

BENZIE COUNTY PLANNING COMMISSION
ZONING ORDINANCE RE-WRITE COMMITTEE
DECEMBER 4, 2008
MINUTES

PRESENT: Ralston, Pitcher, Moorman, Ross, Damm, Roberts, Seger, Neiger, LaValley, Flynn, Dick Figura

Guests Present: Tom Karas, Carolee Ness, Ruth Nanni, Mark Roper, Jury Lewizky, Paul Solem, Clarence Davis, Bob Bigelow, Jerry Heiman, Bob Blank, Scott Gest, Dr. Raymond Canale

I. Open the meeting. Committee Chair Moorman opened the meeting at 5:30 p.m.

II. Approval of the Agenda. Add 2009 meeting schedule to the agenda between Approval of the Minutes and Public Input. Motion by *Neiger^{cf}* seconded by Ralston to approve agenda as amended. Ayes: All Nays: None Motion Carried.

III. Approval of the Minutes of Nov. 6, 2008. Correct the spelling of McInnes to *MacInnes*. **Motion** by Damm seconded by Ross to approve as corrected. Ayes: All Nays: None **Motion Carried**

Meeting Dates for 2009. There was discussion on dates and times and on meeting twice a month. There was discussion on meeting dates for January. **Motion** by Neiger seconded by Pitcher to meet on January 7 and January 15, 2009 at 4:30 p.m. and the following months on the 1st and 3rd Thursday at 4:30 p.m. Ayes: All Nays: None **Motion Carried**

IV. Public Input. Moorman opened public input stating we would informally leave it open. He asked that guests speak during their issue unless they needed to leave before it opened.

V. Platte Lakes Area Management Plan.

- Jerry Heiman, Platte Lake Improvement Board, reports they have been working on this Plan since 2005, was adopted by Lake Township, was written by Don Swartz, and the PLIA and Lake Township have requested several times that Benzonia Twp., through the County, adopt the Plan for the lakes in their jurisdiction. He explained the Court Settlement mandated standards for the lake. He stated there was a letter from the DNR endorsing the overlay district. Seger had handed out the letter. He reported on scientific studies that have been done on how to remove phosphorus from the lake. He asks that the overlay be adopted so the lakes can be under one standard.
- Dr. Canale passed out an overview on the Lake quality standards and status of the phosphorus reduction. He described the watershed. He reviewed and described several measures included in the overlay language that could accomplish more reduction of phosphorus.
- Neiger asks who the parties to the suit were and who was responsible for complying with the Consent Settlement. Dick Figura read the case name. There was brief discussion on who was responsible for compliance.
- There was discussion on the need for a map of the overlay district.
- Jim Sheets, Supervisor, Benzonia Township, comments that Will Swiecki had been to several Township meetings in the past and had presented the Management Plan to them for adoption. He stated that they felt that not all of the entire plan pertained to Benzonia Twp. and they did not wish to adopt it at that time. He passed out a document that was included in the property tax bills of the residences of Benzonia Twp., presenting tips on how to reduce phosphorus in lakes and streams and includes a resolution encouraging the residents and businesses in Benzonia Township to reduce the use of products containing phosphorus.
- There was discussion on septic systems and their relation to water quality in the Platte Lakes.
- There was discussion on Dr. Grobbel's letter and suggestions. There was discussion on working together on using the new definitions and the other suggestions Dr. Grobbel made.
- Pitcher comments that we could adopt the proposed new definitions.
- There was more discussion on having different definitions vs the same definitions.
- There was discussion on banning phosphorus. Dick Figura comments that generally regulating behavior is better done in a free standing police power ordinance and that the Townships might have more power to enforce such than the County. He stated zoning regulations should be about use of the land. There was favorable discussion on removing the behavioral language from the overlay plan and having the townships adopt that, leaving land use regulation only in the zoning ordinance.
- Jerry Heiman states the PLIA would provide more funds if needed. *He had no problem with the proposed language changes.^{dn}*
- Neiger suggests that we craft a free standing ordinance for the Townships to enforce.

Motion by Pitcher seconded by Roberts to direct Seger to revise the proposed Platte Lakes Area Management Plan to incorporate the changes to the definitions, remove language dealing with behavior, incorporating other changes if necessary and to create a map of the overlay district. Ayes: All Nays: None **Motion Carried**

VI. Wind Energy

- Tom Karas, Energy Consulting Services and Michigan Land Use Institute reports that he has received an education grant for wind energy for use in Benzie County. He states he would like to work with the Planning Commission on this issue. He states there will be 3 public meetings for discussion on what could happen in Benzie County.
- Jury Lewizky comments that the proposed language deals with the big turbines not the residential uses. He questions the flicker, vibration and setback issues. He suggests dividing the language into sections that deal with wind farms, large units, and residential units. He questions what systems would connect to the grid and how it would be permitted. He asks for a list of types of systems and what they can be used for.
- Seger explains that the submitted language is a first draft and expects that it will be modified as the Planning Commission goes through the amendment process.
- Neiger reports that the electrical inspector informs him that a "UL" label is required on all systems whether they connect to the power grid or not.
- Pete Lavalley comments that he likes the proposed ordinance and states he believes that before long the Federal Government will regulate wind energy systems.
- Scott Gest questions the setbacks and asks how they can be complied with.
- There was discussion that the submitted language is draft only and that there will changes before it is ready for adoption. There was discussion that many ordinances will be reviewed during the process.
- There was discussion on protecting viewsheds. Neiger comments that many viewsheds are identified in the County Open Space and Natural Resources Protection Plan.
- There was discussion on wind farms downstate and that the Planning Commission should be careful in where the large farms are allowed. There was some discussion on the economic benefits of the various systems.
- There was discussion on the State's sample ordinance and that it would be a good place to start.
- Neiger announces there will be a seminar on Oil and Gas Well and Wind Energy on Dec. 6, 2008 at the Benzie Central High School Auditorium. A subcommittee was formed to research the existing information on wind energy, consisting of Moorman, Roberts (Chair), Pitcher, Neiger and Seger. The committee will start with the State sample ordinance.

VII. Platte Township Zoning

- Pitcher states she knows how hard Platte Township worked to get their proposal drafted and she likes it.
- Moorman wants something soon. He is in favor of an overlay.
- Clarence Davis states they don't want all the uses that are allowed in the Rural Preservation Districts and asks if there will be a decision to send the proposal to the Planning Commission to start the adoption process.
- Pete LaValley comments that the Township might be willing to revisit but they are concerned about allowing all of the uses that the Rural Preservation districts have. He would like a timeline outlining the process with a hearing date set. Flynn was directed to create a time line for the soonest possible date.
- There was considerable discussion on the difference between an overlay vs new districts, what the process of getting the amendment finished is and when legal review would happen.

Motion by Roberts seconded by Damm to schedule a public hearing for the soonest possible date for the Platte Township Districts. Ayes: All Nays: None **Motion Carried.**

- Gary Gielczyk requests to be updated on progress.

VIII. Adjourn Moorman adjourned the meeting at 7:40 p.m.

Respectfully Submitted:

Mike Moorman, Subcommittee Chair
Planning Commission

Christi Flynn, Planning Commission
Recording Secretary