

**BENZIE COUNTY PLANNING COMMISSION
DECEMBER 10, 2009
MINUTES**

MEMBERS PRESENT: Katherine Ross, Mike Moorman, George Granlund, Mary Pitcher, Tim Schwerin, Karen Roberts, Don Tanner, Margaret Minster, John Schluter, Kathy Ralston. Clint Brian arrived at 7:19 p.m.

STAFF PRESENT: David Neiger, Planning Director/Zoning Administrator and Chris Flynn, Assistant to the Zoning Administrator/Recording Secretary.

OTHERS PRESENT: Bruce Harwood, Gretchen Eichberger, Trisha Morse, Elizabeth Rogers, Philip Hill, Robert Bigelow, Floyd Ikens, Al Brown, Glenn Menschz, Tom Campbell, Don Harrison, Shauna Fite, Dave Long, Bob Barton, Jeanne Peters, Jan Harwood, Peggy Case, Mary Carroll, Karen Holcombe, Dennis Holcombe, Beverly Toomey, Bruce Walton, Jr., Gerald Robert, Tom Mountz, Jim Sheets, Ron Beyette, Art Jeannot, Paul Solem, Pat & Jim Laarman, Harold Case, Marsha Case, Jeffery Sandman, Jan & Dick Robb, Marcia Stobie, MaryLee Orr, Gretchen Eichberger and several other interested persons.

I. Call the Meeting to Order and Pledge of Allegiance Chairman Ralston called the meeting to order at 7:01 p.m. and led the Pledge of Allegiance.

A. Roll call with call for conflict of interest No conflict stated.

II. Approval of the Agenda Gretchen Eichberger asked to be added to the agenda with a brief overview of her interest in helping Benzie County create historic districts in appropriate areas. She was added as item A under New Business. **Motion** by Moorman seconded by Ross to approve the agenda as amended. Ayes: All Absent: Clint Brian Nays: None **Motion Carried**

III. Public Hearing on Rescinding the Benzie County Zoning Ordinance

A. Open the public hearing, welcome to applicants and guests **Chairman Ralston** opened the public hearing at 7:03 p.m. and welcomed everyone in attendance.

B. Zoning Administrator presents the issue and request by the County Board of Commissioners

- **Neiger** reviewed his written staff memorandum and recap of the most recent developments relating to County Zoning. He states that the County Board Budget Committee recommended minimal funding through March 31, 2010 with no support staff. He personally feels that it would be better for the County to keep Zoning at the County Level. If that does not work the next best, option would be joint agreements with the townships. The Townships have asked Board of Commissioners to extend Planning and Zoning for 6 months. There is some discussion on the options presented in the Staff Memorandum. **Neiger** explains that continuing with County Zoning allows zoning a broader viewpoint. At the County level, Zoning can be written to conform to the Master Plan. He adds that if we are to continue with Planning and Zoning we have to improve communications with the local governments.
- **Ralston** comments we could reorganize the Zoning Ordinance Rewrite Committee (ZORC) for this. **Neiger** agrees.
- There is some discussion on creating a joint planning commission. This kind of planning commission would require compliance with PA 226, which is The Joint Planning Act.
- **Tanner** states that the County Board has created a committee of three Board members and a representative of each of the seven Townships, to help work through the process and provide a for a smoother transition. **Ralston** asks to appoint representatives of the Planning Commission to this committee. **Tanner** states that would be fine.
- There is discussion on the third option, which infers that several townships will go in different directions. **Neiger** states in that in this case the County Planner/ Zoning Administrator could provide contracted services to assist them in the permitting and planning processes. Fees and appropriations from the townships would fund it. He states that all of the options require the townships to participate in funding. He also comments that the townships would have to create a planning commission and possibly a Zoning Board of Appeals if they go on their own. He adds that he feels that having no zoning at all is not an option. We have had zoning since 1976 and it is an important function.

● **Ralston** states that the State of Michigan does not mandate Planning and Zoning functions. She comments that there are a variety of planning and zoning situations throughout the state.

C. Open Public Input Chairperson Ralston reads the public input policy. She asks speakers to step to the middle aisle and identify themselves. Public Input is opened at 7:41 p.m.

- **Jim Larraman**, Crystal Lake Township, asks who had input in deciding what a scenic view is.

- 1 • **Neiger** responds that the Open Space and Natural Resources Plan and the Comprehensive 2020 Plan
2 contain maps that outline the scenic views. He states citizens with cameras and focus groups made an inventory
3 of scenic views throughout the county.
- 4 • **Jim Larraman** asks if the townships had input or if it was only high school students.
- 5 • **Neiger** states that many people and groups were asked to give input, so townships could if they wanted
6 to.
- 7 • **Tanner** adds that many people participated, townships, special interest groups, and even school children.
- 8 • **Gretchen Eichberger**, Gilmore Twp. Historical Preservationist, teacher and artist states that umbrella
9 zoning is good as it makes things consistent. She read a portion of her document "Benzie County Historic
10 Districts, and submitted a copy.
- 11 • **Art Jeannot**, former President of the Benzie County Chamber of Commerce, and Lake Township resident
12 states the County has long benefited from county planning and zoning and without zoning there is a certain
13 amount of anarchy. He comments that while the agenda is specific to zoning, the discussions have been about
14 planning, zoning and funding. He would like to hear from township officials whether they would like to fund
15 through the county rather than creating their own programs.
- 16 • **Ralston** comments we are looking at two (2) things. A short term solution, that there not be a gap in
17 zoning, and long term options that will result in more participation in planning and zoning between all the local
18 units of government.
- 19 • **Jim Sheets**, Benzie Township Supervisor, and current President of the Benzie County Chapter of the
20 Michigan Townships Association (MTA) states that they have held several meetings since September and have
21 some agreement from the seven (7) townships. He presented a letter to the County Board on Tuesday
22 requesting that they continue County Zoning until July 1, 2010 and County Planning until July 1, 2011 to allow the
23 townships to get their own programs up and running. The Board agreed to take the proposal to the Budget Sub -
24 committee. He states the Budget Committee agreed to some funding through March 31, 2010.
- 25 • **Tanner** comments that the Board of Commissioners looked at several possible budgets but wanted the
26 townships to completely fund Planning and Zoning. He does not think that is fair, because not all Planning
27 functions relate only to the townships. He would be more in favor of a 60/40 split among the townships. He
28 comments that Dave Neiger prepared budgets that included permit fees, State Equalized Value and population in
29 distributing the charge each township would pay. He understands that this is expensive and there are problems
30 trying to work something like this into any budget. He states the Board of Commissioner will work with the
31 townships to help make the transition easier.
- 32 • **Shauna Fite**, Michigan Land Use Institute and Frankfort resident comments that she has been working
33 with many organizations in the community that do not want to see a lapse in zoning and wants to help the
34 townships through the process. She thanks everyone for their cooperation, but feels there are issues of time.
35 There is only until March 31, to figure out what will happen next. She suggests forming an intergovernmental
36 committee of County Board, County Planning Commission and Township representatives to look for options. She
37 agrees with restructuring the ZORC to be the committee. The County and the Townships need time to figure out
38 what the most efficient way of providing Planning and Zoning services.
- 39 • **Beverly Toomey**, Crystal Lake Twp. Wonders if the issue is what the zoning should be, or if it is who is
40 going to pay for it. She thinks a single zoning entity is better than many small ones. There would be more
41 consistency with just one. She comments that the County should work at getting the bottom line price and then
42 figure out how to make it work.
- 43 • **Harold Case**, Benzonia Twp., believes that zoning is a county responsibility, but with only seven (7)
44 townships participating understands the problems. He encourages the county to maintain zoning until July 1,
45 2010 and planning until July 1 2011. He does not think the townships want to go back to doing planning and
46 zoning on their own. He does not want to see the no zoning option happen.
- 47 • **Mary Carroll**, Homestead Twp. Resident and Benzie County Chamber of Commerce Director. She
48 concurs with the previous speakers. She also encourages the County Board to hire an administrator who has
49 good planning skills.
- 50 • **Dick Robb** concurs with Mr. Case and Mr. Sheets. He states he does not know if the money is there or
51 not, or if someone is playing a shell game with it. His research into the budget shows there are places that the
52 funds could come from. No one knows what revenue sharing may or may not be. He suggests taking 1% over
53 the whole budget to fund Planning and Zoning. Planning and Zoning is very important and he does not think the
54 Board of Commissioners understands that. He would be disappointed to see zoning all broken up.
- 55 • **Al Brown** states the County Board made the townships aware of the budget issues and need for funding
56 a year ago. He states they have been working hard on the budgets and it is time for the townships to step up and
57 decide if they are going to pay something for it. He states everyone needs to communicate, work together and
58 reach an agreement.
- 59 • **A citizen** asks Dave Neiger to explain his prorated fees per township equation. **Neiger** responds that it
60 was a weighted average. He invited the citizen to the office to review it.

- 1 • **Tom Campbell**, Blaine Twp. Supervisor states the question is not whether or not the townships want
2 zoning. It is can they pay for it? He states his Township needs time to try to find a way to fund planning and
3 zoning.
- 4 • **Peggy Case**, Inland Twp. Resident, comments that there should not be any lapse in zoning. We need to
5 take care of our unique ecosystem. If zoning goes away for even a short time, we could end up with some very
6 undesirable uses that will harm our natural resources. She supports county zoning even though her township
7 does not participate.
- 8 • **Jim Sheets** adds it is not just the county facing financial problems. The townships are too. He answers
9 Mr. Brown's statement that the townships had been aware of the financial issues, but that Benzonia Township
10 was not officially contacted until the end of October. He states they were hearing things on the street but nothing
11 from the county until then.
- 12 • **Harold Case** comments that 2 or 3 years ago the County asked the townships to participate, and
13 Benzonia Township was willing, but only if all the townships participated. Then the County never contacted them
14 again until now.
- 15 • **Bruce Harwood**, Crystal Lake Twp. resident and Airport Authority states zoning is important, especially
16 around the airport. He thinks it will be devastating if zoning is eliminated. He has witnessed taxes going down
17 and County wages going up. The County Board has to get control of their spending. He thinks the County Board
18 should re-examine their decision. In addition, they should think about who would have been reelected if they had
19 come out with the plan of getting rid of zoning in their campaigns.
- 20 • **Eric Van Dussen** asks how much the townships that do not participate in County zoning are spending for
21 their programs. There was discussion on the nonparticipating townships costs for their own programs. He has
22 concerns about the allocation for attorney fees and having one attorney representing the County, the Planning
23 Commission and the townships.
- 24 • **Mike Moorman** commenting as Supervisor of Colfax Township states a few years ago the county asked
25 for funds from the seven (7) townships to hire a zoning administrator. Colfax and Platte Townships paid and he
26 does not think they really got what they paid for. He adds that this time he received a letter from the County dated
27 Oct. 30, 2009 addressed to the seven (7) townships with Dave's budgets and stating that on Nov. 10 the County
28 would be moving forward with rescinding the County Zoning Ordinance. He says the time factor is a problem.
29 His township would be willing to pay, but they need time. He hopes the County can keep something going. He
30 has a problem with the last minute notification.
- 31 • **Art Jeannot** applauds the townships and the County for looking for a solution. He asks that the Planning
32 Commission vote against repealing the Zoning Ordinance.
- 33 • **Dick Robb** concurs with Art Jeannot.
- 34 • **A citizen** hopes the County Board of Commissioners will at least look at funding at least until July to let
35 the townships get ready and maybe even beyond that.
- 36 • **Bob Bishop**, Benzonia Twp., thinks this is a critical time and we need to move along with zoning. He
37 hopes the townships will work together to keep County Zoning.
- 38 • **Pat Larraman**, Crystal Lake Twp., has heard for years that zoning ordinances are being written. She
39 hopes that they are written and are applied.
- 40 • **Jim Sheets** invites a representative of each of the seven townships to meet Wednesday, December 16 at
41 10:00 a.m. at the Benzonia Township Hall, to meet with the 3 County Commissioners and representatives of the
42 seven (7) townships, and hopefully a couple of Planning Commissioners Committee.
- 43 • **Mary Lee Orr**, Crystal Lake Twp., asks what this public meeting is supposed to accomplish? **Ralston**
44 responds that this public hearing is part of the process of rescinding the ordinance and the Planning Commission
45 is responsible for holding it.
- 46 • **Tanner** comments that the process, as defined by our attorney, is that we can only rescind the ordinance
47 by adopting an ordinance that eliminates zoning. This is part of that process
- 48 • **Elizabeth Rogers** concurs with all the previous comments. She states we need a unified approach and
49 need to look at the long, long-term goals.
- 50 • **Eric Van Dussen** asks which board members voted to rescind the Zoning Ordinance.
- 51 • **Tanner** states he was one of them. He does believe the county should maintain a county planning
52 commission as it could deal with issues of greater than local concern. An example of this is the wind energy
53 ordinance. The Planning Commission created it and can now hand that to the townships. He did not think he
54 would ever have to make this kind of decision, but believes the County has to prioritize. The townships have to
55 step up and take the responsibility. The County Board is committed to helping them.
- 56 It was stated that the 4 County Commissioners who voted to rescind were Tanner, Hollenbeck, Waltherhouse and
57 Roper.
- 58 • **Tanner** states he does not think that what came out of the budget committee will be adequate.
- 59 • **Eric Van Dussen** asks why the County Board did not consider other options such as laying off a couple
60 deputies.
- 61 • **Tanner** responds that the County has lost enough deputies.

- 1 ● **Shauna Fite** states there are other options and if the townships are willing to ante up they should be
- 2 explored.
- 3 ● **Bruce Walton**, Crystal Lake Twp. Comments that with revenue sharing going down the townships are
- 4 going to have contribute more to other services such as road repair. The county turned down a milage for road
- 5 repair and he thinks that people do not understand what that will mean. He states it will not help the Grand Vision
- 6 to have some roads repaired (in rich townships) while other road will deteriorate.
- 7 ● **A Citizen** asks if this board is going to make a decision tonight. **Ralston** states yes, that is the purpose
- 8 of this public hearing.
- 9 Correspondence None

10
11 D. Close Public Input Chairperson Ralston closes public input at 8:42 p.m.

12
13 E. Commission Deliberation

- 14 ● **Ralston** asks that if the townships that do their own zoning still contribute to the County program through
- 15 their taxes.
- 16 ● **Neiger** replies that the County and the Townships get revenue from taxes. The county provides zoning
- 17 service. Therefore, those townships that are duplicating services are paying more. The reason some twps came
- 18 under county zoning was to save money.
- 19 ● **Ralston** asks how would a millage work? Would it be a county millage on the ballot for the townships?
- 20 ● **Tanner** states that the County Board looked at a millage for planning and zoning, but the problem would
- 21 be that those townships that have their own would probably vote down a milage for the County program. He did
- 22 not see any great enthusiasm for a milage. He explained that our program has been partially funded with fees
- 23 and the County General Fund. He states that the County needs to address a Headlee rollback that would allow
- 24 the County to continue funding the Planning and Zoning.
- 25 ● There was discussion on what the Planning Commission would be voting on, one of the options or to
- 26 rescind the Zoning Ordinance. **Neiger** recommends voting to keep zoning and to extend the program at least
- 27 until March 31, 2010. He comments that one of the options proposed by the County Board is very part time with
- 28 16 hours for zoning administration, 4 hours of planning per week, with no support staff.
- 29 ● **Tanner** comments that Dave Neiger is staff for the Parks and Recreation Commission as well and they
- 30 would him completely.
- 31 ● **Roberts** comments that at this point it is not our decision. The most we can do is vote for some breathing
- 32 space so that good decisions can be made.
- 33 ● **Pitcher** states we should look at whether we want to continue County Zoning or not. No matter what
- 34 permutations the townships go for. She is already on record against eliminating county zoning.

35
36 **Motion by Pitcher, seconded by Moorman, to recommend that the County Board of Commissioners work**

37 **with the townships to continue to fund county zoning.**

- 38
- 39 ● **Tanner** comments there are other programs that are facing severe cutbacks such as Community Mental
- 40 Health and Public Health. As funds are eliminated at the State level, the Counties have to pick up more of the
- 41 costs. He states he has to vote on the side of protecting the ones who need it the most. In response to a
- 42 question on a revenue sharing account, he states that the County is paying into that fund to make up for tax
- 43 sharing revenue we are not getting.
- 44 ● There is more discussion on ways to continue working towards keeping County Zoning.
- 45 ● **Schluter** comments that if we can keep planning and zoning even at reduced funding levels we could
- 46 continue to deal with the big problems.
- 47 ● **Ralston** suggests that the Planning Commission continue with its outreach program, form a committee
- 48 with the seven townships, the Planning Commission and Board of Commissioners to do a cost analysis of what it
- 49 would cost each township if they go off on their own.
- 50 ● There was some discussion on the necessity for good legal representation in creating the joint planning
- 51 commissions.
- 52 ● **Neiger** comments that there are several places to get grants (LIAA) have been very successful in getting
- 53 grants and are familiar with working with the groups in preparation of the joint planning commission process. He
- 54 adds that Joe VanderMullen and/or Kurt Schindler could come down and present the process if the Planning
- 55 Commission goes that way. There was comment that each of them charges for those kinds of services.

56
57 F. Decision **Roll Call Vote:** Pitcher: Aye Schwerin: Aye Roberts: Aye Brian: Aye

58 Tanner: Aye Minster: Aye Schluter: Aye Ross: Aye Granlund: Aye

59 Ralston: Aye: Moorman: Aye **Motion Carried**

60
61 G. Close Public Hearing 9:13

1
2 Pitcher excused 9:13 p.m.
3

4 Chairman Ralston recesses the meeting for 10 minutes at 9:13 p.m.

5 Chairman Ralston calls the meeting back to order at 9:26 p.m.
6

7 **IV. Approval of the Minutes of the November 12, 2009 meeting** Motion by Moorman seconded by
8 Roberts to approve the minutes as presented. Ayes: All Excused: Pitcher Nays: None **Motion Carried**
9

10 **V. Unfinished Business**

11 A. Presentation of errata sheet for the Parks & Recreation Commission
12 Recreation and Cultural White Paper. Neiger explains that he used the letters from Almira, Lake Ann, Lake
13 Township and taking their viable corrections. He will present to Parks and Recreation next week. He explains he
14 wanted the Planning Commission to see what an errata sheet looks like. Ralston would like to see communication
15 between Neiger and the Almira and Parks and Recreation Commission on correcting the paper. Tanner says that
16 as the Parks & Recreation Commission finds corrections they will keep them and amend the Plan later.
17

18 **VI. New Business**

19 A. Creating Benzie County Historical Districts Gretchen Eichberger presents 2 documents,
20 "*Benzie County Historic Districts*" and "*Investing in Michigan's Future, The Economic Benefit of Michigan's Historic*
21 *Preservation State Tax Credit*". She explains why historic preservation is important and provides verbal examples
22 of existing areas that may be eligible for the designation. She will be going to Blaine and Joyfield Townships, the
23 City of Frankfort, and Village of Elberta. She explains some of the benefits of historic preservation such as; adding
24 value to all residents, increased appreciation of the past and can create local jobs and stimulate the local economy.
25 Benzie County is so culturally unique. She thinks the Planning Commission should be aware of the potential this
26 has for Benzie County. She would be interested in assisting a grass roots effort to get a program going.
27

28 **VII. Director's Report** Neiger reports he has spent some time on zoning permits and some land divisions.
29 Most of his time was spent on crafting his options for the planning and zoning function. There was some
30 discussion on mileage for meetings. He presented his proposed permit fee increases that the fee committee
31 mostly approved.
32

33 **VIII. Correspondence** None
34

35 **IX. Presentations and Announcements** Ralston appointed herself and Peg Minster to the County
36 Commissioner/Townships meeting on Wed. December 16 at 10 a.m. at the Benzonia Township Hall. Neiger will try
37 to keep attending the transportation Grand Vision meetings, but he may have to go on his own.
38

39 **X. Public Input – Items On or Off the Agenda, within the Planning**
40 **Commission's Jurisdiction** None
41

42 **XI. Adjourn 10:08**
43

44 Respectfully Submitted:
45

46
47 _____
48 Katherine Ross
49

50 _____
51 Christi Flynn, Recording Secretary
52

53
54
55
56
57 chrisP:\pcminute\2009\DECEMBER\dec 10 draft minutes.doc