley
Sandra Hoinka

Steven Roote
Jim Ferguson
Jill Barnard
Stan Moore

Minutes

June 6, 2000
(7:00 P.M.)

Antrim County Board of Commissioners Room

Members Present: Sandy Hoinka, Jim Ferguson, Arlen Turner, Jack Norris, Pepper Bromelmeier, Richard Hoadley, Jill Barnard, and Stan Moore **Members**

Absent: Laura Stanek and Steve Roote

Staff Present: Peter Garwood

Others Present: Tom Phillips (Judicial Race), Ed Oshaben and Ken Geohagen, Helena Township

1. **Call to Order:** Meeting called to order at 7:10 PM by Chairman Turner.
2. **Approval of Minutes:** Approval of the Minutes for May 2, 2000.

Motion by Bromelmeier to approve Minutes for May 2, 2000. Support by Norris. Motion passed Unanimous.

3. **Introductions:** Chairman Turner asked others present to introduce themselves. Mr. Thomas Phillips gave a synopsis of why he is running for judge in our district and why he should be elected in the August 8, 2000 primary and at the November election.

Ed Oshaben and Ken Geohagen are concerned citizens of Helena Township where there has been a zoning ordinance in place since 1978 including a section entitled "Environmental District". Oshaben expressed concern that the Environmental District was not included in the new draft ordinance. The Township Board sent their proposed new ordinance without the Environmental District to this planning Commission (we sent back a recommendation to accept the ordinance with consideration to our eight pages of comments). It was not realized at the time that the Environmental District was not included.

Turner mentioned that the only thing we can do at this point is to recommend to Helena Township that they reconsider elimination of this protective ordinance. Lengthy discussion ensued.

Motion by Ferguson to recommend Helena Township Planning Commission consider a wetlands protection section to their ordinance. Hoadley support. Motion passed unanimous.

In letter with suggestions, Ferguson stated that Forest Home Township has written a very well worded ordinance that Helena Township can use as an example. It was also mentioned that Helena Township refer to the Antrim County Soil Survey. Also invite Helena Township Planning Commission members to attend county wetlands committee meetings. We need to be sure that Helena Township receives our communication before their meeting on Thursday, June 8, 2000.

4. **Milton Township Zoning Map Amendment Review:** After much discussion in which Bromelmeier shared the re-design of the Village of Empire and Norris stated that Kewadin should look at it:

Motion by Ferguson to recommend denial based on the following:

- ◆ **Nowhere in the information sent were the reasons for the proposed rezoning listed**
- ◆ **We did not receive documentation that this is not prime farmland**
- ◆ **A review of the soil survey indicates much of the area proposed for rezoning is a wetlands type soil**
- ◆ **The Milton Township Master Plan does not support the proposed rezoning (i.e., Goal #6, Goal #8 and Goal #9).**

Bromelmeier support. Motion carried unanimous.

5. **Milton Township Private Road Regulation:** Garwood suggested Milton Township check with the Antrim County Road Commission to see if their standards will be easily transferred if they ever want to make the Private Roads into Public Roads. They need to look at their Private Road Regulation Section 2.22, A., #3. It is recommended that they add to the end of the sentence "... unless otherwise specified in this Ordinance". Additionally, for roads serving seven or more, they may want to rethink the required width of the paved surface. The required width may encourage vehicles to travel at higher speed. Studies have shown that wider roads usually lead to higher speed.

Barnard made a motion to recommend approval with consideration to the above comments. Bromelmeier support. Motion passed.

6. **Communication from Traverse Bay Economic Development Corporation (TBEDC):** Garwood informed the Commission the infrastructure projects from each County in the region are listed, in hopes of future funding by the federal EDA (Economic Development Administration). TBEDC has been contracted with to complete the "Annual Comprehensive Economic Development Strategy" for our region. The report currently lists two projects in Central Lake and one project in Mancelona as pending.
7. **Antrim County Planning Commission Master Plan Steering Committee:** Jim Ferguson reported that they did not have a quorum, but had discussion.

8. **Wetland Protection Sub-Committee Report:** Bromelmeier stated that they made it approximately half way through the draft Antrim County Wetland Protection Ordinance, (that was largely modeled after the Meridian Township Ordinance). Ferguson stated that they had a good exchange of ideas and the ordinance will be ready within three months. Bromelmeier would like to see us continue educating everybody so they will not be afraid of this step. Moore mentioned that the part they have already gotten through is the most difficult part, so the next meeting should be smooth. Bromelmeier stated that we can show the townships how much money it will save each one of them to write a single ordinance for the entire County.
9. **Planning Department Staff Activity Report:** The staff report was included in each Commission member packet. It will be difficult to fill Eric Cline's position.
10. **Northwest Michigan Planners Review and Advisory Committee (PRAC):** Garwood reviewed the items from the March minutes addressed by the Planners of the Region.
11. **Old Business:**
 - ◆ Norris was able to place Planning Commission on mailing list for DEQ.
 - ◆ Comments were made regarding a development called "Happy Town" in Forest Home Township on Clam River.
 - ◆ Viet property at a standstill.
12. **Member Comment:**
 - ◆ Laura Stanek has viral meningitis. Garwood will send a card on behalf of the Commission.
 - ◆ Steve Roote's absence from Planning Commission meetings. By-laws state that each member must attend 2/3 of the Planning Commission meetings. Garwood was directed to send a letter to inquire of Mr. Roote's intentions.
 - ◆ Discussion on land use meeting with Senator McManus.
 - ◆ Access Site Books will be available soon.
 - ◆ Jill Barnard is running for Kearney Township Treasurer.

Motion by Barnard to ask Antrim County legal counsel to confirm that holding both a Township Treasurer and a County Planning Commission position would not be a conflict of interest. Norris support. Motion passed unanimous.

13. **Adjournment:** Meeting was adjourned at 9:35 PM.

Respectfully Submitted:

Jill Barnard, Secretary

**County of Antrim
PLANNING COMMISSION**

Arlen Turner, Chairman
Jack Norris, Vice-Chairman

Laura Stanek
Diane Bromelmeier
Richard Hoadley
Sandra Hoinka

Steven Roote
Jim Ferguson
Jill Barnard
Stan Moore

<p><i>July II, 2000 Minutes were revised on August 1, 2000. All revisions are in this format (Bold Italic)</i></p>
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Minutes

July 11, 2000; 7:00 P.M.
Antrim County Board of Commissioners Room

Members Present: Sandra Hoinka, Jack Norris, Diane Bromelmeier, Jim Ferguson, Laura Stanek, Jill Barnard. Richard Hoadley came in.

Members Absent: Steven Roote, Arlen Turner, and Stan Moore

Staff Present: Peter Garwood

Others Present: Ed Oshaben and Ken Geohagen from Helena Township

1. Call to Order: Meeting called to order at 7:09 P.M. by Vice-Chairman Norris.

2. Approval of Minutes: Approval of the Minutes for June 6, 2000.

On August 1, 2000 a motion was passed to amend these minutes with a deletion of the following:

Motion by Stanek to approve Minutes for June 6, 2000. Support by Hoinka.

Jim Ferguson began a discussion which was interrupted by Ed Oshaben on a Point of Order: The guests were not given a copy of the draft minutes and wanted to know if we were intentionally trying to keep something from them. Peter Garwood left to make copies. Barnard pointed out to Oshaben that we rarely have visitors and don't usually need copies of the minutes to hand out, we were not hiding anything.

Jim Ferguson stated that the resolution to Helena Township Planning Corn was worded inaccurately: "We STRONGLY recommend Helena Township Planning Comm. Include an Environmental District... .

Garwood was to write to Carol Alspaugh stating that we inadvertently overlooked the omission of an Environmental District when we approved adoption of the ordinance. Jim Ferguson also pointed out that such addition would support the DEQ's efforts as well as help the County with enforcement efforts and wetlands planning. Garwood got the letter he had sent to Alspaugh and read it to us.

Stanek accepted adding corrections to her motion to approve. Passed.

On August 1, 2000 the same motion amended these minutes with an addition of the following:

Jim Ferguson began a discussion which was interrupted by Ed Oshaben on a point of order: The guests were not given a copy of the draft minutes and wants to know if we were intentionally trying to keep something from them. Peter Garwood left to make copies. Barnard pointed out to Oshaben that we rarely have visitors and don't usually need copies of the minutes to hand out, we were not hiding anything. Jim Ferguson stated that the resolution to Helena Township Planning Commission was worded inaccurately: "WE STRONGLY recommend Helena Township Planning Comm. Include an Environmental District...."

Garwood was to write to Carol Alspaugh state that we inadvertently overlooked the omission of an Environmental District when we approved adoption of the ordinance. Jim Ferguson also pointed out that such addition would support the DEQ's efforts as well as help the County with enforcement efforts and wetlands planning. Garwood got the letter he had sent to Alspaugh and read it to us.

Motion by Stanek, supported by Bromelmeier to amend the June 6, 2000 minutes as follows: Motion by Ferguson, supported by Hoadley to recommend strongly to Helena Township that the Environmental District be reestablished including adequate provisions for the protection of wetlands.

Norris passed out memorandum from him dealing with resolutions.

Motion by Norris reading: Motions and resolutions be recorded in the minutes verbatim as made and not be subject to editing for other than grammatical reasons. Ferguson support. Passed unanimously.

Ferguson suggested bringing in a small recorder - he has one that will be good for a one hour meeting. He'll bring it next meeting.

Norris has access to a machine (his daughter's) which records (by typing) minutes as the meeting is being conducted. He invited Secretary Barnard to come try it.

Garwood took exception to his letter to Alspaugh being called "Wimping Out"; the letter was just described as accurate in this meeting. Garwood also reminded us that we have to be careful not to alienate townships!

Stanek made the suggestion that the person making the motion should write it down and hand it to the secretary.

Hoinka asked if the words "resolution" and "motion" are being used interchangeably. Yes. Unanimously.

3. Barnard asked that our guests be recognized.

Ed Oshaben is still objecting to Helena Township throwing out the Environmental District which had been good since 1978. Garwood letter did not refer to using the historical ordinance. We have an ongoing fight to protect our wetlands.

Ferguson re-stated that we STRONGLY feel this should be included in the ordinance and what we intend is to support what Ed Oshaben is trying to accomplish. Ken Geohagen mentioned the motion by Barnard in 2 May minutes not being worded as strongly as the paragraph that follows it.

4. **Master Plan Steering Committee:** Have outline (miss Eric Cline). Less than enthusiastic attendance. Too hard to expect only Planner or Ferguson to do complete verbiage. Need to get a grant to hire someone to help write our Master Plan. Talked to Randy Freeberg and Scott McPherson of Wade Trim to get grants. Would like to see constituents involved. Bromelmeier suggested using the \$5000. In this year's budget and add to the \$5000. In next year's budget. Ferguson mentioned a fee of \$25 - \$30 THOUSAND. Norris asked if Ferguson has asked Wade Trim to address us? Ferguson will see if they can come in August and be sure to make them aware that we cannot have boiler plate plan — it has to fit the current times.
5. **WETLANDS SUBCOMMITTEE:** Stanek was there part of the time. Norris: "Brad Jensen thinks they'll have a proposal to our Committee by next meeting — 18 July @ 9 a.m. From there it will go to Board of Commissioners for September. Bromelmeier stated we need to contact townships personally. September is a public.
6. **NW MCOG PRAC. Garwood attended. Do we need to invite Dr. Michael Thomas for October?**

7. OLD BUSINESS:

Hoinka referred to request by Barnard for conflict of interest — answer: We don't have answer yet. Charlie Koop will respond. Garwood should write letter citing Charlie's' answer to Kearney Township. (Barnard is running for Kearney Township Treasurer and needs to know if being on Planning Commission is conflict of interest.)

8. BUDGET: Discussion.

Ferguson: Budget needs line item explanations of increases.

Bromelmeier asked if we could use left over budgeted dollars for another item?

Need approval to carry it over to following year.

Norris wants to be counted as agreeing with Ferguson for making explanations.

Discussion on budget. Ask Stanek to mention our plans to look into grants and soften the attitude of the finance committee. 100% Good to Budget.

9. NEW BUSINESS:

Letter from McManus is FYI.

Invitation to Ferguson's home with families 6 August.

Grand Traverse Bay Watershed survey was filled out together.

Invited to Landtype Association Workshop.

10. No Public Comment.

Bromelmeir: Trails Subcommittee: Need permit to use right of way on M-88. MDOT will help write.

Adjourned at 9:20 p.m.

Respectfully submitted,

Jill S. Barnard

County of Antrim Planning Commission

Antrim County Building
(616) 533-6265

P.O. Box 187

Bellaire, Michigan 49615

Arlen Turner, Chairman
Jack Norris, Vice-Chairman

Laura Stanek Diane
Bromelmeier Richard
Hoadley Sandra
Hoinka

Steven Roote
Jim Ferguson
Jill Barnard
Stan Moore

Minutes

August 1, 2000 — 7:00 p.m.
Antrim County Board of Commissioners Room

Members Present: Arlen Turner, Jack Norris, Diane Bromelmeier, Jim Ferguson, Laura Stanek, Jill Barnard and Richard Hoadley. Members Absent: Steven Roote, Sandra Hoinka

Staff Present: Peter Garwood, Joel Dye

Others Present: Ed Oshaben and Ken Geohagen from Helena Township, Janet Person from Antrim Conservation District, and Wade Trim Representatives

1. Call to Order: Meeting called to order at 7:08 p.m. by Chairman Arlen Turner.

2. Approval of Minutes: Pete asked for clarification of WHAT we want corrected in the minutes from May.

Jill stated that she objects to all the objections. Ferguson stated "Strongly". Correction: Stanek accepted the corrections adding "WE STRONGLY recommend Helena Township Planning Commission include a Wetland Protection and reestablish the Environmental District in their overall ordinance. Stanek moved, Bromelmeier support to approve the July 11, 2000 minutes with the following addition:

That the June 6, 2000 minutes be amended to delete the following motion:

Motion by Ferguson to recommend Helena Township Planning Commission consider a wetlands protection section to their Ordinance. Hoadley support. Motion passed unanimous.

And add the corrected motion:

Amendment: to recommend strongly to Helena Township that the environmental district be reestablished including adequate provisions for the protection of wetlands.. Motion passed.

Ken Geohagen of Alden stated State Law says revised minutes must be made available by the next meeting. Jill cannot understand what he wants!

Approval of July Minutes: change the date of minutes approved at July 11 meeting to approve 6 June minutes NOT 2 May.

In 4. "In" after the \$5000 should be a small "i".

Pepper also noted "need approval" in 8 should be "need approval of County Board of Commissioners".

In 10, Trails Subcommittee: MDOT won't help write the permit, our road commission will.

Norris moved to ACCEPT THE MINUTES WITH THE **ABOVE** LISTED CHANGES. Ferguson supported. Passed Unanimous.

3. **Meet the new Associate Planner:** Joel Dye, second day at work. Introductions around table.

4. **Public Comment:** Gary Rush: Here to ask for continuing support and to show what has happened since Viet's have shown interest in property his family had previously requested opportunity to purchase. They were told the property was unbuildable and should not try anything. 1932 Rush's owned that property which is considered to be a public easement. Viet's deceived the DEQ saying they had all the permits in order and received permission from the DEQ to go ahead. Rush's will not allow Viets to drill under their road. Rush is requesting Viets' permits all be withdrawn AND the property be restored. ALL COUNTY OFFICIALS have to give permission, not just the DEQ. (Majority vote from ALL county officials). Steven Voice has been erroneously stating that Viets had all paper work in line. Viets are telling DEQ they were boring anyway. Mr. Rush's dad told of Mrs. Viet boasting that she is a realtor and there was nothing that she couldn't get around even with the DEQ years ago.

Ferguson stated Mr. Rush can count on us for support. We have discussed the matter at many meetings and do support protection of this wetlands and we are doing what we can within the law. Rush's will be gone after Labor Day and need us to check on trespassers after that date.

Ed Oshaben: Referred to an article in the 29th Nov. 1999 issue of the Record Eagle in which Jim Ferguson stated that Planning Commission is working on legal action against DEQ with Koop's office. Our County Prosecutor is still working on it and has written to John Arevalo. Norris thanked Rush for his research.

Janet Person from Conservation District: Koop has given them direction. Regrettable (Norris) that DEQ did not enforce the restoration of the property 7 years ago when first directed to do so. Rush: Viets have not put culvert underground, but HAVE put electrical wires underground and intend to build house on top of them. Geohagen & friend left. Rush and dad Rush left. Our thanks to Mr. Rush & Mr. Rush.

5. **Master Plan Steering Committee:** Ferguson introduced Scott McPherson and Randy Frykberg of Wade-Trim. Packet and introduction of who and what Wade-Trim is. They work with the customer to have the Plan fit our needs. Wade-Trim can work with us as much or as little as we need. "Where are we now? Pepper mentioned survey from 1991, but Wade Trim Associates noted that the time frame needs to be more recent. Public participation is an area where we can get involved. Joel asked if they would give us the files so that we can constantly update it.

Program of Total Quality Management and encourage customer input at all times. WADE-TRIM would like to be our consultants. New Designs for Growth, Keith ... we are still trying to see about grants which might be available.

Ferguson: we have bits and pieces in place after almost a year. **Cost is going to be issue** with County Commissioners. You know there is going to be growth and development, so it is advisable to have a plan so that you can steer that growth. Our involvement will make a difference in the costs.

6. **Northern Lakes Economic:** Pete: What is your first item? (And by the way, Antrim County does not have any zoning ordinance and probably would not even after a Master Plan was in effect). Surveys, opinions, interviews, separated out as to geography, but combined to encompass needs of whole area.

Pepper: What about townships that object because they have their own Master Plan? It is possible to have sub plans. Ferguson: Need good communication with townships, through meetings: Hopefully their vision will parallel ours. Ferguson has been frustrated at not being able to get people together to move ahead with our plan. It is a big 'elephant to chew'. We need to let the Commissioners know that we still intend to make a Master Plan, and it IS IMPORTANT. W-T: Does take at least one year, sometimes 2 years and even sometimes over 3 fiscal years.

Norris: We're with you, now will you strategize with us? So many townships are not zoned. There is a bad taste in mouths of a lot of people over zoning. W-T:" By keeping in the forefront what your county has."

How to get over the suspicion? Answer: Media needs to be on our side and help get information out. MTA usually a good vehicle. Thank Randy and Scott for coming in tonight. You can't impersonalize a Master Plan! Cost will be in mid 20's to mid 30's is close guess.

7. **Wetland Protection:** (meeting 18 July) plus more comments since then. Public Hearing at next Planning Commission meeting 5 September. Does this Planning Commission recommend adoption today or after public hearing? Need to have fee schedule to recommend to the County Commissioners. Stanek: we need to hear from the public before making comments. Janet: any changes need to be given to her by week of 18th of August. Public hearing 5 September.

Proposed Fee Schedule: District will be implementing.

There will be a Wetlands Protections Officer to enforce? May be more costly, but more timely than DEQ. Parks & Lands requested dollars for an officer. Janet is assuming that Efrain will be doing it. When doing a delineation, you also get alternate ideas. Janet: Needs direction or direction on fee schedule to send to Parks & Lands for their meeting because of dates of meeting for them, Planning Commission and County Commissioners. Stanek and Norris feel strongly that we need public input before any recommendation can be made. Ferguson: Could we incorporate fee schedule into draft proposal to present to public? Discussion. Outcome: Let Parks & Lands have a special meeting if they feel that strongly.

Board of Commissioners will be sent this draft. This Board stay after Public Meeting to make our changes in order to have everything ready for Co. Commissioners meeting. We do not have to make changes for EVERY PUBLIC COMMENT. We need to clarify if we charge AND DEQ will also charge? Is DEQ going to accept what we do, or charge again? Get observations into Janet by 18th

Harvey Febreckt also a member of Wetlands Committee. Where does this say Wetland Officer will work with the people? JANET LEFT.

8. **Regional Planning Report:** Become computer linked so that we can check what other communities have done in certain situations.
9. **Old Business:** Jill: What did Koop say about her being in conflict of interest by being Township Treasurer AND on the Planning Commission? He won't write an opinion on something that may or may not happen.

Ferguson: reiterate invitation to his house this Sunday at 1:30p.m.

10. **Communications** Better Designs for Development in Michigan 16 August at Green Lake Twp. Fellowship Hall. (May happen in Sept. in Elk Rapids.)

DEQ permit applications within the past month (state-wide) were reviewed. Pete hi-lited by those requested in Antrim County: Dura Auto @ Cedar River; Antrim County/ Kittyian Creek; by Jim Ivers for constructing a building in a wetlands area without mentioning which lake; Lawrence Coan in Elmira/Cedar River miscellaneous (dock?) and Kittyian Creek and in

Ellsworth village wants to dredge in Ellsworth Lake. Grant Rowe unnamed stream putting a boardwalk. Driveway on Elk Lake. Pete suggests going through the list and flag the ones we think can be a problem. Joel may be able to call Efrain and talk over if there are problems and then bring the problems to us at the next meeting. Units of Government have 45 days to make comments on problems. This will hopefully prevent any more 'Viet' like problems.

11. Public Comment:

Ed Oshaben As long as we don't have an ordinance, people are trying to get wetlands built on. Ed Oshaben presented a Freedom of Information Act request to Mr. Garwood requesting any official communications from Planning Commission to Helena Township Governmental body.

ADJOURNED AT 10:05 P.M.

County of Antrim Planning Commission

P.O. Box 187 Bellaire, Michigan 49615
Arlen Turner, Chairman Jack Norris, Vice-Chairman

Antrim County Building
(616) 533-6265

Arlen Turner, Chairman
Jack Norris, Vice-Chairman

Steven Roote
Jim Ferguson
Jill Barnard
Stan Moore

Laura Stanek
Diane Bromelmeier
Richard Hoadley
Sandra Hoinka

Minutes September 5, 2000, Antrim County Board of Commissioners Room

Members Present: Arlen Turner, Jack Norris, Diane Bromelmeier, Jim Ferguson, Jill Barnard, Richard Hoadley, and Stan Moore
Members Absent: Steven Roote and Sandra Hoinka.
Staff Present: Peter Garwood and Joel Dye
Others Present:

1. Call to order: Meeting called to order at 9:20 p.m. by Chairman Arlen Turner.

2. Approval of Minutes
Joel — July 11 do not confuse with August.

August 1, 2000: Any corrections or additions?

Pepper moved to approve, Ferguson support. Passed unanimous.

3. Public Comment

Kim Schmidt, Torch Lake Township Supervisor, inquired regarding how many counties in MI are regulated? Several townships have a wetland ordinance but Antrim County would be the first county, if this ordinance is approved.

Anticipated budget? Pete – Both Administration Committee and Parks and Lands Committee have discussed. Start with \$7,500.00 and keep track of hours and request more if necessary. Kim: Some could be recouped from user fees. Pete: Conservation District estimated 20 grand/year for a full year to administer, but the Administration Committee wanted to adopt the "pay as we go" method.

Mr. Schmidt stated that if there is another draft after this he wants a copy. Preserving wetlands is a good idea, but with another layer of bureaucracy?

Steve Voice: Costs: Check w/ Meridian Twp. and with Bloomfield Twp. Suggests we need

PHD caliber for what we're trying to do.

Nancy Ellison: Her attorney does not feel that this is an enforceable ordinance. (he's a zoning attorney.)

Jim Ferguson would like to make a motion: Our document was dated 5 September where all of audience had the prior draft. We should not go forward until such time as we are able to incorporate meaningful input that we received tonight. Jack support at same time Richard did. Jack — carefully consider comments made at public hearing tonight. Passed unanimous.

Jack posed question: Should we send out new information to townships? Arlen — they should get a copy of the ordinance updated and we always have an open meeting. All the townships were sent an invitation to participate in the development of the ordinance.

4. Grand Traverse Band of Ottawa and Chippewa Indians

Paul Hunter from Grand Traverse Band of Ottawa & Chippewa Indians Tribe addressed the Commission. The Tribe is looking at utilizing 70 acres in Milton Township. Number of members of tribal members live in this county. Close to 60% of tribal members live with other family members and do not have opportunity for private housing. They are pushing for housing opportunities. They want to develop homesites on the property the Tribe owns — mostly in Kewadin. Part of development or Master Plan includes athletic complex and community center, but right now they are more concerned with housing. (Mark Sherman) Establish rentals units next year. Individual members will make their own decisions on housing — there will be some stick built and some modular and some double wides. Lots average just under 1 acre. Susan Cronander — rent land, own homes, rentals will be duplexes. Susan: Much of the 2% given back to community is often more than the tax base would have been.

Ferguson: Have you talked with your township? That would be the next step. Pete — otherwise the plan looks good. Addresses could be assigned by County Equalization. Just be sure the street name is not that of another within close proximity.

Pete: Soil erosion permits — Pepper — since one ownership, it'll be taxed as commercial. The Tribal property is not subject to tax. The Tribe has their own Soil Erosion Control Administrative office. The regulations used are very similar to the Grand Traverse Code: Our own soil erosion and sedimentation control very similar. Very similar in terms of land use permits and building permits (which is Boca) but would utilize electrical inspection. They were provided with the 2000 info book for county phone and addresses.

5. P.A. 116 Applications

Banks Township: Marvin Rubingh — 5 applications for farmland agreement Farmland Preservation. Stan is pro-farmland preservation. Jack, please give us a thumbnail sketch. Stan, these are all 10 year programs to give some tax relief if promise to continue farming. County still gets their taxes, the relief is from the state.

Pepper: Motion that the P.A. 116 applications 1 through 5 (#1— Section 15 T32N, R8W — 159.2 acres; #2 — Section 15 T32N, R8W — 72.4 acres; #3 — Section 14 T32N, R8W — 80 acres; #4 — Section 14 T32N, R8W — 80 acres; #5 — Section 15 T32N, R8W — 121 acres) for Mr. Marvin Rubingh be recommended for approval to Banks Twp. Support Jack: Unanimously passed.

6. **Thomas Phillips** is a candidate for 86th District Court Judge saying hello. Now that the primary has been won, he's starting over.
7. **MDEQ Permits Issued**
Joel Dye will get together with Efrain Rosalez to verify the location and extent of the DEQ permits (environmental) applications listed as taking place in Antrim County.
8. **Master Plan Update:**
Pete: Checked w/ Keith Charters for \$ through New Designs. Kellogg Foundation is another possible funding source. Keith will be getting back w/Pete.
Grants may be possible from: Great Lake Collaborative Grant. Fry Foundation. Grand Traverse Band. CZM. Rotary Foundation. Possibly New Designs later. County will have to put \$ in too. Suggested some formats. Bringing in national speakers to rev folks up. (And educate them!) Need well laid strategic plan.
Subcommittee meet 19th Sept. 10:30 a.m.
Pepper: Should we get another subcommittee meeting scheduled for rethinking Wetlands Ordinance. Joel will contact Janet.
9. **Regional Planning Report NW Michigan Council of Governments - PRAC** We will put that on next month's agenda to look over and nominate individuals to be recognized for Outstanding Planning Awards.
10. **Old Business:** None mentioned.
11. **New Business:**
Arlen: Meeting in TC on site septic systems. It was an interesting update.
Tip of the Mitt and Susan Lahti sent out survey to all riparian owners to check for Chlodophera and other stuff.
12. **Communications:** None.
13. **Member Comments:** None

ADJOURNED AT 10:50 P.M.

Respectfully submitted,



Jill Barnard, Secretary

County of Antrim Planning Commission

Antrim County Building
(616) 533-6265

P.O. Box 187
Bellaire, Michigan 49615

Arlen Turner, Chairman Jack Norris, Vice-Chairman

Laura Stanek
Diane Bromelmeier
Richard Hoadley
Sandra Hoinka

Steven Roote
Jim Ferguson
Jill Barnard
Stan Moore

Minutes

October 3, 2000, 7:00 P.M.

Antrim County Board of Commissioners Room

Members Present: Arlen Turner, Jack Norris, Diane Bromelmeier, Jim Ferguson, Jill Barnard, Richard Hoadley, Sandra Hoinka, Laura Stanek Steven
Members Absent: Roote
Staff Present: Peter Garwood, Joel Dye
Others Present: Stan Moore (advisory)

1. Call to Order: Meeting called to order at p.m. by Chairman Arlen Turner.

2. Approval of Minutes:

Arlen Turner moved to accept the minutes of the September 5, 2000 Planning Commission meeting, seconded by Jim Ferguson, with the following changes:

- Change: Members Absent: Steve Roote and Sandra Hoinka to: Members Absent: Steve Roote, Sandra Hoinka and Laura Stanek.
- Page 1, Item #3. Add to Mr. Schmidt's public comment just before his last two sentences: "Has the ACPC looked into alternatives such as PDR — purchase of development rights, etc.?"
- Delete the word "posed" from page 2, second paragraph, first sentence.
- Page 2, Item #4. Grand Traverse Band of Ottawa and Chippewa Indians, 6th sentence from bottom: change sentence from "...since one ownership, it'll be taxed as commercial." to read:... since one ownership, it falls under the commercial permit requirements..."
- Page 3, Item #11. New Business: Sentence regarding Tip of the Mitt change from "... sent out survey to all riparian owners to check for Chlodophera and other stuff." to the following: "Tip of the Mitt and Susan Lahti went out to survey those riparian owners where excessive Chlodophera and other growth had been noted."

3. Public Comment

Charles Cole of 5943 Cole Lane in Forest Home Township with approximately 40 acres. Attended 5 Sept. meeting. He needs updated copy of changes to Wetlands Ordinance. (Given one) Problem with newspaper article last Wednesday, which said there were 9 in favor, 11 opposed and 2 with no comment. His opinion was not given that night, but he thought he kept track of yeas and nays, his numbers were different than those reported.

4. Wetlands Ordinance Update

The most current draft was reviewed. Pepper gave update on 18 Sept. meeting which new people (who were opposed to the Wetlands Ordinance) attended. Made draft more clear especially with sentence structure. We read through the changes and had further discussion. Fee Schedule was discussed at length. DEQ letter from Amy Lounds in Lansing was read by Joel Dye.

Jim Ferguson made a motion to recommend the Planning Commission approve the ordinance with those corrections made on 10-03-00 and send said on to the County Board of Commissioners for their review and approval. Support by Hoadley. Unanimous roll call vote. The Fee Schedule will follow after further clarification.

Richard Hoadley stated that the fee schedule needs to be clarified as to what the fees are for.

Pepper also stated she thought the fee schedule is much higher than DEQ's. Yes, so bring it back to us next month.

Ferguson will be out of town the 12th; will Pepper please attend Board of Commissioners meeting to field any of their questions? She will check her calendar, if she can't make it, she will be sure somebody else does from the committee.

Ferguson further stated that the Board stated that they really wanted to protect our wetlands and favored the goal of no net loss, so they need to support the work we have done and pass the ordinance. Laura stated that it will be good to have some people in support of the ordinance be present. This is a tool to work WITH THE DEQ not against them! Jack: The fact that the local field staff of DEQ has commended our efforts as well as Lansing needs to be stressed to the Board of Commissioners.

5. DEQ Wetland Permit Update

Joel Dye reviewed the DEQ list of environmental permit applications for Antrim County with Soil Erosion Control officer, Efrain Rosalez. Efrain and Joel went to look at 9775 S W Torch Lake Dr. for a DEQ wetlands permit. The property's wetlands is contiguous with Torch Lake. This is the reason the County needs to have the ordinance. They want to build on the muck instead of their uplands. They already have a boardwalk to reach their fire pit and boat dock. Letters are being submitted to DEQ to recommend denial and IF approval, call for a public hearing.

Pepper moved to have letter sent from this board strongly recommending denial of file 00-05-0040-P because reasonable alternatives are available. Support by Ferguson. Unanimously passed.

6. Master Plan Update – Joel Dye

Over past 2 years the Master Plan Sub-Committee has been meeting. The Sub-committee met again in September. The sub-committee is recommending the County begin the Master Plan process by concurrently doing a land use study and a County-wide opinion survey. The study and survey should be followed by visioning sessions with townships, villages and community groups. These three steps will provide the basis for writing the Plan. Sub-committee researched Wade Trim's quote of \$30,000-35,000. Other counties have spent well over \$100,000. We already have several parts of the needed data, including GIS and what is in Pepper's office. GT Band and Rotary Services were contacted. Applications are being sent from both. Frey Foundation. Jack: Also John Frey has his own fund that he sometimes donates from. Federal level of assistance? Perhaps we should break up the subcommittee into 2 committees: one to study Land Use and one to look at the survey.

Jack moved to direct Joel to proceed with establishing an overall framework to develop the Master Plan and seek funding. Barnard support. It's our vision for the future. Unanimous.

Joel and Pete already contacted Gourdie Fraser & Associates and asked for examples for RFP (requests for proposals) and have received 2.

7. Staff Report

- Joel reviewed the Kearney Twp Zoning Ordinance Amendment – Temporary Dwellings. Only one correction of adding an apostrophe to its. Discussion followed. Over 30 days requires a County permit.

Pepper moved and Ferguson supported recommending approval of the Zoning Ordinance Temporary Dwellings Amendment with corrections. Passed unanimous.

- Kearney Township submitted a zoning ordinance map amendment for review. The Farm Golf Course would like to have more land re-zoned from Agricultural to Resort Residential. Planning Commission feels the best use for this particular land is the use laid out in the Township's Master Plan, which is Forestry Agriculture and Low Density Residential.

Jack moved to recommend supporting Kearney Township's denial. Pepper support. Passed with one abstention. All voted yes, except Jim Ferguson who abstained stating he owns property at The Farm Golf Course and, therefore, felt it may be a conflict of interest to vote on this matter.

8. — Regional Planning Report — late.

9. — Old Business — none.

10. — New Business

- Ferguson informed the Commission of a motion to intervene on Viet's case hearing set for November 20.

11. — Communications

- Direct deposit forms were distributed for those who chose to have their per diem expenses.
- Pepper : Trail between Bellaire and Alden, using much of Grass River trails. Applying for grants for initial engineering money.
- Jack: Heard MSPO educational Oct. 19 & 21 conference at Boyne. He'd like to go. Pete will find out if we have additional funds for Jack to go.
- Jack: Dura Plume story.

Meeting adjourned at 10:05 p.m.

Respectfully submitted,

Jill Barnard, Secretary

County of Antrim
PLANNING COMMISSION

Arlen Turner, Chairman Jack Norris, Vice-Chairman

Laura Stanek
Diane Bromelmeier
Richard Hoadley
Sandra Hoinka

Steven Roote
Jim Ferguson
Jill Barnard
Stan Moore

Minutes
November 7, 2000, 7:00 P.M.
Antrim County Board of Commissioners Room

Members Present: Richard Hoadley, Jill Benard, Sandra Hoinka, Laura Stanek, Diane Bromelmeier, Arlen Turner, and Jim Ferguson.

Members Absent: Jack Norris

Staff Present: Pete Garwood and Joel Dye

1. Call to Order:

Meeting called to order at 7:05 p.m. by Chairman Arlen Turner.

2. Approval of Minutes:

Motion by Laura Stanek, supported by Sandra Hoinka to approve the minutes with the following additions:

- the time meeting was called to order last month was 7:03 p.m.
- under item number four, the fourth paragraph states "Yes, so bring it back to us next month." It was revised to say "*Pete Garwood will bring **an updated** fee schedule, for the **Wetland Ordinance, to the next Planning Commission meeting**".*
- under item number six, the sixth sentence should read: The Coordinator/Planners Office has already contacted the Grand Traverse Band, Rotary Charities and the Frey Foundation for funding of the Opinion Survey and of the Land Use Study; the office plans on contacting more agencies for assistance as well.

3. Wetlands Ordinance Update:

The Wetlands Ordinance has been presented to the County Commissioners. The commissioners took no action on the Ordinance. A sixty-day public review period, for the Wetland Draft Maps, began on November 1, 2000. Commissioners are considering on holding a public hearing to receive public comment on the Wetland Ordinance. All local

units of government in Antrim County have been given a copy of the Wetland Ordinance, and have sixty days to comment on it. The Planning Commission came to a consensus to direct the Coordinator/Planners Office to write a letter to the local units of government offering our presence at a Township/Village Board meeting to answer questions.

4. Review of MDEQ Permits Issued

- Joel informed the Commission of a Public Hearing scheduled for a property on South Torch Lake Dr., in Milton Township, that is applying for permit to fill in a Wetland. The property is contiguous to Torch Lake, and the Public Hearing is scheduled for December 5, 2000. The Commission came to a consensus to send Pete Garwood as a representative of the Antrim County Planning Commission to speak out against the issuing of the permit from the MDEQ.
- Discussion followed pertaining to a Forest Home resident to give a variance for a piece of property on Clam Lake to build in part of the road set back (he wants to use 29' of the 35' setback).

5. Master Plan Update

Pete Garwood and Joel Dye updated the Commission on the Master Plan process. The Master Plan Sub Committee has developed a time line to implement the County Wide Opinion Survey. The Coordinator/Planner Office is putting together a Request for Proposal to receive proposals from the consultants to analyze the Opinion Survey. The proposals will be used so the Planning Commission can get a better understanding to how much money should be applied for through grants. The RFP will still be sent out this Friday, with a due date back to the County by December 1, 2000. The Planning Commission came to a consensus to do a presentation at the December meeting of County Commissioners.

Motion made by Jim Ferguson, supported by Diane Bromelmeier to have the Coordinator/Planner list the grants the county is applying to the Tribe for, and have the County Commissioners prioritize the grants in their December meeting. Motion Carried - Unanimous

6. Staff Analysis

Milton Township PUD Zoning Ordinance:
Associate Planner, Joel Dye, presented the proposed Zoning Ordinance Amendment from Milton Township. Discussion followed. Diane Bromelmeier recommended including the 30-day, review for completeness, period within the 180-day PUD sub-committee review period. Suggest also adding a night sky lighting guidelines as part of their PUD option.

Motion by Jill Barnard, supported by Laura Stanek that Milton Township considers the minor suggested changes, listed above and

**included in the Staff Analysis then adopt their PUD ordinance.
Motion Carried - Unanimous**

6. REGIONAL PLANNING REPORT

Need applications for Regional Planning awards by December 1st.

7. OLD BUSINESS

Sandra Hoinka asked if Kearney Township acted upon our recommendation to deny the Zoning Map Amendment from last month? No Planning Commission member was able to answer.

8. NEW BUSINESS

- Joel Dye informed the Commission that Antrim County could hold a seminar that focuses on the "Role of County Planning". Ferguson: Any training is good and will make us even stronger. The Planning Commission came to a consensus to direct the Coordinator/Planners Office to look into the possibility in holding a seminar of this type.
- Jim Ferguson asked if the Village to City movement in Bellaire should be of any concern to the Planning Commission. The Commission decided to wait before taking a stand in any direction.
- Pete Garwood reviewed who's appointments expire in 2001.

ADJOURNED AT 9:10 P.M.

Respectfully Submitted,

Jill Barnard