

BENZIE COUNTY PLANNING COMMISSION
AUGUST 6, 2008
MINUTES

MEMBERS PRESENT: Graves, Damm, Ralston, Ross, Roberts
MEMBERS EXCUSED: Pitcher, Moorman
MEMBERS ABSENT: Tanner
STAFF PRESENT: Neiger, Seger, Flynn
OTHERS PRESENT: Clarence Davis, Marcia Curran, Sharon May, Bob Bigelow, Mike Evans, Jeanne Stratham, Ted Curran, Gary Gielczyk, Pete LaValley

I CALL THE MEETING TO ORDER 7:08

II APPROVAL OF THE AGENDA Motion by Roberts seconded by Damm Ayes: All
Excused: Pitcher, Moorman Absent: Tanner Nays: None Motion Carried.

III. WORKSHOP--PUBLIC INPUT on Special Land Uses Package

Seger explained how the PowerPoint would incorporate the changes recommended by Attorney Figura.

Article II We are going to use new definitions if they are different than what is in the ordinance today. Discussion on whether animal care institution should be a special use. **DROP THE LAST WORD AND ADD AS S TO ANIMAL.**

#3 Removed the square footage from convenience retail establishment. It would go into the development standard for convenience retail establishment. Graves asks if Walmart would fall under this definition. Seger – no, there is another definition for something like Walmart.

4 Added “social” to the definition. Seger explains that in the districts it says “educational and social institutions”. Discussion on the difference between social institutions and educational institutions. **TAKE OUT THIS DEFINITION AND CONTINUE THE EXISTING DEFINITION.**

#5 CHANGE THERMO TO THERMAL

Farm operation D – took out “Michigan farmers operator” insert Michigan farmer

In L should say “Michigan farmers”. Seger explains that a farm market structure is small, no more than 720 sq.ft. and anything larger becomes a commercial operation and needs a special land use permit. Pg 2-3 O.11 allows camping up to 30 people in conjunction with an event.

#6 Changed to be Figura’s definition

#7 Removed

#8 added the word “or” note: home occupation definition is needed.

#9. Lot/Parcel or Building Site is now in the definitions, took the current def. for lot, parcel or building site and removed condominium unit because it is already in the ordinance. This definition is more in line with the flexibility needed for a P.U.D. etc. Ross asks if it needs to be somewhere else. Seger says it is already well defined. Clarence Davis asks if there will be another paper that needs to be reviewed. Graves responds that if there is a lot of concern stated we have the option to hold another workshop, but if it seems to be approved we can set a public hearing date. Neiger states he thinks Figura is saying that he wants to have condominium in there, he asks that Craig call him and get a more definitive statement.

Article III General Provisions #10 Craig explained that “green roofs” are new, what they are, and Benzie County will have standards that will be referred to which will be according to state requirements. Graves is concerned that we may be asking too much too soon? Should we offer some sort of incentive rather than a mandate. Ross comments that school asked if they could do a green roof, but engineer stated the school roof wouldn’t support it. Is there a tremendous cost to building a green roof? There are costs associated but long term (research shows) benefits. Considerable discussion on requirements, costs, and incentives to building a green roof. Neiger says the master plan encourages environmentally friendly building, but would hate to have an industrial company not come to Benzie County because a green roof is too expensive. Discussion on insurance issues and contractors that can do the work. Sharon May, Crystal Lake Township, asks if there is a conflict between the Master Plan and type of building that will be required to have a green roof? She also asks if the extra upfront cost results in savings down the road. Neiger states should have Roger Papinau in here to talk about

this because he has been working with building codes for a long time. Bob Bigelow states there are two green roofs that he knows of, a residence on the north shore, and Gwen Frostic's, but would be in favor of incentives instead of just making it mandatory. Mike Evans comments that a 20,000 sq. ft. agriculture building isn't that big and we don't have much industry here. He commented that his aunt built an underground house and finally had to remove the dirt on the roof and it was unaffordably expensive. Evans and another citizen say you can get more savings just by insulating. Marsha Curran comments that the sod roofs (in Chicago) makes the city cooler by absorbing more of the heat. Jeanne Strathan, it doesn't sound like it is to have green roofs for insulation, but to protect the environment. She asks if it might be a good idea to have a presentation by someone who builds green roofs. Seger responds that we have had someone in to talk to the Planning Commission.

SPECIAL LAND USES

Seger states Figura suggested using old article 14 as well as the new. Also inserted the language he suggested on the more stringent requirements.

#14 deleted the words

#15 changed dwelling to structure and replaced H about the health dept.

#16 changed to clay or any other targets. The intent is to fix the entire noise issues in the future revised ordinance. We need to do some research. Neiger asks what he means by standards. Seger will talk to him later. Discussion on what is reasonable and decibels. Seger explains that (according to the attorney) the current ordinance is inefficient/cumbersome/hard to use and needs to be replaced completely. Neiger states that commonly the decibel is 55, but if you state a number you have to have special equipment and someone trained to measure decibels.

#18 removed bicycle racks

#19 page 16-6, added a second sentence so the junk height can not exceed the height of the fence. And added reference to MPEA

#20 clarified 16.15.A.1 as zoning districts. Ordinance requires a traffic assessment for some uses. Neiger asks if the section can be referenced? Seger, already pretty clear in the ordinance already. Graves comments that the preamble pretty well references the rest of the ordinance.

#21 has been clarified. Roberts questions the traffic count/measurements, stating it can vary widely. Seger responds that, depending on the development, if it is large enough a TIA will be required anyway. When a large development comes in the Planning Commission will have the authority to require more studies, more detail, etc. Roberts asks how it will be measured. Seger comments that there are standards used to calculate, and the planning commission can request the studies and the applicant pays for it.

#22 Made Figura's changes

Gary Gielczyk, pg 16-11 needs explanation. Seger explains that, once the extraction is done they get 24 months to reclaim and make it look nice.

#23. Took out "overburden"

#24 a residence is allowed as a special use in the commercial district.

#25 removed 16.13. removed reference to fees. Discussion on water usage commercial vs. residential and/or changes of use

#26 F, changed to "whichever is greater"

#27 changed "to adjacent to these uses" Neiger asks if you could put an infiltration basin in the buffer zone.

VALUE ADDED FARMING

#28 Graves explains this was an attempt to draw a line between a winery and a commercial retail business. Seger feels that the Planning Commission wanted wineries to focus on winery related items. Roberts feels it means no t-shirts may be sold. Sharon May, knows a farm that offers value added farming and they offer books and education materials on developing value added farming. That is what we want to encourage. Use value added farming to encourage value added farming, not just any kind of business. Seger comments we have added many different uses in order to keep the farming use alive. Discussion on different commercial aspects, the amount of crop that has to be local or from Michigan, or how much crop can be imported from outstate/out country. Graves comments on change in the source of crops to 50% of crops produced by Michigan farmers. BATF is very strict about what the label can say, and if a winery gets 50% of its juice from downstate the label will have to say that. There was more discussion on how much of the grape product would have to be grown locally and not importing grapes (juice) from other countries. Seger

explained that value added farming goes beyond just growing; it is much more detailed in supporting start ups. Jeanne Stratham, read definition, allows flexibility in start up. Roberts asks if 3 years is long enough to get going. Mike Evans says maybe up to 10 years. Seger states this language is ok with Don Coe who is on the Michigan Wine Commission. He is a champion of wine. Mike Evans comments on 6.25.C.4 regarding noise, stating that it is almost impossible to limit or eliminate in harvesting or processing, the requirement is too restrictive. Seger comments that what this stays away from is the Right to Farm Act and the Michigan Agriculture Processing Act. These laws must come first in regulating, and then the zoning ordinance kicks in. This would only apply if you are not operating under a farming operating situation. A citizen asks if it would prevent someone like Mike Evans from adding other activities, if he then had to comply with that noise requirement. There was discussion that the Planning Commission has found that there is a point where an activity goes beyond being a farming operation and the processing becomes commercial or industrial. There was discussion on the Right to Farm Act and that the GAMPs are quite clear. Discussion that any value added would come under the noise regulation. Roberts suggests just taking that out and calling it reasonable level, like the guns. Neiger states that "reasonable" is normally defined as normal conversation which is 50 – 60 decibels. Seger comments that we will work with the farmers on this. There was discussion on retail limit of 1,500 sq. ft. This would not allow a Black Starr Farms type operation in Benzie County. Discussion that we will have to change that. Neiger comments this is retail space not the wine tasting area. There was considerable discussion on size, it was suggested that the Planning Commission look at Leelanau County requirements. Seger comments that Figura agrees and recommends different standards for fledgling business and well established ones. Gary Gielczyk comments it doesn't say where you can make the wine, at some point it becomes a light manufacturing and you have to move to a different zoning district. Marcia Curran, thanks Craig for a good program. Questions Section G, height of a wind generator being 75 feet. Thinks this is appropriate for small residential systems. But should say "small wind system" as compared to large wind farms. Ted Curran asks if this is all the language on WECS or if there is more language. Seger responds PC is looking at some WECS as a use by right (40 -50 feet). The next ordinance will have some more on this. Seger states he has handed out boiler plate language on wind farms, and the Planning Commission has created a committee to look at an overlay district for wind farms. There was discussion on when the next ZORC meeting is scheduled. Marcia Curran, likes this draft better because the old one didn't have very good wind energy requirements. Neiger asks on section 16.24.H, where did the 200' setbacks come from? Seger responded that he took it right out of the zoning ordinance, and he agreed that 100' feet was a better number. Pete LaValley comments that this is the first time people have seen these documents, and asks if there is somewhere they can respond after they've had a chance to review. Seger presented his email address. Some discussion on the County Website. Gary Gielczyk questions 3.30B, home occupations, which reads that the business can only operated by the residence owner and 2 individuals not residing in the home. He states it's contradictory and suggests that only the people who live there may work in the business and not allow any other workers. Discussion on who would be an employee. Sharon May requests that if this is available before the meeting, indicate where the material can be reviewed, would prefer the website. There was discussion on the website. Tom Mountz, asks if the Planning Commissioners could have their email addresses available to the public. Seger responds that he and Flynn funnel all contacts to the Planning Commission. Graves concludes the workshop, and asks for direction and that a recommendation be made at the August 14th meeting.

IV. PUBLIC INPUT Items on or off the Agenda, within the Planning Commission's jurisdiction.
None

V. ADJOURN Chairman Graves adjourned the meeting at 9:15 p.m. The next meeting will be August 14, 2008.

Respectfully Submitted:

Kathy Ralston, Secretary

Christi Flynn, Recording Secretary