

1 BENZIE COUNTY PLANNING COMMISSION
2 JANUARY 8, 2009
3 MINUTES
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6 **MEMBERS PRESENT:** Ralston, Tanner, Damm, Moorman, Ross, Pitcher, Roberts

7 **STAFF PRESENT:** Neiger, Flynn

8 **OTHERS PRESENT:** Glenn Puit, Jim MacInnes, Sharron May, Marcia Davis, Tom Mountz,
9 Paul Solem, Gary Gielczyk, Pete LaValley, Clarence Davis, Alison Michalak.

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11 **I. CALL THE MEETING TO ORDER** Moorman called the meeting to order at 7:00 pm

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13 **II. APPROVAL OF THE AGENDA** Delete Goals and Objectives for this meeting. Add to New
14 Business staffing for zoning administration and soil erosion. Add C under old business – Planning
15 Commission Ordinance. Motion by Tanner seconded by Ross to approve the agenda as
16 amended. Ayes: All Nays: None **Motion Carried**

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18 **III. ORGANIZATION**

19 **A. Election of Officers**

20 • **Chair** Moorman nominates Ralston seconded by Tanner. No other nominations. Ayes: All
21 Nays: None **Nomination approved.**

22 • **Vice Chair** Roberts nominates Ross who declines. Moorman nominated by Tanner
23 seconded by Roberts. Ayes: All Nays: None **Nomination approved.**

24 • **Secretary** Ralston nominates Katherine Ross, seconded by Damm. Ayes: All
25 Nays: None **Nomination approved.**

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27 **B. Approval of the Planning Commission Schedule** **Motion** by Tanner seconded by Ross
28 to approve the schedule as presented. Ayes: All Nays: None **Motion Carried**

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30 **C. Approval of the Zoning Ordinance Rewrite Committee Schedule.** Change the year to 2009.
31 Motion by Pitcher seconded by Tanner to approve as corrected. Ayes: All Nays: None
32 **Motion Carried**

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34 **D. Appoint Committee Members**

- 1 • There was considerable discussion on the membership, mission, and task of the Zoning
2 Ordinance Rewrite Committee. There was discussion on whether the ZORC should be a
3 “Committee of the Whole. It was commented that the ZORC was created to rewrite/reorganize the
4 zoning ordinance, but that some issues have come up that are important enough to work on ahead
5 of the rewrite.
- 6 • There was discussion on using the Planning Commission special meeting dates for
7 subcommittee work.
- 8 • There was discussion on voting and it was suggested that specific members be appointed
9 to the committee with the rest of the Planning Commission welcome to participate, but that only the
10 appointed members be allowed to vote.
- 11 • Ross comments that she was hesitant about doing 4 meetings a month, but thinks that the
12 Committee being a committee of the whole would be a good educational tool.
- 13 • Moorman read the ZORC Mission Statement.
- 14 • Chairperson Ralston appoints Moorman, (Chair), Ralston(Vice Chair), Roberts, Pitcher,
15 LaValley, and Dave Neiger and Chris Flynn, staff.
- 16 • Ralston appointed Damm, Tanner, Ross, Ralston, and Neiger(staff) to the Comprehensive
17 Plan Update Committee.
- 18 • Ralston will remain as Chair of the Intergovernmental Cooperation Committee but will
19 finalize organization after the summit and she will work with the BOC on that. There was
20 discussion that that committee needs broad representation.
- 21 • Discussion on whether or not Don Tanner can be appointed to ZBA. Discussion on
22 incompatible offices. Neiger states that Kurt Schindler has a list about 25 pages long. Moorman
23 asks the appointment be delayed until legal advice can be obtained. There was consensus to
24 wait for legal opinion.
- 25 • Ralston reappoints Roberts, Pitcher, Ted Curran and Mike Moorman to the Wind Energy
26 Subcommittee.

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28 **IV. APPROVAL OF THE DECEMBER 11, 2008 MINUTES** The following corrections were
29 made, Page 2 sub-bullet 3 delete Clare and insert Clarke, Page 2 Item B sub-bullet 4 delete
30 Bingham and insert Bingman, Page 3 first line, delete Turra and insert Choura, Page 3 sub-bullet
31 2 delete Obamma and insert Obama, delete all instances of Kelly and insert Kelley. **Motion** by
32 Pitcher seconded by Tanner to approve as corrected. Ayes: ALL Nays: None **Motion**
33 **Carried**

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V. PUBLIC INPUT – Items on the Agenda None. Tanner and Pitcher ask if the public be allowed to speak within reason during an agenda item. There was consensus to allow reasonable public input during the agenda items.

VI. COMMITTEE REPORTS

A. Zoning Ordinance Rewrite Committee

- Moorman reports most of meeting was spent on Platte Lakes Mgt. Plan with Wilfred Swiecki’s objection to Dr. Grobbel’s report and retracting Jerry Heiman’s statements from the December 11, 2008 meeting. He commented that Mr. Sweicki was asked to provide a written statement of his objections and was provided Dick Figura’s letters and the latest draft of the plan with Dr. Grobbel’s input inserted.
- Moorman states that Flynn was directed to transcribe the minutes of the December 4, 2008 meeting and include them in the February 5, 2009 ZORC meeting packet.
- Neiger reports by the end of meeting Mr. Swiecki seemed more willing to work with us.
- There was discussion on inviting Lake Township to participate as work proceeds.
- There was comment that the vegetation lists need to be worked on.
- Flynn asks for help on the behavioral issues.
- Moorman comments that there is a nine step process policy to adopt amendments and asks Flynn to have it as part of next months Planning Commission packet and as an agenda item.

1. Jim MacInnes-Renewable Energy.

- Mr. MacInnes passed out report he presented to the Michigan Senate Energy Policy Committee last June and gave some brief background on himself. He reviewed his report and a large scale graph (report is located in the wind energy file) that shows the rate of oil discovery, production and the same with other natural resources. He explains the relationship between the costs of oil to the health of the world economy.
- Mr. MacInnes explains some basic conservation practices that everyone can do. He describes “feed-in-tariffs”, “a mandated, long-term premium price for renewable energy paid by the local electric utility to energy producers”¹ which have been very successful in Germany, and other incentives that can be used to reduce the dependency on oil. He explains how and where solar energy could be a benefit.

- 1 • He encourages the Planning Commission to make it easy to permit renewable energy. He
2 describes alternative energy sources such as hydro, solar, wind, biomass/biogas and geothermal
3 and their costs and benefits.
- 4 • There was considerable discussion on wind energy and it's viability. Mr. MacInnes states at
5 this time backyard wind generators are not cost effective but community wind energy can be if
6 systems are well planned, well sited and constructed.
- 7 • There was public and Commission discussion on entrepreneurial opportunities, such as,
8 making homes more energy efficient and less dependency on cars. There was comment that
9 building codes can curtail the amount of opportunities and safe recycling of energy efficient items.
10 Ross comments on the lowering of speed limits in the 1970's and asks what impact that would
11 have today. Al Brown comments that the reason we haven't heard too much on alternative energy
12 is because the companies that are producing at peak don't want the public to be too conservative
13 because that's fighting the system somewhat. He states we've got to train the business people
14 and the commercial people on both sides.
- 15 • Roberts asks if Jim MacInnes would come to a meeting of the Wind Energy committee to
16 talk to them about building the wind energy section of the ordinance. He recommended Paul Gipe
17 a consultant who is a guru on wind energy. He stated he would be happy to contact him on behalf
18 of the Planning Commission.
- 19 • Tom Karas states he is more pessimistic than Jim MacInnes. He thinks there is less time.
20 He states there is opportunity now, to obtain some of the economic bail out funds for those who
21 have projects ready to go and are closest to the head of the line of entities looking for the funds.
- 22 • Marcia Davis asks how Michigan stands about putting a power plant in Lake Michigan. Jim
23 MacInnes says that Lake Michigan is about the 4th in the country in wind capabilities and the
24 Governor is going to appoint a Michigan Great Lakes Wind Committee to work on this. Marcia
25 Davis asks about taking the energy out of the water itself. Jim MacInnes explains there is a lot of
26 wave technology such as underwater wind turbines. He adds that wind will be a component of the
27 future energy technology, but geothermal, nuclear and hydro have to be included as well. He
28 states the scale needed for production of wind energy is daunting right now.
- 29 • Tom Karas reports on a meeting he was at in Leelanau County where approximately 90
30 people came out to get information on wind energy.

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32 B. Updating Comprehensive Plan

- 1 • Neiger states this report ties in with his Director's Report. He reports the recent Board
2 decision to layoff the zoning administrator and make him temporary zoning administrator code
3 enforcement officer is probably going to slow down the process somewhat. He comments that he
4 is already busy with zoning phone calls, he may need to recertify for soil erosion control and wants
5 to let everyone know that there will be an impact. He states he will move ahead as fast as he can.
- 6 • He also states he can utilize Kathie Bruce as Planning Department part-time Secretary for
7 the large mailings he will be doing and possibly for some of the research. There was
8 some discussion on the Intergovernmental Cooperation Committee (ICC) and the Comprehensive
9 Plan Update Committee (CPUC) meetings, with ICC having a large mailing to go out.
- 10 • There was discussion on meeting dates and Neiger reports that the CPUC meets the 4th
11 Wednesday of each month. There was some discussion that the CPUC needs to start moving
12 forward with another white paper. Neiger comments that they are finishing up the socio-economic
13 paper and starting on the forestry. He explains how the Intergovernmental Committee got involved
14 with the Summit Committee and the importance of the Summit.
- 15 • He reports on the focus group activity that was facilitated by Karen Roberts at the CPUC
16 Government Committee meeting and states Karen Roberts is working on that report now. He
17 states there hasn't been another CPUC Government Committee meeting scheduled at this time,
18 but it would typically be the third Wednesday of the month.
- 19 • Neiger states he thinks there should be a committee of Don Tanner (Chairman of the
20 County Board, Kathy Ralston (Chair of the Planning Commission), Chuck Clarke and whoever else
21 is needed to make decisions on whether a new zoning administrator is hired, or hiring a certified
22 temporary person to work on soil erosion. Tanner states there will be discussion on that at the
23 January 13, 2009 Commissioner's meeting. There was some discussion that funds were available
24 from the former Zoning Administrator's line item or the fund balance.
- 25 1. New Citizens Advisory Committee Given Above
26 2. Implementation of Intergovernmental Strategies
- 27 • Ralston reports on draft agenda for the summit, there will be agricultural and local energy,
28 local food, and broadband among others. She states she should have the confirmed agenda this
29 week but the date is February 21, 2009 and will be at the PRA Hall. She reports on the confirmed
30 speakers. She adds that invitations will be going out soon, and asked for input on additions to the
31 mailing list. She asks the Planning Commission members to get out to the townships with the
32 information. Pitcher recommends Don Coe, Black Star farms as a speaker. Ralston reports that
33 the cost is \$20 per person but there might be a cut rate for local boards or groups.

1 a. Report on subcommittee activities None

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3 C. Grand Vision –

4 ● Pitcher reports the first draft of results is going to be presented on January 13, 2009 and will
5 be available on line grandvision.org. The planning phase will be complete by the end of Sept.
6 She reports that the 2 million dollars of implementation money has to be spent in Grand
7 Traverse County. There may be some collaboration regionally on getting other funds. She
8 reports a new group being set up for the implementation phase of the project.

9 ● Glenn Puit states the report will be available to the public on Feb. 4, 2009, that the January
10 13, 2009 date is a preview for committee members. He reports that Benzie County will be
11 asked to be on the Grand Vision Implementation Alliance Committee and the MLUI feels that
12 participation is critical because it makes it a regional effort rather than just the Traverse City
13 area. They will be working with existing task forces such as housing and transportation groups.
14 He comments that there is a significant amount of grant money that could be available to the
15 outlying counties.

16
17 ~~VII. Goals and Objectives~~ deleted

18 **VIII. UNFINISHED BUSINESS**

19 A. Platte Township Zoning

20 ● Allison Michalak, reviewing her notes, reports that Platte Township started out looking at the
21 zoning ordinance and the special land uses that are allowed in the Rural Preservation Districts,
22 particularly light industrial, mobile home parks and planned unit developments. She states they
23 wanted to write a new district which is more in keeping with the character of the Township and
24 reviewed the process they followed. She further reports there was overwhelming support for
25 keeping the Township the way it is. She reiterates that they want to protect the character of the
26 township as is.

27 ● Ralston reviews a letter from Dick Figura stating there were problems with creating a district
28 for just a township. She comments she thinks it can be done differently.

29 ● Neiger reports that previously he had started working on the districts and drafted an
30 Agriculture Preservation/Forest Recreation District with 40 acre lot size minimums, and keeping the
31 Rural Preservation District but instead of keeping as one large group, he would break it down into
32 four districts. He states the 40 acre districts would be voluntary and could be utilized by someone
33 wishing to participate in some State programs and/or sell their development rights to the State. He

1 explains that the Rural Preservation Districts would have similar primary uses but different special
2 land uses. The special land uses would be trimmed back significantly. He explained the rational
3 of allowing the uses in the RP districts at the time they were created.

4 • Allison Michalak asks what if someone doesn't want those trimmed down uses. She says
5 the Township is mostly agriculture and with the state land there is not much space available for
6 residential development.

7 • Neiger suggests working with districts we do have and if that doesn't work, then looking at
8 something else.

9 • Gary Gielczyk asks why not change the district to rural residential with none of those uses.
10 There was discussion on existing zoning districts, their specific requirements and not causing
11 confusion with too similar names. Gielczik asks why it can't be an overlay. Neiger states he has
12 never heard of doing that. He explains that when Platte Township was last zoned many people
13 split their properties just before the zoning went into effect, creating many nonconforming lots. He
14 states he will try to have the new rural preservation language to the Zoning Ordinance Rewrite
15 Committee in February.

16 • Tanner states he became very uncomfortable with what was proposed for Platte Township
17 because other townships are concerned. He states Joyfield Township does not want the original
18 proposal and are afraid it will be forced on them. He is more comfortable with the new language.
19 He would like the word agriculture removed.

20 • Roberts comments that the language seems to be basically taken from the rural
21 preservation, but there has to be a clear justification for why we need this particular district. She
22 states it seems like open space preservation is more important to the Township. She would
23 recommend changing agriculture to open space, and then it wouldn't upset landowners who want
24 to develop their property differently.

25 • Tanner comments that Tim Young's business, Food for Thought, is just what we want, but
26 that he gets the feeling that Platte Township doesn't. Clarence Davis comments the intent is to
27 not allow businesses to grow beyond what the roads and Township can handle. He states they
28 want more of a home occupation type business, a building in back would be ok, but nothing bigger.

29 • Gary Gielcziek states his problem is that he read the special uses section of the Rural
30 Preservation district and doesn't think that's rural preservation. He objects to hotels, motels, bars,
31 and mobile home parks. He is concerned about losing their rural character. He doesn't think
32 those uses are appropriate.

- 1 • Marcia Davis is concerned with sprawl and if we keep allowing those uses it creates more
2 sprawl. She is in favor of keeping the higher density in the towns rather than in the country. Al
3 Brown comments that the villages are shrinking due to lack of infrastructure. He states if we want
4 to push development to the villages the infra-structure will have to come first.
- 5 • Neiger comments that the open space plan has many things that property owners can do
6 themselves, such as transfer of development rights, conservation easements, and different tax
7 programs. He states that if we hone down the uses and promote the open space it will help
8 eliminate the problem, and that's what he intends to do. He states he has a land use table and
9 described how the uses won't be listed in the districts anymore but will be in the table. He states
10 they were removing those uses that Gary Gielcziek doesn't like. Pete LaValley states he thinks
11 that Dave is on the right track but maybe he could create the district "Rural Residential Agriculture
12 Preservation" and remove the uses they don't want and you can keep what uses you want in the
13 Rural Preservation District. If other places want it, they could have it. Platte Township likes the
14 agriculture word because it allows the right to farm and other acts.
- 15 • Tanner states he doesn't believe that 40 acre zoning preserves agriculture. He would like
16 smaller lot sizes coupled with the sale of development rights or other programs so that land not
17 suited for agricultural land can still be utilized. More discussion on how to get Platte Township the
18 zoning they want while keeping the zoning we have in the other townships
- 19 • There was discussion on the time line and it was decided to wait until the draft is closer to
20 done to calculate a time line.

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23 B. ESCROW FEES

- 24 • Ralston reports receipt of letter from Dick Figura on the Platte Lake Management Plan
25 issue. She states she is having trouble drafting the letter to Mr. Swiecki.
- 26 • Neiger states we have the authority to set the escrow account jointly with the applicant
27 which happened, but halfway through the process a consultant was needed and hired. He adds
28 we may have erred in not talking to him upfront, but Kathy Ralston's letter will basically say that we
29 want to work with him but we need the money to continue.
- 30 • There was considerable discussion on Dick Figura's letter, the need for a consultant and the
31 County's authority to hire a consultant and to bill the applicant. There was some discussion on the
32 court case, PLIA v the MDNR. Ralston asks for a dollar amount for the letter. There was
33 discussion on possible costs, such as having a map drawn.

- 1 • Wilfred Swiecki states that he and the PLIA are adamant about not changing the language
2 on the vegetative buffer.
- 3 • There was some discussion on creation of the Platte Lake Watershed report done by the
4 Benzie Conservation District. There was more discussion on doing an overall watershed buffering
5 ordinance. Tanner comments that there is fear that some people will have to do one thing and
6 some another.

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8 B. Planning Commission Ordinance

- 9 • Neiger states he passed out a new draft of the ordinance that came in today. There was
10 some discussion on the December 17, 2008 Joint Meeting.
- 11 • Ralston suggests having another joint meeting. She suggests late February or early March
12 for a public hearing on the Ordinance. There was discussion on possible dates. Ralston will
13 attend the January 13, 2009 Board of Commissioners meeting to present the suggestion and
14 possible dates to the Board.

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16 IX. **NEW BUSINESS**

- 17 A. Staffing for zoning administration and soil erosion. This topic was previously discussed.
- 18 • Neiger says he's just getting his feet down, and he has told Chris he doesn't see any
19 changes for a few months anyway. Tanner comments on the County Board's motion which does
20 leave the Planning Commission in the lurch. Neiger says he just wants to know what is going to
21 happen short term, until he gets certified. He adds that he thinks they have someone to do Soil
22 Erosion for the short term.

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24 X. **DIRECTOR'S REPORT** Neiger states that he passed out his written report
25 earlier.

- 26 • He reviewed his report stating that he had been working on getting the socio-economic
27 report out, the Parks & Recreation Commission Plan completed, and he attended a pre app
28 meeting for Production Industries plant out near Graceland.
- 29 • Neiger reports on the 2 upcoming Grand Vision meetings. He states the new trail is on hold
30 right now but work needs to start getting done.
- 31 • Neiger reviews his prioritized list of tasks. Neiger reviews the permit comparison that was
32 handed out. Neiger presents his meeting calendar and states he has the summary report he
33 created for Tom Kelley if anyone wants a copy.

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XI. CORRESPONDENCE Dick Figura's letters already presented.

XII. PRESENTATIONS AND ANNOUNCEMENTS None

XIII. PUBLIC INPUT –Items on or off the Agenda, within the Planning Commission's Jurisdiction.

- Al Brown hopes the Villages stay with the contracts for zoning. He recommends highly that there be better advertising if the county is going to hire a new zoning administrator. We need to get the right person in the job.
- Tanner suggests putting Parks & Recreation Commission and ZBA on the agenda.

XIV. ADJOURN The meeting adjourned at 10:36 p.m. The next regular meeting of the Planning Commission will be February 12, 2009.

¹ Appendix IV of Jim MacInnes handout "Testimony before the Michigan Senate Energy Policy Committee"

Respectfully Submitted:

Katherine Ross, Secretary

Christi Flynn, Recording Secretary