

1 **BENZIE COUNTY PLANNING COMMISSION**
2 **APRIL 9, 2009**
3 **MINUTES**
4

5 **MEMBERS PRESENT:** Ralston, Tanner, Pitcher, Ross, Moorman, Damm
6 **MEMBERS EXCUSED:** Roberts
7 **MEMBERS ABSENT:** None
8 **STAFF PRESENT:** Neiger, Flynn
9 **OTHERS PRESENT:** Eric Van Dussen, Shauna Fite
10

11 **I. Call the Meeting to Order** Ralston called the meeting to order at 7:02 p.m.

12 **II. Approval of the Agenda Motion** by Tanner supported by Pitcher to approve the
13 agenda as submitted. Ayes: All Nays: None Excused: Roberts **Motion Carried**

14 **III. Approval of the Minutes, March 12, 2009 Meeting** Correct Moorman to Ralston in
15 Item I. **Motion** by Ross seconded by Tanner to approve the minutes as corrected. Ayes: All
16 Nays: None Excused: Roberts **Motion Carried**

17 **IV. Public Input** – Items on the Agenda None

18 **V. Reports**

19 A. Zoning Ordinance Update Committee Report

- 20 ● Moorman reports that work continues with wind energy and Platte Township will be
21 talked about at the next ZORC meeting.
- 22 ● Neiger reports on his land use table separating the Rural Preservation District (RP) into
23 4 districts with different uses. He says he could create 2 open space districts.
- 24 ● Neiger describes the Agriculture Production (AP) and Forest Recreation (FR) districts
25 commenting that they were 40 a lot size. Creating more and smaller lot size requirements was
26 suggested.
- 27 ● Tanner reports that he has heard that most of Platte would volunteer to be AP
- 28 ● Neiger states an option would be to take the table and make a list for those who don't
29 understand the table.
- 30 ● Neiger would prefer to remain with the 4 RP districts and allowing more uses in the RP -
31 2.5. and adding more industrial uses around the villages. There would be fewer uses as you
32 move beyond the villages into the larger lot size districts. He notes that AP means Agriculture
33 Production as many don't like the term preservation.

34
35 B. Comprehensive Plan Update Committee (CPUC)

- 1 • Neiger reports that few people attended the last meeting. It was decided to re-evaluate
2 the methods of getting input and to go with a select group of people to review the documents
3 instead of all the units of government
- 4 • He states most of his time is spent in other areas right now.
- 5 • Neiger will be talking to Dick Cooper, the Conservation District, state foresters and
6 some others.
- 7 • Ross asks if this will be a small group like Ann Bourne was suggesting. She suggests
8 reformatting the table into a questionnaire.

9 C. Capital Improvements Plan (CIP), Annual Report, Budget

- 10 • Neiger reports he sent a memo to all dept heads, units of government and other
11 agencies, with a questionnaire on spending projects. He states the concept is that the planning
12 legislation requires a CIP if you have a master plan. He reviewed what he thought would be
13 some County spending plans. He stated he put a deadline of April 16, 2009 for submission of
14 the questionnaire responses.
- 15 • Tanner reports Blaine Township didn't know what to do with the questionnaire.
- 16 • Neiger states that once all the responses are received he will meet with the County
17 Board and Chuck Clarke to prioritize the projects. He will do an analysis for the Planning
18 Commission projects.
- 19 • Everyone should have a copy of the Annual Report timeline. We need to be done by
20 June in order to be prepared for the budgeting process for next year.
- 21 • What a CIP needs to include is discussed. The draft CIP needs to be done in time for
22 action at the May Planning Commission meeting.
- 23 • Neiger says zoning is taking more and more of his time, with the Major Special Land
24 Use Application and Zoning Board of Appeals cases, and even regular permits take more time
25

26 D. Parks and Recreation Commission (P & R)

- 27 • Tanner reports work on the draft of the plan continues. Syrus Bingman is now working
28 on the mapping.
- 29 • Neiger reports the inventory is now complete and Ann Bourne has sent it to Syrus
30 Bingham He believes it will be ready for this months P & R meeting to accept and set the public
31 hearing date.

32 E. Zoning Board of Appeals

- 1 • Flynn reports continuing to work on the two (2) Zoning Board of Appeals cases and that
2 the hearing date has been set for May 11, 2009. The membership of the ZBA was briefly
3 discussed.

4

5 **VI. Unfinished Business**

6 A. Goals and Objectives

- 7 • Ralston reviews her talking points on goals and objectives including the master plan
8 time line and training. The following issues were added:

- 9 ▪ Finish wind energy
10 ▪ Start a group similar to the MTA but include all units of government in the
11 County. Neiger to research such a group and be the initial convener
12

- 13 • Budget issues were discussed and Neiger reports that he has submitted a proposal to
14 Chuck Clarke to increase Per Diem, Office Supplies, Filing Fees and several other line items
15 that have been overspent. Tanner states that he thinks the billings from Kurt Schindler on the
16 Planning Commission Ordinance should be shared by the Planning Commission.

17

18 B. Almira Township Zoning Ordinance Amendments

- 19 • Neiger states comments are overdue, but he didn't find any problems. He reviews his
20 written staff report. **Motion** by Tanner seconded by Ross to forward the staff analysis to Almira
21 Township. Use variances were discussion. Neiger states the Hardship PUD can be used by the
22 Board of Commissioners if we are in danger of litigation on a taking issue. Neiger read part of
23 the intent of that Planned Unit Development Ayes: All Nays: None Excused: Roberts

24 **Motion Carried**

25

26 C. Homestead Township Zoning Ordinance Amendment - Mass Gathering
27 Amendment.

- 28 • Neiger reviewed his written staff analysis. **Motion** by Moorman seconded by Tanner to
29 approve the Staff Analysis and forward as is including the cautionary comments. Ayes: All
30 Nays: None Excused: Roberts **Motion Carried** Flynn directed to forward staff analysis by
31 email to Roger Williams.

32

33 D. New RFQ for Planning and Zoning Services

- 34 • The first step is to advertise for people with qualifications, in various publications.

- 1 • Tanner reports that Kurt Schindler offered to help with that process. Neiger states he
2 will see him at the Planners Regional Advisory Committee meeting and will talk to him there.
- 3 • Neiger reports there is a website that has forms and other documents.
- 4 • Neiger also reports that Dr. Christopher Grobbel and Cindy Czubko were in the office
5 today looking for work. Czubko just purchased Grobbel's firm.
- 6 • Tanner asks for discussion on a zoning administrator, commenting on an email going
7 around regarding the part time position and having to hire the laid off person. Contracting with a
8 different jurisdiction (Homestead/Inland), another county or a consultant is discussed as options
9 to move the work load of zoning away from Dave Neiger. Combining the RFQ for a consultant
10 and zoning administrator as well as doing separate RFQs is discussed.
- 11 • Eric Van Dussen asks how long the county has to wait to hire someone else besides
12 Seger? Tanner reports 1 year.
- 13 • Neiger states there are few companies that offer zoning administration, and they would
14 be expensive. He adds we will be consulting with Kurt Schindler on both issues.
- 15 • Neiger will talk to Kurt Schindler and include Ralston and Tanner in the discussion.
16 Neiger thinks a telephone conference with Kurt Schindler could be done in his office.

17
18 E. Amendment Flow Chart Flynn passed out copies and was directed to add the
19 Title of "Zoning Ordinance Amendment Flow Chart".

20
21 F. Planning Commission/County Commissioners Communications and Related Issues
22 • Tanner reports receipt of the latest draft of the Planning Commission Ordinance, from
23 Dick Figura and reported on a meeting with Neiger, Ralston and himself. We can not use the
24 phased in approach for reconstituting the Planning Commission. He thinks the Planning
25 Commission can be reconstituted by putting the existing Planning Commissioners into the
26 proper slots. He states that Kurt Schindler thinks that everyone should be at the Board of
27 Commissioners meeting when it is adopted. The date for adoption could be the June Board
28 meeting, and the final draft should be sent out to everyone. The Planning Commission
29 Ordinance will be an action item for the May Planning Commission meeting.

30
31 **VII. New Business**

32 A. Vacant Seats on the Planning Commission and maintaining a quorum

1 • Tanner thinks some townships might be waiting until the Planning Commission
2 Ordinance is adopted to see what happens.

3 • Ralston reports that the vacancies have been advertised and 2 persons may have
4 applied. She feels they should be appointed now, perhaps for a short time and then for a
5 regular term with the Planning Commission Ordinance is adopted.

6 • The issue of the applicants is at the interview committee level now.

7 B. Homestead/Inland Townships Zoning Ordinance Amendment

8 • Neiger states that he doesn't believe the people in Inland Township understand what is
9 going on out there. The wells are for Antrim gas, not oil. He described what happens to the gas
10 after it has been pumped. He states there will be a compression facility somewhere else.

11 • Neiger reports that the Homestead/Inland Joint Planning Commission has adopted a
12 map amendment to rezone half a 10 acre parcel to commercial and the county has the
13 opportunity to comment on it compared to our master plan. He states it is consistent with their
14 master plan but not ours.

15 • The discrepancy between the amendment language (1/2 of the parcel) and the motion
16 to rezone the entire parcel is discussed. Zoning on the adjacent and some other nearby
17 properties is discussed.

18 **Motion** by [REDACTED] seconded by Ross to authorize Dave Neiger to forward the staff analysis
19 as the Planning Commission's comment including the comment on the discrepancy of whether
20 the whole property was rezoned or just half of the property. Ayes: All Nays: None

21 Excused: Roberts **Motion Carried**

22 • Tanner comments on the Richman letter in opposition of the rezoning.

23 • Moorman states the next Michigan Township Association meeting is the 22nd or 23rd of
24 this month (Wed). at the Homestead Township Hall and Presidium Oil will be there to answer
25 questions.

26

27 **IX. Director's Report** Neiger reports being busy on the following projects:

28 Trapp Farm Project

- 29 ▪ has received wetlands permit to move stream back where it was,
- 30 ▪ The Natural Resource Conservation Service (NRCS) was out and looked at
31 rerouting the Middle Branch of Cold Creek back to its original streambed. The project
32 didn't score high enough to qualify to economic stimulus funds, but may be eligible for
33 other funds. Neiger got proposals from several engineering companies and also talked

1 to Nancy Roseman (Benzie County Road Commission) to be project manager.
2 Estimates are it will take \$20,000 from Beulah, \$20,000 Benzonia and \$20,000 would
3 have to be requested from the County Board as well.

4 ▪ Tanner says Terry Money had talked about it, but hadn't submitted a
5 formal request.

6 Zoning Ordinance Rewrite Committee

- 7 ▪ land use table
- 8 ▪ agriculture
- 9 ▪ revamping the Rural Preservation District for Platte Township
- 10 ▪ New Trail ,Pere Marquette section – there is about 2 miles that still needs
11 to be purchased
- 12 ▪ Interlochen is working on a streetscape and they are excited about the
13 possibility of a trail.

14 Permits Neiger reports spending most of his time spent on zoning. The
15 phone and counter is getting busier and it is a challenge to find time to work on anything
16 else.

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18 **X. Correspondence** Flynn reviewed the correspondence.

- 19 A. Almira Township Notice of Review of Master Plan
- 20 B. Courtesy Copy of Leelanau County Recreation Plan
- 21 C. Homestead/Inland Joint Planning Commission Notice of Public Hearing on
22 Amendment
- 23 D. January 15, 2009 letter from P. LaValley to ZORC re: Platte Township Zoning
- 24 E. Homestead/Inland Joint Planning Commission Notice of Public Hearing on map
25 change
- 26 G. Richman letter dated March 29, 2009 against proposed zoning amendment in
27 Inland Township.

28
29 **XI. Presentations and Announcements** Ralston reports the wind committee won't meet
30 again until June 4, 2009 at 3:00 p.m. Tanner comments that the Community Mental Health
31 Board discussed wind energy. He explained to them that the Planning Commission is working
32 on a wind friendly article to the Zoning Ordinance.

33
34 **XII. Public Input – Items On or Off the Agenda, within the Planning Commission's**

35 **Jurisdiction** Shauna Fite reports on Tom Karas' presentation and states it will be the
36 same on each day. She asked for the dates of scheduled public hearings and asked if

1 everyone had received letter from NWMCOG on a MAP/MML presentation scheduled for April
2 30, 2009 7 – 9 p.m. at the Haggerty center. She additionally commented on implementation of
3 the Grand Vision. Pitcher comments that in no scenario was the Hartman/Hammond bridge
4 mentioned. Eric Van Dussen asks if he could get emailed the current Planning Commission
5 Ordinance.

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7 **XIII. Adjourn** Motion by Pitcher seconded by Tanner to adjourn. The meeting adjourned at
8 9:25 p.m.

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11 Respectfully Submitted:

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15 _____
16 Kathy Ralston, Chair

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20 _____
21 Christi Flynn, Recording Secretary
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