MEMBERS PRESENT: Paul Hramiec, Dan Plasencia, Jack Jones, Kelly Alexander, John Eby, James Scott, Paul Desy, Steve Neal, David Laughbaum

STAFF: Tammy Doernenburg, Monica Linehan, Nancy Salar

I Call to Order and Attendance
The meeting was called to order at 7:33 PM by Eby. All members were present.

II Minutes of August 2, 2012
Alexander made a motion, supported by Neal, to approve the minutes of the August 2, 2012 meeting as presented. The motion passed by a unanimous voice vote.

III Cases
1. Case #11-12  Emmet County Planning Commission, TEXT AMENDMENT-Accessory buildings as a main use
Legal Notice: Attached
Packet Items: Zoning Evaluation
Passed out at meeting or emailed: Springvale Township recommendation

Doernenburg explained that this is the second review of this proposed text amendment. The proposal would allow certain accessory buildings in Farm Forest zoning districts to be administratively approved and would also move certain accessory building standards to the Special Use Permit section in order to properly conform to the Michigan Zoning Enabling Act.

There was no public comment on this case.

Scott made a motion to recommend approval of Case #11-12 to the Emmet County Board of Commissioners of the proposed text amendments to Sections 2201, 800, and 2102 as published on July 18, 2012 and as reviewed during two public hearings, to allow administrative review and approval of certain accessory structures, and to move certain accessory building standards to the Special Use Permit section of the Zoning Ordinance. The proposal will modify the Ordinance so that it conforms to the Michigan Zoning Enabling Act, it will allow for more streamlined reviews of certain accessory buildings, it was reviewed by Civil Counsel, and it was recommended for approval by Bear Creek, Carp Lake, Littlefield, Maple River, and Springvale Townships. The motion was supported by Plasencia and passed on the following roll-call vote: Yes: Eby, Neal, Jones, Scott, Hramiec, Laughbaum, Desy, Plasencia, Alexander. No: None.

2. Case #17-12  Tedford & Susan Wright, SPECIAL USE PERMIT-Accessory building as a main use, Elder Road, Section 1, Bliss Township
Legal Notice: A request by Tedford & Susan Wright for a Special Use Permit for an Accessory Building as a Main Use on property located on the north side of Elder Road approximately 1.5 miles west of Cecil Bay Road and 900 feet east of McCleary Road, in Section 1, Bliss Township. The property is zoned FF-2 Farm and Forest and is tax parcel 24-02-05-01-300-015. The request is per Section 2201-2 of the Zoning Ordinance.
Packet Items: Request & location map, tax parcel map, application, impact statement, 7/25/12 site plan, survey received

The meeting adjourned at 9:30 PM.
Doernenburg explained that this is an eight acre parcel zoned FF-2. It is located on Elder Road which is a very lightly traveled road. The site plan was shown illustrating the proposed accessory building which will be approximately 290’ from Elder Road. The building meets the size standards of the ordinance, an affidavit of use has been filed with the Register of Deeds, and the township recommended approval.

The applicant was present for questions.

Laughbaum asked about the size of the building. Mr. Wright explained that what is shown on the site plan is just the footprint, there is a shed off of the main building all of which will fit into the footprint shown.

There was no public comment on this case.

Scott made a motion to approve Case #17-12, Tedford and Susan Wright for a Special Use Permit for an Accessory Building as a Main Use on property located within, Section 1 of Bliss Township on tax parcel 24-02-05-01-300-015, as shown on the site plan dated Received Jul 25 2012 because the standards for allowing an Accessory Building as a Main Use have been met, the building is partially screened from the public road and an affidavit of use has been filed with the Emmet County Register of Deeds, Bliss Township recommended approval, the use is to be personal storage only. The motion was supported by Jones and passed on the following roll-call vote: Yes: Eby, Neal, Jones, Scott, Hramiec, Laughbaum, Desy, Plasencia, Alexander. No: None.

3. Case #131A-91 Bryan Cranick for Tim Schlappi, SPECIAL USE PERMIT- Exception to accessory building size standards, 3899 Hiawatha Trail, Section 27, Bear Creek Township

Legal Notice: A request by Bryan Cranick for Tim Schlappi for a Special Use Permit for an Exception to the size standards of an accessory building at 3899 Hiawatha Trail, Section 24, Bear Creek Township. The property is zoned R-2B General Residential and is tax parcel 24-01-16-27-400-006. The request for a 1,536 sq. ft. accessory building where 1,200 sq. ft. is allowed and is per Section 2201-8 of the Zoning Ordinance.

Packet Items: Request & location map, tax parcel map, application, 8/13/12 site plan, impact statement, zoning evaluation

Doernenburg explained the location of this property. It is on the north side of Hiawatha Trail on the east side of Harbor Petoskey Road (M-119). The parcel is zoned R-2B with B-2 property to the west (former Brown Motors). Residential uses exist on both sides of the parcel. The site plan was shown. The 24’x40’ accessory building exists; the proposal is to add a 24’x24’ addition to this building. An aerial was shown and surrounding uses pointed out. The township has recommended approval.

Bryan Cranick, applicant, was present. He noted that it is well screened and that the roofline will be two feet lower than the front of the existing building so it will be near impossible to see from the road.

There was no public comment on this case.

Desy made a motion to approve Case #131A-91, Bryan Cranick for Tim Schlappi for a Special Use Permit for an Exception to the Accessory Building size standards and to allow a 1,536 sq. ft. accessory building (576 sq. ft. addition) at 3899 Hiawatha Trail, Section 27, Bear Creek Township, tax parcel 24-01-16-27-400-006, as shown on the site plan dated 8/13/12 because the building is located in the rear yard, it is partially screened from public view, the parcel is adjacent to a commercially zoned property, no good purpose would be served by strict compliance with the standards of the Zoning Ordinance, and the building will be used for personal use only. The motion was supported by Neal and passed on the following roll-call vote: Yes: Eby, Neal, Jones, Scott, Hramiec, Laughbaum, Desy, Plasencia, Alexander. No: None.

Legal Notice: Attached
Passed out at meeting or emailed: Springvale Township recommendation, Littlefield Township recommendation, Friendship Township recommendation, 9/2/12 email from Dan and Pat Smith, Cross Village Township recommendation, 9/6/11 letter from Bill Marshall along with attached 6/28/11 Recommended update of Sample Zoning for Wind Energy Systems, 9/6/12 letter (dated 9/8/12) letter from Ronald & Roberta Svatora

This is the first hearing of this proposed text amendment. Doernenburg explained that this is being looked at as a result of a couple of things. There was a private system that had been denied by the Planning Commission and ZBA once because they couldn't meet the 35dB maximum. When they came back a third time to the Planning Commission, they were approved on condition that a monitoring system be installed. Emmet County hired an engineer who encouraged the county to take into account ambient noise when setting dB levels. Emmet County has been reviewing the ordinance for some time. The Zoning Ordinance Advisory Committee reviewed this section, once the ordinance was ready for review by an outside source it was sent to Kurt Schindler (Michigan State University Extension Land Use Educator) for his review. His recommendation was that we review this section again and suggested that 40dB(A) would be appropriate. Civil Counsel reviewed.

The policy is that text amendments are reviewed for at least two hearings in order to give the public and all of the townships time to respond to the proposal. Doernenburg went over the proposed changes. These include some language changes to the text including adding a definition for a qualified acoustics engineer. The biggest change is the proposal to raise the maximum dB from 35dB(A) to 40dB(A). The language would also be changed to designate that the sound be measured at the property line or lease unit boundary. Also proposed is allowing for ambient noise plus five dB(A) during the hours of 6am-10pm. 40 dB(A) or ambient plus zero would be the maximum from 10pm-6am. The ordinance currently states that transmission lines must be located underground. This proposal would allow the Planning Commission to make the determination to allow for overhead lines if underground is not feasible.

Doernenburg reported that Bear Creek Township recommended approval and liked the lower levels at night. They had no preference on the daytime levels and suggested that a pre-study be required to determine ambient noise levels at a location prior to approval of a system. Bliss Township requested postponement to allow their township time to review the proposal. Cross Village, Littlefield, Friendship, and Springvale Townships have all recommended approval. Maple River Township recommended approval but oppose the ambient plus 5dB(A) levels during the day. There were distributed tonight from Pat and Dan Smith-Bliss property owners and Bill Marshall-Petoskey property owner wrote letters recommending that the 35dB(A) level remains unchanged. Mr. Marshall also provided a report from MSU that was previously provided in the packets. Doernenburg stated that she has been in contact with Chris Stahl-Lake Effect Energy and Tom Seger-Bliss property owner. Stahl has stated that he feels that the ordinance with this proposed amendment is getting closer to what he would like to see. Seger has stated that he would like to see us consider requiring monitoring systems at the property line for all wind energy systems so that it could be determined if they are exceeding the limits. Research material from the office distributed included the report from MSU. There was a model ordinance put out from the State of Michigan in 2008 that suggested limiting systems at 55 dB(A). The Planning Commission chose to go with the lower 35dB(A); then on April 28, 2011 a report from MSU suggested the recommended decibel level be reduced to 40dB(A). West Michigan Wind Assessment Issue Brief #2-Wind Power & Human Health was distributed. Report on the Impact of Setback Requirements and Noise Limitations in Wind Zones in Michigan was distributed; Doernenburg noted that this report states that these issues should be guided by setbacks, based on best available scientific evidence, and should be determined locally.

Neal stated that the studies seem to leave out key facts about viewscape and lack of county resources for
measurement and therefore enforcement. Neal stated that if he was a resident up in Bliss he would probably say, if you can't see it or hear it, go for it; whether this is 1dB or a million dB.

Doernenburg stated that there has been research on offshore turbines. Eby stated that he has been told that those wouldn't work here due to ice.

Neal stated that he is not seeing a compelling need or pressure to relax the current standards. He noted that no matter what level is set, if someone is aggressive enough, legally it still may not be defensible. We shouldn't change the ordinance without a compelling reason to do so. Desy stated that it seems that ambient noise is at least 40dB(A). Jones stated that Doernenburg has an application on her IPAD that is supposed to measure levels and before the meeting in the empty room with just the fan going it measured at 55dB(A). Of course, there is no way to know the accuracy of the application. Jones stated that it seems that 35dB(A) is so low that no one would be able to comply with it. This is where the problem lies. They need to be able to be installed somewhere or the courts will take over. We need to have an enforceable ordinance. Scott stated that those who were going to install the monitoring device on the turbine in Cross Village were convinced that they could separate the noise of the turbines and ambient noise. If this is the case, you would be able to place the turbines but you would need larger parcels to do so. Keeping the lower dB level reduces the amount of parcels that would be acceptable installation sites but does not completely eliminate them.

Jones stated that he likes the idea of requiring monitors on all systems. Alexander stated that he believes in the ordinance as it stands. We set the level lower to cover infrasound. He is frustrated about including ambient noise; his understanding is that they cannot distinguish between the noise types. He stated that he respects and believes in our Civil Counsel. If we can’t enforce or defend the ordinance, he is concerned about what we may end up with. This is our county and we need to protect it. Alexander stated if we don’t learn from history we’ll repeat it. He is hopeful that the adjustments, if needed, will be enough to be able to defend. Jones stated that he feels that this would be the minimum to be enforceable. Neal noted that the viewscapes are huge assets to the county and to many residents. Looking at a turbine feels unnatural. One of the major draws to this area is the natural views. The Master Plan talks about protecting these viewscapes. When these issues get to the courts, the ordinance needs to be enforceable but we also need to be able to enforce the ordinance here when the turbines are running and we do not have the ability to measure the noise. Having a little extra buffer at the lower level, absent of resources to obtain and utilize the necessary equipment, errs on the side of noise protection and only helps the viewscapes protection. This forces turbines onto larger parcels. Laughbaum stated that he would rather go with the manufacturer's standards. If ambient plus levels are used it may be fine for the first windmill but when multiple windmills go up, the noise level does as well. Plasencia stated that he doesn't have much of an issue with increasing to 40dB(A) but it will be very difficult to measure the levels and compare to ambient noise. How do you determine between high winds and equipment noise. An additional 5dB(A) over ambient during the day may not be right to go with. He stated that we should stick with the manufacturer's specifications and if it is over, it is out of compliance. Hramiec stated that he appreciates the work that our Civil Counsel has done. He stated that at the last Commissioners meeting the medical marijuana moratorium was extended on the opinion that it is still a fluid topic with court cases and information that changes daily. Hramiec stated that he feels that a parallel can be drawn with this argument to this topic as well. The science is getting better every day, it is still a fluid topic and there is still a lot we don't know. The turbine technology continues to get better with more efficient and quieter machines. Let them come to the 35dB(A) level; it will be done. Hramiec stated that he sees no good reason to bend our current standards.

Eby opened the floor to public comment.

John Woodcock, Bliss Township resident, stated that he lives 2,000-4,000' from one of these turbines.
He came to all of the meetings last year. It seemed that this panel was confused with what we were talking about with noise. Engineers, both anti and pro wind were brought in and the produced all of their data. They both pretty much said the same thing about the turbines—they are noisy. Woodcock stated that he still thinks there is confusion because we are only talking about dB(A) levels. There is now an approved windmill on the smaller level and it makes noise—the neighbors will attest to this. Woodcock stated that there is no way to know the impacts of the turbine until it is up. How many sleepless nights does he have to have before the wheels of government get going. Stay with the ordinance and don't back down.

Susan Barber, Valley Road, stated that three of her neighbors have signed on to lease large pieces of land for utility grade wind turbines. One doesn't live there, one is in his 90s, and the other is in a nursing home. She has waited 20 years to retire and doesn't want to build her business on her property and lose what she has waited to have. Is someone going to inspect the sound from a large scale or multiple turbine field? Is there something in the ordinance to regulate the amplified noise from multiple turbines? The research that she has read from the engineers that the county brought in says that it will amplify the noise with multiple turbines. Barber stated that when she discussed this with the township supervisor, he told her that he doesn't feel that he should be one to tell someone what to do with their property. Is there someone on staff that will go out and check the sound levels? Is someone going to be hired to do this? Barber asked who protects her land and her dreams? Who protects her rights? Who is going to buy her property when she leaves and pay the taxes. Barber stated that her taxes were raised; what is she getting for this? When the ordinance was put in place, there was a level set and now we are thinking of raising it. Barber stated that she was surprised that Bliss Farms was allowed; she doesn't think anyone checks it and doesn't think that the neighbors like it or were asked. She has a little piece of land; are her rights being protected? Barber stated that she hopes that her rights are protected and that the ordinance stays at 35 decibels.

Patty Savinski stated that Emmet County was just awarded excellence in lighting for the Headlands; why would we want to accept noise pollution? This was discussed as individual turbines originally; is this discussion now for fields of turbines or just individual turbines? How far will this go? She does not want any turbines. Doernenburg stated that we are talking about zoning ordinance standards; These standards would apply to all turbines, single or multiple.

Mary Fortney, Bliss Township resident, stated that she lives five miles from the Lake Effect Energy turbine and can see it a little bit. She has seen it working three times. It was screeching the one time and she thought her car was broken. It was quieter the next time. She wonders if they have achieved the 35dB(A) levels.

Ronald Svatora stated that he attended all of the meetings to create this ordinance. He stated that everyone worked very hard to make this ordinance to make sure that they were fair to everyone. We should be very reluctant to make changes. If you can jump from 55dB to 40dB in two years, what will it be two years from now? If we have it at 40dB or 45dB, it would be very difficult to put it back down to 35dB, however there are ways to make variances with these depending on what the neighbors think but not if the levels are raised. That would be something difficult to defend legally. There is also an issue with light pollution. He had some issues with neighbors and light pollution that he had to resolve through the Sherriff's office. Sound is the same thing; it cannot be kept from his neighbor unless at an acceptable level. This is not just a property problem, it involves neighborhoods and the county. The big fields of turbines that are located in other places; they will ruin the beautiful view. If they are put up and then it is realized that they are too loud, they're not going to come down. It is better to err on
Patty Savinski stated that if the turbines were approved, there is a light on them which is another dark sky disadvantage.

Kent Casadonte stated that he lives on Hill Road across from Bliss Farms. His peace and quiet is gone. Decibel measurements don't allow for subjective factors and the quality of the noises. They are experiencing a high pitched whine not blade noise. Casadonte stated that this whine is all day and night and he cannot sleep. The tower is right in his view and the sun and moon reflects onto this white tower. When they first approached the board, they wanted a variance to go up to 50dB(A). According to the manufacturers data sheet, 35dB(A) is the lowest it goes; how can you say it will be shut off if it goes over 35 when that is the lowest it is made to go. Casadonte stated that he didn't speak up at the meetings because he was trying to get along with his neighbors. He never thought it would be approved but then it went up and was turned on and it has destroyed his life.

Barbara Woodcock stated that the turbines should be put it in your backyard first not in hers.

Dr. Ed Timm stated that he is a retired scientist who once taught acoustics. He stated that we should think further about requiring a qualified acoustics professional in the ordinance. He appreciates what we are doing. The measurement approach that is being proposed is a very difficult to defend for a number of technical reasons. Noises such as gearbox sounds may not be picked up by the decibel A readers and still drive the neighbors nuts. This is an obvious flaw; Timm proposed a simple comparison approach which would allow almost anyone to use a simple decibel meter. The windmill would be turned on for ten minutes and the levels monitored, turn windmill on and off for 10 minutes, taking the average each time. This process would be done five times. A statistical comparison would be done and if the numbers are different the machine is not to be implemented. These measurements would be done at the property lines. Dr. Timm also stated that Mr. Casadonte wrote a letter to Lake Effect Energy inquiring about their complaint resolution process. He was told that they didn’t have to tell him. This doesn’t seem to be a very good way to proceed. Dr. Timm stated that if his suggested measuring approach was used, the levels could be close to ambient and most people would not complain. Most of the existing turbines including the ones in Mackinaw City would pass these measurements; the Bliss Farms turbine most certainly would not pass.

Mark Rosalik stated that he lives next door to the Rapins. Rosalik said he is in favor of alternative energy but thinks that they were sold a lemon by being told that they could be in compliance with the 35dB(A) maximum. This machine cannot operate at this level. It can't be anywhere near 35dB(A). The whine is horrific; his cat was terrified for four days. He is not sure that it is measurable. He likes the idea of it but didn't know the turbine would be this big. It is obnoxious to look at and listen to. It is too noisy.

Alfred Lacount stated that he has been involved for a couple years with the meetings on this topic. He was pleased that the members were looking at ambient sound levels. He becomes concerned that experts have to be called in for answers and to defend the ordinance. The current ordinance is pretty much in line with his thoughts and he feels that it should remain at 35dB(A) at the property line or boundary line. When the unit is put up or turned off the ambient levels are changed. Sound will drift farther downwind than upwind. Most manufacturer ratings are done at standard temperature and pressure and in the lab. Sound varies as these levels vary. LaCount stated that he feels that the sound level is basically good but needs to be slightly tweaked to be more specific to make sure that the sound experts can’t bring question to it. There are many sizes of units to consider. LaCount stated that he is a
supporter of wind and solar energy but he doesn’t want to be kept awake at night with noises. It concerns him that these levels aren't in manufacturers specifications. LaCount suggests careful and slow movement and more examination.

Susan Barber stated that she wants to reiterate the fact that she didn’t understand hypocrisy of the county focusing on light pollution and that there is nothing in place for noise pollution. Wondered about that. When the big turbines are put in, the DNR requires migratory bird mappings; there are a lot of birds that follow the lakeshore back and forth and there are piping plovers on the beach. These are things that should be considered. Barber stated that she realizes that this is a hard job and legalities are very difficult to deal with. It is hard to be the one to set precedent when we may come up against an entity with more money than the county. All people should have rights to living decently. Continue to protect this.

Mary Fortney wanted to add to her previous comments that she wants the ordinance to remain at 35dB(A).

Dr Timm asked about the accessibility to the documentation on the turbines. When the sound is tested can this be witnessed and where does the data reside? Is this a public document that has to be obtained through FOIA? Doernenburg replied that the Planning and Zoning office tries to be as transparent as possible. The public can review a file whenever they wish. Occasionally the FOIA process is required especially if there is pending litigation or if it is a large request to allow time to properly process the information. Anyone is allowed to come in to look at these files and the letters discussed tonight are all in the files.

Phil Lechowicz, Bliss Township Supervisor, stated that the noise is a big thing. He noted the issues that the factory in Boyne City is having for the noise. He can't see why the decibel level should be raised. Does it just keep on raising after we change it once?

Jerry Burgess, Carp Lake Township property owner, asked if Carp Lake Township commented on this case. He commended the board and recognized that this is not an easy task and is hard to recover from if the wrong decisions are made. It sounds like there is a non-conforming turbine; how does this get shut down? What if there is a farm, who rectifies issues? If the developer isn't properly bonded it falls back on the county citizens. The turbine company will be gone after installation. There is a difference between the noise of leaves rustling and mechanical noises. People move here to listen to the leaves. From his property looking to the west at sunset, the decibel level should be at or around zero or whatever the level for leaves rustling is. He realizes that there has to be some moderate noise that everyone has to accept to get along. Burgess stated that there is a wind farm outside of Ithaca off of 127; he can only picture seeing that from his property. He can see twenty miles from his property and can't imaging seeing strobe lights when he is looking at the sunset. Burgess thanked the board for their hard work and stated that he is not a proponent to raise the decibel levels.

Susan Barber stated that she comes from Shepherd which is 15 miles from 150 wind turbines and you can see the lights along the horizon. You may not hear them, but you do see the lights.

Barbara Woodcock reiterated that she does not want to see wind turbines.

Dr. Timm had a decibel meter and was measuring the levels. He stated that the decibel C scale is largely un-weighted and is the sound pressure level and doesn't discount the low notes that can be very obnoxious. In this room it is about 54dB(A) and 70dB(C). There is a big difference and when dealing
with annoying noises, decibel C scale is very important as it measures the low frequency.

Neal stated that it doesn't seem to be difficult, just don't change it. Jones stated that his concern is that the state will set the standards if they aren't set reasonably. Eby stated that it used to say 55dBA and now it says 40dBA. Scott noted that is a recommendation from MSU. Jones stated that he doesn't want Emmet County to look like places with wind farms. Neal stated that we cannot push aside the importance of viewscapes. They are a huge asset and value to the area. He cannot see any compelling reason to risk that. Jones stated that just because a view is there today, it may not be there tomorrow whether it be because of trees or buildings. He gave the example of the views around Sheridan Street when Kmart was put in. These views can change. Eby noted that you cannot screen these turbines, they are large and seem out of place. Doernenburg encouraged the board to visit the tower in Cross Village. It is very large and looks larger than she thought it would. She also had received an email that stated that the turbine is set back farther than shown on the site plan, but has yet to verify that information. Alexander asked how many complaints have been received on this turbine. Doernenburg replied that she has been in contact with one property owner, the township supervisor, and Dr. Timm. They have all been trying to work together. The wind turbine installer has been difficult to work with, the property owners have been much more cooperative. The business owner specifically stated in a letter responding to the neighbors' concerns that their complain was invalid, to which our office responded that there are no invalid complaints; it may or may not be a zoning violation but at this point, every time they have the turbine in operation, they are in violation because they haven't met the Planning Commission's conditions of approval. Alexander asked if all of the neighbors signed off; he thought there was only one neighbor that didn't.

Doernenburg stated that there was more than one neighbor that didn't sign. Alexander stated that they were misinformed then and it was not a unanimous vote; this was supposed to be a test case. Neal stated that there is extreme exposure issues with the neighbors and land owner if the installer is not properly bonded or without performance bonds. This is an example that supports the need for this. If there is a company that is a part of the community that wants to be part of a solution to an energy problem without destroying an area they would be right there to help out and find out what they could do to help as opposed to saying that complaints are invalid. This is a huge problem in this industry that he wants no part of in Emmet County.

Kent Casadonte stated that there are very few complaints on this turbine in Cross Village because there are very few neighbors that live near it. He has a 10 acre parcel and other parcels are 15-20 acres or more. There are 3-4 people in hearing distance. They didn't sign anything, Tom Graham didn't sign either. Tom Graham doesn't live there, David Troutman only lives there part time and the Rapins don't live there. He doesn't want to see this happen anywhere else.

Doernenburg noted that there has been a noise complaint registered with Readmond Township from Zmikly Road. It is intermittent and she is not sure that it is related to the turbine but it just started to occur.

Eby stated that if the government would stop paying for these, they would go away. This should be kept in mind.

Dr. Timm stated that everyone should go listen to the turbine.

Eby closed the public hearing. It will be heard again at the October 4, 2012 Planning Commission.
meeting. Doernenburg gave the dates for the Planning Commission and the Board of Commissioners meetings and welcomed everyone to check the website for updated information.

A 10 minute break was taken.

IV Public Comment: None

V Other Business:

- **Petoskey Brewing Company (P&L Investments): Amended motions/site plan**
  
  Doernenburg explained that Steve Steffes from Petoskey Brewing on M-119 has been in contact with her regarding the parking on this site. It does not work as approved as it is very tight. There is a section under minor deviations that allows the applicant to come back to the Planning Commission without a public hearing or additional fees to make minor changes to a site plan such as parking changes. She gave a history of changes that have been administratively approved on the recommendation of the Bear Creek Township Planning Commission since the original site plan approval by the Planning Commission. The building has been expanded, the dumpster moved, a patio added on the northwest side of the building, and tree locations have been moved. Currently, the proposal is to modify the parking. A revised staff report with revised draft motions and a site plan was handed out tonight. There will be some additional parking in the front, the size of the islands where the light poles are has been reduced, the number of seats in the restaurant have been reduced, the dumpster has been moved and requires masonry walls around the dumpster with a wooden gate on the front, a note on the plan shows a future path from the railroad right-of-way to the property and a bike rack which will be installed when the trail is improved. The parking spaces are reduced from two rows in the middle to one row, in the front the parking spaces are 18’ which is allowed by the ordinance. Overall width of parking and maneuvering space meets the ordinance standards.

  Jones asked about the dumpster. Doernenburg stated that she went back to the Bear Creek minutes and the revised draft motions match their motion. It is to be masonry block. She asked Steve Steffes if he had decided on a color. He advised that they are going with a split-face block, grey and beige he believes. Jones asked Steffes if it will be the decorative type of block instead of the standard block. Steffes stated that it would be. Hramiec asked if the caliper size of the trees had been changed. Doernenburg stated that it had not, 3” caliper trees.

  Desy made a motion to approve Case #180A-87, P&L Liquid Investments, Site Plan Review Amendment - Change of Use for a restaurant and pub at 1844 Harbor-Petoskey Road, Section 27, Bear Creek Township based on the standards of Section 1000-6 and 2405 of the Zoning Ordinance, on the Plot Plan dated Sep 6, 2012 and Impact Statement dated Jan 9, 2012, and the facts presented in this case; approval is on condition that the dumpster enclosure be a decorative masonry blocked type screening with a wooden gate front, the curbed area around the light poles is to be landscaped with tall grass or other similar greenery (as agreed to by the applicant), and the bike path connector to be installed and coordinated with the entity having jurisdiction over the trail (as indicated on the site plan). The motion was supported by Jones and passed on the following roll-call vote: Yes: Eby, Neal, Jones, Scott, Hramiec, Laughbaum, Desy, Plasencia, Alexander. No: None.

- **Draft Recreation Plan review**
  
  Salar explained that there has been some changes made to the draft recreation plan that was approved by the Parks & Recreation Committee and originally distributed. Those changes were detailed by Salar. She highlighted the most significant change from the 2009 plan. The Dark Sky Park and Coast were added. There has been tremendous public interest in the update to the plan. Through this feedback they found that trails are a very important asset to the people of Emmet County. To emphasize this, a larger section on trails was added to the plan and these trails were
categorized by type. Also, Maple River Township requested that horseback riding trails be added to the plan; perhaps a dual trail alongside of the existing North Western State Trail. The committee felt that swimming and water access are very important and needed more emphasis in the plan. A list of public swimming beaches was added and most public water access points are shown on a map. Other changes included updates to some statistics (census data) and minor language changes. Salar explained that if approved tonight, the next step is review by the Board of Commissioners and then it would be distributed for the 63 day public review process. Hramiec asked about road ends at water access points; these are public access points—are they shown in the plan? Salar stated that the majority are shown on the map, but not all road ends are included. Laughbaum asked about the Dark Sky Coast. What does this do for Emmet County? What is the cost? Salar stated that there was no cost to the county. The Governor has already signed this designation into place. It is a tourist draw to the county. Doernenburg added that it regulates State owned properties only. It protects the area from light pollution by requiring fully shielded lighting to be installed on those properties when their lighting is replaced. This does not affect private property. The Headlands was designated as a Dark Sky Park in 2011 and they are required to have at least one program per month. This has been very popular drawing up to 900 people to events. It brings a lot of tourism to the area and those people spend their time and money here. This allows those who live in the city to see the stars and sky at night that they may not be able to see at home. Jones stated that the Village President of Mackinaw stated at a Board meeting that it is bringing in a lot of tourism for them. Hramiec asked if Emmet County is responsible for the whole wheelway? Doernenburg explained that the City of Petoskey, Emmet County, and the Kiwanis Club all maintain portions of the wheelway. Eby stated that Maple River Township headed the request for the horseback riding trails. There are groups both regional and state-wide that may come in asking for this. This could be a big economic industry in Emmet County. Salar stated that millions of dollars come to the state with equestrian activities. Doernenburg stated that if it is in the plan, it is helpful in these groups getting funding to create the trails that they want.

There was no public comment on this issue.

Scott made a motion to authorize the Chair to sign the resolution of support for the draft recreation plan. The motion was supported by Plasencia and passed on the following roll-call vote: Yes: Eby, Neal, Jones, Scott, Hramiec, Desy, Plasencia, Alexander. No: Laughbaum.

- Critical Dunes changes: Salar noted that there have been changes made at the state level; they have not contacted us directly yet. Hramiec asked if it is more or less restrictive. Less restrictive. The county can adopt their own ordinance but it has to be the same as the state. Civil Counsel is reviewing it now; we will have to abide by the state law if a critical dunes application comes in before the review is complete.

- Paradise Lake Boat Washing Station
Doernenburg reported that the DNR is putting in a boat washing station at Paradise Lake aimed to deter the spreading of invasive species. The site plan was shown. This is being installed as a trial; they may be installed on other lakes as well.

- Proposed Text-Non-conforming lots

Proposed language
Doernenburg explained the proposed text amendment language that had been distributed. She stated that a non-conforming lot is a lot created prior to 1972 that doesn't meet the current standards for the zoning district. Many lots exist in places like Ponshewaing or Walloon Lake. Each of these lots can be used for a dwelling and accessory building. Many of these areas have multiple small lots that are under single ownership. Other townships throughout Emmet County that have their own zoning as
well as surrounding counties have adopted similar language as being proposed and through their actions, the ZBA at their last meeting recommended that this issue be looked at by the Planning Commission. The ZBA case was discussed. The request was to take four non-conforming, 50' wide lots and the potential property owner wanted to split it into three 68' lots. The ZBA thought that two 100' lots would be more in line with the ordinance standards. This proposed amendment was put together to address issues such as this.

Jones added that the ZBA felt that it was too small of an area to place so many dwellings in. They should be a minimum of 100' lots. The case was denied. The owner has the option to put individual cottages on each lot but they could be held up by septic system issues. When they were asked what size homes they wanted during the case review, they stated that they could be up to a four bedroom home.

Doernenburg stated that this would only require that if someone had multiple platted lots in single ownership that they would have to retain them in single ownership or at least a zoning lot that is equal to the required size of the lots in the zoning district.

Laughbaum asked about the ZBA case. What grounds did they try to get the ZBA to rule based on? Jones stated that they wanted to have three lots with bigger homes. They claimed that there is a trailer and a garage that was converted to a residence so they claimed that they had three residences existing on the property. In order to get the three residences they had to have a single shared sewage system. Eby asked how widespread is this issue. Doernenburg noted that it would be mostly the smaller lots along the lakeshore.

The Planning Commission will review the proposed language for another month and then decide whether to publish this proposed amendment for public hearing at the next regular meeting.

• **Administrative Approval:** Doernenburg reported that she administratively approved a home occupation for a photography business on State Road in Friendship Township. They are approved to have one customer every three days. If the business increases, they will need to come to the Planning Commission for approval. Desy asked if this was an average number because it is coming into senior pictures and they may be more busy now and not have anyone during the winter. Doernenburg stated that it is not an average.

• **Enforcement Report: Distributed, no discussion.**

VI  **Adjournment**

There being no other business, and no additional public comment, Eby called the meeting adjourned at 9:52 p.m.

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James Scott, Secretary        Date