EMMET COUNTY PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, APRIL 12, 2006
7:30 P.M.
COMMISSIONER’S ROOM
EMMET COUNTY BUILDING
200 DIVISION STREET
PETOSKEY, MI 49770

MINUTES

MEMBERS PRESENT: Jack Jones, James Scott, Sue Anderson, Kelly Alexander, Katie Derrohn, David Laughbaum, Leroy Gregory

MEMBERS ABSENT: John Eby, Steve Neal

STAFF: Brentt Michalek, Anamika Laad, Monica Linehan

OTHERS:


I Call to Order and Attendance
The meeting was called to order at 7:30 p.m. by Derrohn. All members were present except Eby, Neal, and Scott. Scott arrived during the meeting.

II Minutes of February 23, 2006-special meeting, March 2, 2006-special meeting, March 2, 2006
Jones made a motion, supported by Anderson, to approve the minutes of the February 23, 2006-annual meeting, March 2, 2006-special meeting, & March 2, 2006-regular meeting as presented. The motion passed by unanimous voice vote of the members present. Jones moved to set an 11:00 p.m. time limit for this meeting. Motion passed by unanimous voice vote of the members present.

III Cases
1. Case #156A-79 Little Traverse Conservancy, SPECIAL USE PERMIT, Recreation lands, Church Rd, Lone Rock Rd, Hannah Rd, Sections 31, 32 & 36, Readmond Township
Legal Notice: A request by Little Traverse Conservancy for a Special Use Permit for the Goodhart Farms Nature Preserve located on Church, Lone Rock, Hannah and Robinson Roads in Sections 31, 32 & 36 of Readmond Township. The properties encompass some 580 acres zoned FF-2 Farm and Forest and are identified as tax parcel numbers 24-12-36-200-007, 12-08-31-200-003, 12-08-31-100-003, 12-08-31-300-007, 12-08-31-400-003 and 12-08-32-100-007. The property is to remain as a nature preserve open to the public for recreation purposes and includes trail systems and parking in limited areas. The review is per Section 801-1 of the Zoning Ordinance.

Michalek presented the case explaining that the current site plan was revised from previous one. The concerns about parking have been addressed on the new site plan. Parking has been moved further off of the road to avoid anyone having to back out into the road as previously proposed. The township has recommended approval. The applicant, Cindy Mom-Stewardship Specialist for Little Traverse Conservancy, was present and offered to answer any questions the board had. Derrohn opened the meeting to public comment. Hearing none, Jones made a motion to approve this case as it meets standards of ordinance, and there are no objections. The motion was supported by Anderson. The motion passed on the following roll call vote: Yes; Jones, Gregory, Laughbaum, Anderson, Derrohn, Alexander. No; None. Absent; Eby, Neal, Scott.
2. Case #33E-86 Ronald Barr, MIXED USE PUD-1 FINAL MASTER PLAN – Amendment & SITE PLAN REVIEW, Admiral's Point, Section 3, Littlefield Township

Legal Notice: A request by Ronald Barr to amend the Final PUD-1 Master Plan and Site Plan for the development known as Admiral's Point to replace the marina use with 24 multiple family dwelling units. The property is located on Admiral's Point Drive in Section 3, T35N-R4W, Littlefield Township, is tax parcels numbered 24-07-13-042-001, 002, 003 & 400-026, and is zoned SR-1 Scenic Resource for a depth of 400' from the Crooked River and R-2B General Residential along US-31 to the SR zone, with a PUD-1 overlay. The proposal is to allow six (6) buildings with four one-bedroom units within each building. The request includes a modification of building separation to allow 20' separation. The request also includes modification to the existing single family and duplex home sites in Phase I of the PUD. The review is per Article XVIII of the Zoning Ordinance.

Michalek presented this case explaining that the property was previously a marina. The applicant’s new site plan shows that the units proposed at the waterfront have been removed as they didn’t meet the setback requirements. The site plan now shows four four-plex units that meet setback requirements. The township hasn’t seen the revised plan dated March 28, 2006.

Jones-Is the marina staying the same?
Michalek-Yes, they are no longer filling in a portion of the marina to allow for building of one of the previously proposed buildings.

The case was postponed until the next regular meeting to allow for township review of the new plan.

3. Case #40A-97 Scott Jewell, SPECIAL USE PERMIT, Resource Mining, amend site plan, & Land Development, Smith Road, Section 14, Littlefield Township

Legal Notice: A request by Scott M. Jewell for a two part review for property located at 7238 Smith Road, Section 14, T35N-R4W, Littlefield Township. The property is zoned FF-1 Farm and Forest and is tax parcel number 24-07-17-040-024. The first request is to amend the Site Plan for a Level III Resource Mining Special Use for an after the fact review of the last phase of top soil mining approved on July 1, 1997. The mining occurred on the northerly part of the property in an area of approximately 140'x639', being approximately 2 acres. The review is per Section 2102-10 of the Zoning Ordinance. The second request is a Special Use Permit per Land Development Standards, Section 2102-14 of the Zoning Ordinance. The proposal would create two parcels, the fourth and fifth parcels within a ten year period.

Michalek presented this case explaining that there are two parts to this request. The first part is a request to mine surface soil. He is asking for approval for the mining operation after the fact as he has already started this operation. The letter presented to staff regarding the reclamation plan is not as detailed, and the applicant has been asked to provide a more detailed plan. The second part of the request is for five or more lot splits within a ten year period. If it is approved, the current special use permit for contractor’s use would need to be rescinded. There has been no township recommendation to date. The case was postponed until the next regular meeting as there is not enough information on the reclamation plan. Derrohn deferred to the township for their recommendation.

4. Case #1A-04 Developing Properties, LLC, SPECIAL USE PERMIT, Resource Mining- Level III, 13307 Mackinaw Highway, Section 25, Wawatam Township

Legal Notice: A request by Developing Properties, LLC for a Level III Resource Mining - Special Use Permit, to include a 6-Acre extraction area on a 37.2-Acre site located at 13307 Mackinaw Highway, Section 25, Wawatam Township. The property is currently zoned FF-2, Farm and Forest, and is tax parcel number 24-15-03-25-400-002. The review is per Section 2102-10 of the Zoning Ordinance. A Level II Resource Mining Permit was originally approved in January 2004, and has since expired.

Michalek presented this case. An aerial photo was presented that shows other mining operations around this location. The applicant has changed the site plan-the proposal is no longer for a squared off pond area, rather, a more natural looking pond of the same size to allow for possible residential expansion in the future. The township has recommended approval. The applicant, Vince Rogala spoke, saying that he thought that if the pond was more natural looking it will be a better appeal for future development and reaffirmed that the pond is the same size as requested, just a different shape. Michalek brought the staff prepared pro-con and possible motions sheet included in the packets to the Board’s attention.

A Motion by Alexander, supported by Gregory to approve Case #1A-04, a request by Developing Properties, LLC for a Level III Resource Mining - Special Use Permit, to include a 6-Acre extraction area on a 37.2-Acre site. Located at 13307 Mackinaw Highway, Section 25, Wawatam Township, as there are similar mining operations taking place on adjacent properties to the west and south, and the property was previously approved for a Level II permit. Conditions of approval include the following:
1. Extraction and land surface disturbance will be limited to Areas 1 and 2 and excavated to a maximum depth of 25 feet, as shown on the approved February 20, 2006 Site Plan.

2. Location of spoils and stockpiles will be within the extraction areas and not visible from Mackinaw Highway.

3. No access roads will be created from Mackinaw Highway for the purpose of hauling excavated material. Site access will be through roads currently used by Darrow’s property to the south, with permission from Darrow’s.

4. All excavation work and resource removal shall be prohibited from occurring within 100 feet of the north, south, and east property line, 50 feet from the west property line, and only in areas designated on the Site Plan.

5. No final slopes will exceed an angle of one foot vertical to three foot horizontal (1:3 slope). Per Section 2102-10 d) 2) a&b; Where water is to remain, the depth shall be sufficient to avoid stagnation, and the shoreline and bottom land grade shall be uniform at one foot vertical to five foot horizontal (1:5 slope). The water depth shall also be posted.

6. Site reclamation, as reasonable, shall be progressive as the mining continues, and sufficient top soil shall be retained on the site to allow minimal depth of 4 inches in areas outside the created open water ponds, for use in re-establishing vegetation and reclaiming the site. As digging continues into a new location, the preceding area will be groomed and reseeded with similar vegetative strata.

7. The hours of operation shall be as follows:
   a) 7:00 a.m. to 6:30 p.m., Mondays through Friday.
   b) No commercial operations on Saturday and Sunday
   c) No commercial operations on the National Holidays of; Memorial Day, Fourth (4th) of July, Labor Day, Thanksgiving, Christmas and New Years Day.
   d) There are no day or hour limitations on the non-commercial use of the property by the property owners.

8. Processed material shall be stockpiled in locations depicted on the approved Site Plan. Location changes within the phased limits may be permitted with the approval of the Zoning Administrator. Processed stockpiles shall not exceed 30 feet in height.

9. Stumps and brush from excavation sites worked on by the applicants company may be brought on site and stored in piles no higher than 15 feet in height as shown on the Site Plan. Burning of this material may be done once a year not to last more than one week during the winter months, per MDEQ permit, and when the weather forecast is such to minimize adverse impacts on neighboring properties.

10. Access drives shall be controlled for dust at all times. Access points to be approved by the Emmet County Road Commission, per Road Commission permit(s). The entry areas shall be treated/surfaced so as to prevent mud, sand, and/or gravel from impacting the County Roads, i.e. prevented from accumulation on the public roads.

11. No site conditions shall be left that will present hazardous conditions such as cave-ins or sloughing. A minimum of three foot berms will be constructed around the mined areas for safety reasons unless State laws or regulations are more restrictive. Berm materials may consist of top soil and other soils to be used in final reclamation, at which time the berm would be removed.

12. All applicable State and Federal Laws/Regulations pertaining to mining operations shall be complied with, e.g. noise, dust, etc., as well as laws pertaining to wetlands, wildlife habitat, etc.

13. All applicable ordinance specifications shall be complied with per Section 2102, Paragraph 10, sub paragraph c) Performance Standards and d) Site Reclamation.

14. The site will be used as a sand and gravel resource in accord with the approved Site Plan dated 02/20/06PZ. The County reserves the right to undertake periodic site inspections for the purposes of monitoring zoning permit compliance and such inspections will be done at least once in each calendar year. The owner/applicant shall be
notified in advance of any on site inspections.

The motion passed with the following roll call vote; Yes; Jones, Scott, Gregory, Laughbaum, Anderson, Derrohn, Alexander. No; None. Absent; Eby, Neal.

5. Case #7-06 Eric Schwartz for Bob’s Septic Service, SPECIAL USE PERMIT, Septage Storage and Transfer Facility, 7341 Keystone Drive, Section 11, Littlefield Township

Legal Notice: A request by Eric Schwartz for Bob’s Septic Service for a Special Use Permit for a Septage Storage and Transfer Facility on a property located at 7341 Keystone Park Drive, Section 11, T35N-R4W, Littlefield Township. The property is zoned I-1 Light Industrial and is tax parcel number 24-07-11-127-113. The request is per Section 2205 of the Zoning Ordinance.

Michalek presented this case and pointed out that there is a staff suggested approval/denial motion included in the packets. One issue with this case is that it doesn’t meet the proposed DEQ setback standards. The applicant, Eric Schwarz spoke and said he would like the Board to approve this site plan minus the tanks which are the reason that he doesn’t meet the setbacks required by the DEQ. Michalek said that if he wants to do this, he should come back with a revised site plan. Schwartz stated that he may just end up selling the property and thinks that the Board should be able to just approve the plan shown without the tanks. Michalek and Derrohn explained that he needs to revise the plan to show what he now wants approved. Anderson said that it would no longer be a septic storage with the tanks removed. Derrohn asked Schwartz if he was requesting that the case be withdrawn. As it stands, it was tabled at the township because more information is needed. A letter from the health department is needed. Derrohn advised Schwartz that Littlefield Township’s committee meeting will be on April 24th and he could present the revised site plan then. Schwartz asked if the township had approved the case conditionally as long as DEQ approval was obtained. Anderson said that it was her understanding that no cases had been approved and suggested that the case be postponed until the next regular meeting to allow for the applicant to revise his site plan and present to the township. Michalek stated that the case is pursued, the health department approval for depth to groundwater needs to be brought in as well. Anderson pointed out that in the handouts, Littlefield Township did have a motion to recommend the County to proceed with the approval process with final approval being contingent upon obtaining a DEQ permit. The case was deferred back to the township and will be heard at the next regular meeting with a revised site plan.

6. Case #9-06 Mike Gray Construction, Inc., SPECIAL USE PERMIT, Land Development Standards, 9015 Miller Road, Section 24, Littlefield Township

Legal Notice: A request by Mike Gray Construction, Inc. for a Special Use Permit per Land Development Standards to create a 9-unit single family development on property located at 9015 Miller Road, Section 24, T35N-R4W, Littlefield Township. The property is zoned FF-1 Farm and Forest and is tax parcel number 24-07-17-24-017. The request is per Section 2102-14 of the Zoning Ordinance.

Laad presented the case showing the proposal is for eight new lots with one existing lot, all which meet or exceed the minimum lot area and lot width. The township has recommended approval. The applicant Mike Gray was present and available to answer any questions. Anderson moved to approve the case as it meets the requirements of the ordinance and the township recommended approval. Derrohn added that applicant has agreed to allow access to the road for the property to the east if it is developed. Anderson added this as a condition of the approval as identified by applicant. The motion was supported by Scott and passed with the following roll-call vote: Yes; Jones, Scott, Gregory, Laughbaum, Anderson, Derrohn, Alexander. No; None. Absent; Eby, Neal.

7. Case #1-06 Kerry Smith, SPECIAL USE PERMIT, Residential Building Clustering Plan, 3855 Howard Road, Section 20, Bear Creek Township

Legal Notice: A request by Kerry Smith for Michael Olson for a Special Use Permit to consider a Residential Building Clustering Plan for 38 duplex buildings (76 units) on property located on the East side of Howard Road, in the south half of the southwest quarter of Section 20, T34N-R5W, Bear Creek Township. The property is some 78.3 acres, including tax parcels numbered 24-01-19-20-300-009 and 24-01-19-20-300-010 and is zoned FF-1 Farm and Forest. The request is per Section 1902 of the Zoning Ordinance.

Laad presented this case noting that the setbacks are well within the ordinance requirements. The future recycling bins shown on the site plan will be for community use. They have corrected the previous stormwater concerns. The duplex on the east was moved due to neighbor concerns for their hunting. The township has recommended approval. The applicant, Kerry Smith, stated that he believes he has met all requirements and has made good use of land. The floor was opened to public comments.
Karen Wager-Has concerns about the traffic as Howard Rd. is not safe, there are no shoulders and it is a hilly, curvy road. She is concerned about the congestion on the road if this is approved.

Smith-Have spent a lot of time and special meetings with the Road commission. They are required to have plans to significantly improve Howard Rd in 2007.

Christina Struck-Is it going to be a five lane road? It is dangerous and she doesn’t think anyone will be buying these properties as there is so much development already.

Smith-We will add a deceleration lane south of the property and acceleration lane on north side of the property. The opposite side of the road will have improved shoulders to allow for passing on right if people are turning left.

Sue Coon-Has concerns about traffic. There are curves right in front of the area proposed to be developed and traffic really flies down the road already.

Smith-Benchmark Engineering has spent a great deal of time developing the plan taking into consideration the line of sight in order to fall within the DOT guidelines. Smith believes that there is a 600’ line of sight in both directions.

Jones-What is the timetable of development?

Smith-Hoping that within two years the project will be complete. If approved, they can start with the building as soon as Monday

Anderson-Will you be doing two phases?

Smith-Wants to have all major construction done within five to six weeks including the roads and five duplexes.

Wager-These things never go according to plan and not even one mile away, there is another project proposed for mining. What happens to the water that is taken? She is concerned that her well might run dry.

Jones-Agrees that traffic is going to increase down Howard and doesn’t really like that but the plan does meet all of the ordinance standards and the Board has no control over the traffic. Jones moved to approve the case, as proposed, based on the plan dated 3/24/06 and the facts presented as it meets the standards of the ordinance. The motion was supported by Anderson and passed on the following roll-call vote: Yes; Jones, Scott, Gregory, Laughbaum, Anderson, Derrohn, Alexander. No; None. Absent; Eby, Neal

Derrohn called a short break. The meeting was called back to order at 8:14 p.m.

8. Case #5-06 Jerry Loveland, SPECIAL USE PERMIT, HOTEL, US 131 South, Section 7, Bear Creek Township

Legal Notice: A request by Jerry Loveland for a Special Use Permit for a Hotel on property located on US-131 S (between Calico Crafts and Econolodge) in Section 7, T34N-R5W, Bear Creek Township. The properties, being tax parcels numbered 24-01-19-07-300-023 & 024, are owned by Donald & Jean Eaton and First Community Bank respectively, are zoned R-2B General Residential on the west and R-1B One-Family Residential on the east, with the proposed hotel being placed entirely on the R-2B portion of the 4.1 acre combined property. The request is per Section 501-2a of the Zoning Ordinance.

Laad presented the case. A Holiday Inn Express is proposed. A new plan was received today and passed out to the Board. MDOT has approved the new drawing. The township recommended denial based on the confusing traffic pattern, lack of snow storage, not enough parking, encroachment of the setbacks, and stormwater disposal had to be reexamined. The new plan shows all the required parking, the traffic pattern is adequately represented, the snow storage areas are marked, the structures are now out of the setbacks, and the retaining wall is under 4’ and meets the ordinance standards. The retaining wall and retention pond that were previously shown in the R-1B zone have been moved to the R-2B zone. The site plan now satisfies the ordinance requirements.

David Taylor-Owns the Days Inn Petoskey and was under the understanding that the meeting was for a variance to allow the hotel to be built. His opposition is that he doesn’t feel that there is a need for another hotel because of the slow business in the area. He feels that his opposition carries no weight now because they are adhering to the ordinance. He feels that there is too much overbuilding in the area and it is hurting existing businesses.

Kate Daily-Owns the property below the proposed hotel site and is concerned about runoff, as the businesses that are currently there drain water onto her property now. Feels the hotel will add more runoff. She doesn’t feel that the retention ponds will hold. She presented pictures of the runoff to her property.

Anderson-Declared that the township at their meeting asked if the County would be willing to pay half of the cost of the review of a second drainage plan.

Jones-That request would have to go to the Board of Commissioners.

Anderson-Was asked to make sure that was brought up at the County meeting.

Alexander-Is the stormwater permit issued?

Laad-The stormwater has been reviewed, but the permit will be issued once the case is approved. Sheet flow of the water would alleviate some of the problems with stormwater.

Anderson-Even with the sheet flow, the township wanted a second opinion.
Michalek-If an extended study has to be done, the request must go to the Commissioners.
Jones-Did a walk on the site. All of the snow melt does go down the hill from the pipe that’s currently there. Water may be flowing uncontrolled now.
Loveland stated that although there may be more total water it may be reduced because of the control that they propose to put in place. Jones said that Denny Keiser has concerns regarding the sand that’s there.
Loveland stated that there is now a 12’ road in order to access the area to remove the sludge. They have pumps that will do that and they will have a maintenance schedule.
Ralph Daily stated that water is going to be a problem regardless of what they do to control it.
Derrohn-It seems that the water problem isn’t there just because of this project. It’s always been a problem. Jones-The water issue has to be addressed for the greater area, as it is a problem now before the hotel is built and will continue to be a problem afterwards.
Derrohn suggested that the township write a letter asking for review of the area to the Board of Commissioners.
Alexander-Does the revised plan show the conditions imposed by the fire department?
Loveland-The new plan addresses of the issues except for zoning, and those were changed as Laad described.
Jones said that he realizes that the township had recommended denial, however, in order to address the case in a reasonable amount of time, he made a motion to approve this case as it meets all conditions and standards of ordinance, no variance is required, and all problems have been addressed. The approval was based on the plan dated 4/12/06 and contingent on providing staff with a maintenance agreement yearly. The motion was supported by Anderson and passed with the following roll-call vote: Yes; Jones, Scott, Gregory, Laughbaum, Anderson, Derrohn, Alexander. No: None, Absent; Eby, Neal.

9. Case #6-06  Jack Flynn, SPECIAL USE PERMIT, Septage Storage and Transfer Facility, 2360 River Road, Section 17, Bear Creek Township

Legal Notice: A request by Jack Flynn for a Special Use Permit for a Septage Storage and Transfer Facility on a property located at 2360 River Road, Section 17, T34N-R5W, Bear Creek Township. The property is zoned FF-1 Farm and Forest and is tax parcel number 24-01-17-100-108. The request is per Section 2205 of the Zoning Ordinance.

Michalek presented this case. An aerial photo was displayed showing the area, soccer fields, and neighbors. The proposed storage is roughly in center of the parcel. Neighbors have concerns with the entrance, however the drive was approved by Road Commission. Another possible location has been proposed that according to the Road Commission would improve the line of site by an additional 70’. The applicant has agreed to move the entrance drive to the new location. The proposed storage does meet the setback requirements proposed by the DEQ for an open container. The closest residence is Flynn’s own residence. The new location of the road has been verbally approved by the Road Commission but official letters have not been received. After discussion with civil counsel, a suggested approval/denial motion was drawn up. One of the concerns discussed with neighbors is with the safety basin used to contain waste in case of catastrophic failure. There is a question of whether the berm is designed to handle the snow accumulation in the winter months. Other major concerns from neighbors include reducing odor, and pests and birds getting into the waste through the open top. A closed top would be ideal, but there may be other ways to alleviate these problems. The neighbors are some distance away and the DEQ assured that the required distances will be enforced. Flynn, the applicant, stated that he believes that he has met all requirements for this project. Aaron Nordman of Performance Engineers stated that there aren’t any standards for this type of a container so they went one step further and looked at the standards required for a hazardous waste storage and drew up plans to use all of these standards except for the impermeable liner. He said that they have investigated the odor issue and feels that because the storage container would be on a hill 100’ higher than the neighbors, it would protect them further from any odor. Flynn is willing to commit to using lime as the form of odor control and feel that Flynn has gone above and beyond what is needed for this project.

The floor was opened to the public for comment.

Melissa Ryba lives at the property next to Flynn and was very happy to find out that there is a facility in Charlevoix that may be willing to take the waste to alleviate the need for storage. She spoke on what she had found out from the company, Big Fish Environmental facility. They are open and available for business and in the four months, there have been no issues with the neighbors. They can take 300,000 gallons per month and she feels this could be a long term benefit to the community. She feels that a storage facility is more of a band-aid rather than a solution to the problem. She stated that there isn’t any guarantee that there will be no safety or odor issues, and feels with today’s technology, there are many other options available. (She passed out an informational packet on the Big Fish Environmental facility.)

Russ Ryba mentioned that Anderson had suggested at the Bear Creek meeting that one large storage rather than multiple
smaller ones should be considered, however he feels that smaller tanks are a better option because they have smaller setbacks and could be located directly on the sites that they are being used on. He is concerned that if something happens, his home is downhill from the site. He stated that he has done a lot of research on this issue and has attended seminars regarding this. His primary concern is the odor. He feels that putting hay on the top as proposed won’t help the odor as gasses will still be escaping and hay will deteriorate and it’s still an experimental option. This would be a floating layer and it will go up and down as the tank is drained and filled, leading to the hay bale being covered with waste. Ryba stated that a new regulation for filtering and screening will have to be done in the open air at this location as it can’t be done on the trucks and feels that this will be the worst smelling process. Screening will cause increase in traffic because the trucks must first return to the central site before applying the waste and even though the amount of trucks may not increase, the traffic will increase by them going back and forth. Ryba suggests moving the entrance to the unoccupied land that Flynn owns on the other side of the hill. This request is included in the packets. Where the entrance is proposed now, the left hand turn is on a hill—his proposed location, there is no hill. He feels the other location is safer and it also cuts down on the noise. Ryba said that he realizes that the area is zoned FF-1, but he considers it residential because of all of the neighbors and the park. He also spoke to another hauler who has built a larger tank and has no problems with it but is deciding to put a lid on it for courtesy reasons. He believes that there are many other options for this and would like the case tabled as many people who are concerned with this issue are out of town for spring break.

Eric Schwartz—Screening the septage only takes out what shouldn’t be there in the first place.

Aaron Nordman—The hay isn’t going to be used as Flynn is agreed to use lyme instead.

Michalek said he agrees that hay isn’t a valid option either due to birds and pests.

Ryba—Informed the Board that he learned that if the tank isn’t constructed with a lid in mind, it can’t be added later and requests that it be a condition to require that the tank be able to support a lid if necessary.

Paul Fettig—(Submitted a letter stating his concerns)

Spoke about mosquitoes stating that there is a mosquito that can penetrate lyme and this mosquito also carries the West Nile virus.

Ken Harrington—(passed out information to the Board including a letter from him, a packet of information from a DEQ seminar titled ‘Septage Land Application and Storage Educational Seminar’, and an article title ‘Septic System Density and Infectious Diarrhea in a Defined Population of Children.’)

He is concerned about odor and said that DEQ has put Flynn on a fast track with the new requirements but feels that he does have alternatives. He feels that if the building is underground it’s “out of site, out of mind.” Screening brings out the most odor. Stated that Flynn does have some rights but would like to see him come together with the community to come up with a better option, possibly use the Big Fish facility for a year in order to come up with a better plan. He read from a letter he wrote and pointed out the main concerns of odors and birds/mosquitoes, no setback for community municipalities, why not come up with a solution that works with the community and stop fast tracking the issue. Harrington says that he agrees with Ryba on his proposed location of drive in order to be safer for community.

A site in an unpopulated area would be better. He pointed out that the DEQ doesn’t say that the businesses doors have to be closed during the winter, they just can’t apply during this time. Why can’t he put into a facility such as Big Fish or have a smaller tank? If the tank was smaller it seems it would be more affordable and could be underground. Other concerns are that DEQ regulations don’t require a lid and the Board would have to require it for it to happen. He feels that there aren’t any trees in the area and this provides odor control and privacy. If he is able to do this, it should have to be buried, lidded, and sheltered by trees.

Ron Nessan stated that Harbor Springs and Petoskey both have similar facilities as the one proposed and neither have lids. He feels that if the smell is so bad, the areas around the facilities wouldn’t be so popular.

Harrington stated that he feels that a designated plan for sheltering hasn’t been submitted and it will be eye level with his property.

Fettig—Is this a commercial operation in an FF zone? He feels that property values will be affected and asked if the Board
would like this next to their homes.

Michalek stated that there are several operations that can occur in a FF zone, airports, golf courses, sawmills, and the septage storage isn’t really outside of these operations.

Anderson-What do you do with solids when drained?

Flynn stated that they are put in a dumpster. He says he has been screening as part of the septage process, for four years now and if odor isn’t a problem now, it shouldn’t change.

Anderson-Is there some way to do snow removal for the berm?

Jones-Maybe they will have to build it deeper or larger?

Nordman stated that the containment system is designed to spread over large area. If there was a spill, it will be warm and melt the snow.

Jones-Is there an operation and maintenance plan?

Flynn-Will submit this to the DEQ.

Jones requested that Board have the operation and maintenance plan before it is considered for approval. Are there pumps inside to mix up solids to keep them from becoming hardened?

Nordman-Yes, there is a mixer inside the tank. Stated that he feels that requiring the operation and maintenance plan before approval isn’t fair to applicant as it is a lot of expense to put out before knowing if it will be approved or not.

Michalek stated that there wasn’t a plan to agitate originally and was concerned with smells produced by the mixing process.

Nordman explained it will be periodic mixing only with no air added.

Alexander-When setbacks are determined are prevailing winds taken into consideration for odor?

Flynn stated that they are from his understanding.

Jones-900,000 gallons sounds like a very large tank but when considering an average load of 1,200 gallons it would only be about 6 loads a day-thinks this is a reasonable size tank.

Anderson questioned the figure of 500,000 gallons for winter months.

Flynn responded that he is planning for the future.

Derrohn asked Flynn about the Ryba’s proposed moving of the entrance to his other property.

Flynn stated that he won’t do that as it would affect the property for future use.

Michalek-The Road Commission has grandfathered property in order to move the entrance the 200’, any further distance would require more Road Commission review.

Derrohn asked the Board what the feelings were on requiring a covered tank.

Anderson stated that it would be the best solution.

Jones stated that would be the only way he’d vote to approve. He feels that if they commit to an open tank, others could do this as well. He feels that even thought there is odor with closed tank, the gases can be filtered.
Gregory-Agrees and feels it must be covered

Derrohn added with filters.

Jones-Doesn’t have problem with the location although he realizes that people don’t want it there.

Scott stated that it should be a covered tank.

Michalek stated that during discussion with Civil Counsel, an uncovered tank could constitute a public or private nuisance because of the pest, birds, and odors issue. If this was used as a means of denial it would set precedent for other cases.

Anderson-Agreed that there will be more cases and that requirements of this first case will follow to other cases as well.

Scott stated that he feels an accurate site plan is needed to reflect where the new drive will be.

Derrohn asked about the need for a maintenance schedule?

Scott stated that he feels that it might not be necessary now as long as that County is copied in on all correspondence to the DEQ when this is put in place.

Anderson-Is a building permit required? If so, we could make a stipulation of getting the maintenance schedule before the building permit would be issued.

Michalek-The DEQ really needs this information for zoning it is not necessary.

Anderson made a motion to postpone the case until the next regular meeting to obtain a revised site plan and recommend because of section 2407-5d, it is a public nuisance and strongly feels that it should be a covered structure with odor control. Alexander supported the motion which passed with the following roll call vote: Yes; Jones, Scott, Gregory, Laughbaum, Anderson, Derrohn, Alexander. No; None. Absent; Eby, Neal.

Flynn stated “You might as well deny me because I don’t intend to come back with covered storage.” Nordman, for clarification, requested action on the site plan as presented.

A motion was made by Anderson to rescind the previous motion. Alexander supported and the motion passed with the following roll call vote: Yes; Jones, Scott, Gregory, Anderson, Derrohn, Alexander. No; None. Absent; Eby, Neal.

A motion was made by Anderson, supported by Alexander to deny case #6-06, a request by Jack Flynn for a Special Use Permit for a Septage Storage and Transfer Facility on a property located at 2360 River Road, Section 17, T34N-R5W, Bear Creek Township, and is zoned FF-1, Farm and Forest with tax parcel number 24-01-19-17-100-013. The denial is based on the following conditions:

1. The Owner has not shown that odor reducers will be effective to sufficiently eliminate offensive odors on neighboring properties. Closed top storage and enclosure for the filtration process would provide a more sufficient odor barrier.
2. Odor produced during the filtration process is not contained within an enclosed facility or structure.
3. Owner has not shown adequate security measures to protect the public safety.

This motion passed on the following roll call vote: Yes; Jones, Scott, Gregory, Anderson, Derrohn, Alexander. No; Laughbaum. Absent; Eby, Neal.

10. Case #60-05 Emmet County Planning Commission, REZONE, FR Forest Recreation, All Townships

Michalek presented this case by recapping the FR district plans.

Alexander asked about the Township opinion. Michalek stated that Bear Creek, Friendship, and Littlefield have supported. Wawatam Township verbally stated that they will support. Michalek pointed out that on Apr 7, 2006 the State
has revised a zoning law that eliminates the current 30-day State review on zoning changes. This will be instated on July 1, 2006.

A motion by Scott, supported by Jones to approve Case #60-058, a request by Emmet County Planning Commission to rezone all or part of the following parcels, owned by the County of Emmet to FR-Forest Recreation:

A. In Maple River Township, T36N-R4W, 273.57 acres from R-1B One Family Residential, SR-1 Scenic Resource and FF-1 Farm & Forest:
   1. 24-09-14-02-300-001, 230.84 acres, being the N 2 of the SE 1/4 and the SW 1/4 of Sec 2;
   2. 24-09-14-03-400-004, 42.73 acres, being the SE 1/4 of the SE 1/4 of Sec 3.

B. In Wawatam Township, T39N-R4W, 877.5 acres from RR-1 Recreation Residential:
   1. 24-15-03-28-300-001, 343.2 acres, being all of Sec 28;
   2. 24-15-03-29-100-001, 418.6 acres, being all of Sec 29, excepting lots in the Plats of Cecil Bay and excepting all non-public lands bordering Cecil Bay Road, Wilderness Park Drive and the Carp River and only the parcel over 40 acres;
   3. 24-15-03-30-400-001, 115.7 acres, located in Sec 30, that part of the SE 1/4 lying south of Wilderness Park Drive.

and also the lands owned by the State of Michigan and/or Michigan Department of Natural Resources:

A. In Bear Creek Township, T34N-R5W, 1662.77 acres from FF-1 Farm & Forest:
   1. The E 1/2 of the E 1/2 of the NE 1/4 of Sec 12, 01-19-28-400-001 (42.85 ac.);
   2. The E 1/2 of the SE 1/4 of Sec 24, 01-19-24-400-011-Russet Road & 012-5631 King Road (68.34 & 11.79 ac. respectively);
   3. The E 1/2 of the NE 1/4 of Sec 25, 01-19-25-200-002-Russet Road (78.87 ac.);
   4. An irregularly shaped parcel in the N ½ of the SE 1/4 of Sec 12, 01-19-12-200-002 (42.85 ac.);
   5. The E 1/2 of the SE 1/4 of Sec 24, 01-19-24-400-011-Russet Road & 012-5631 King Road (68.34 & 11.79 ac. respectively);
   6. The E 1/2 of the NE 1/4 of Sec 25, 01-19-25-200-002-Russet Road (78.87 ac.);
   7. All of the E part of the E 1/2 of Sec 28, lying E of River Road, 01-19-28-200-001-River Road (143.6 ac.);
   8. All of that part of the NE 1/4 of the NE 1/4 of Sec 33 lying E of River Road, 01-19-33-200-002-King Road (17.44 ac.);
   9. The SW 1/4 of the SW 1/4 of Sec 27, except the E 1/2 of the NW 1/4 of Sec 27, 01-19-27-100-001-Evergreen Trail & 019-19-27-300-001 (196.4 ac & 78 ac respectively);

B. In Bliss Township, T39N-R6W, 846.1 acres from RR-1 Recreation Residential:
   1. All of Sections 15, 16, 17, 20, 21, 22, 23 & 24, 02-01-23-100-001, 200-001 & 02-01-24-300-001 (460.3 ac, 204.4 ac & 181.4 ac respectively);

B-1. In Bliss Township, T39N-R5W, 6658.35 acres from RR-1 Recreation Residential, SR-2 Scenic Resource, and FF-2 Farm Forest:
   1. All of Sections 19, 20, 23, 24, 25, 26, 29, 30, 32, 33, 34, 35, 36, and 27 except the most easterly two lots, and all of Sec 28 except the NE 1/4 of Sec 28, 02-02-19-300-001, 02-02-20-300-001, 02-02-21-300-001, 02-02-23-400-001, 02-02-24-300-001-795 E. Wilderness Park Drive, 02-02-25-100-001, 02-02-25-400-001, 02-02-26-100-001 & 100-002, 02-02-27-300-001, 02-02-28-100-001, 02-02-29-100-001, 02-02-30-100-001, 02-02-32-100-001, 02-02-33-100-001, 02-02-33-200-001, 02-02-34-100-001, 02-02-34-300-001, 02-02-35-100-001, 02-02-36-100-001, 02-02-36-200-001 (260 ac, 303 ac, 180.4 ac, 142.6 ac, 32.38 ac, 438.7 ac, 106.8 ac, 70.45 ac, 486.8 ac, 381.2 ac, 592.5 ac, 620.4 ac, 239.6, 297.8, 200.3, 398.5, 569.3, 81.87, 617.6, 598.7, 39.45);
14. All of Sec 31, except the E 1/4 and except the N 1/8, 02-05-31-100-004, 02-05-31-400-003 (360.9 ac & 18.51 ac)
15. The NW 1/4 of Sec 32, and the NE 1/4 except the SE 1/4 of the NE 1/4 and the E 1/2 of the SE 1/4, 02-05-32-100-001 & 02-05-32-200-001 (285.8 ac & 39.5 ac);
16. The N ½ of the NE 1/4 of the NW 1/4 of Sec 33, 02-05-33-100-002 (18 ac);
C. In Carp Lake Township, T38N-R4W, 6007.375 acres from FF-2 Farm & Forest and SR-1 Scenic Resource:
1. In Section 12, the E 1/2 of the NW 1/4, 03-06-12-100-004 & 03-06-12-200-001 (100 ac & 160 ac);
2. In Section 13, the NE 1/4, 03-06-13-100-001 & 03-06-13-200-003 (311.2 ac & .2319 ac);
3. In Section 14, the E 1/2 of the NW 1/4, 03-06-14-100-001 (156.3 ac);
4. In Section 15, the S 1/2 of the SE 1/4 and the NE 1/4 except the E 1/2 of the SW 1/4 of the NE 1/4 lying northerly of US-31, 03-06-15-100-001 (56.5 ac);
5. In Section 16, the W 3/4 of the S 1/2 of the SE 1/4, 03-06-16-200-001 (154.6 ac & 39.71 ac);
6. In Section 17, the SW 1/4, the S 1/2 of the SW 1/4 lying W of US-31 and the SE 1/4 of the SW 1/4, 03-06-17-100-002 (141.8 ac);
7. In Section 18, the N 1/2 of the SW 1/4 and the NW 1/4, 03-06-18-100-002 (524.7 ac);
8. In Section 19, the S 1/4 of the SW 1/4, 03-06-19-100-001 (78.38 ac);
9. In Section 20, the E 1/2 of the NW 1/4 and the W 1/2 of the NE 1/4, 03-06-20-100-002 (120.4 ac);
10. In Section 21, the N 1/2 of the NW 1/4, the SE 1/4 of the NW 1/4 and the S 1/2 of the NE 1/4, 03-06-21-100-001 & 03-06-21-100-003 (154.6 ac & 39.71 ac);
11. In Section 22, the SW 1/4, the S 1/2 of the NE 1/4, the SW 1/4 of the NE 1/4 and the E 1/2 of the NW 1/4, 03-06-22-100-002 (397.5 ac);
12. In Section 23, the SW 1/4 of the NW 1/4, 03-06-23-100-002 (211.3 ac);
13. In Section 24, the E 1/2 of the NW 1/4 and the S 1/2 of the SW 1/4, 03-06-24-100-001 (160.5 ac);
14. In Section 25, the NE 1/4 of the SE 1/4 lying north and west of US-31, and all of the E 1/2 lying northerly of US-31, 03-06-25-100-001 (285.8 ac & 18.51 ac);
15. In Section 26, the S 1/2 of the SE 1/4 and the NW 1/4 of the SW 1/4, 03-06-26-100-002 (160.5 ac);
16. All of Section 27, except the SW 1/4 of the NW 1/4, 04-09-27-100-001 (628.3 ac);
17. In Section 28, the NW 1/4 of the NE 1/4 and the SW 1/4 of the NW 1/4, 04-09-28-100-001 (280.5 ac);
18. All of Section 29, the E 1/2 except a .25 acre privately owned parcel in the NW 1/4 thereof, 04-09-29-100-003 & 04-09-29-300-003 (311.2 ac & 2319 ac);
19. In Section 30, the S 1/2 of the NW 1/4, 04-09-30-100-001 (435.6 ac);
20. All of Section 31 except for the South 1/4 of the SE 1/4, 04-09-31-100-001 (539.1 ac);
21. In Section 32, the S 1/2 and the NW 1/4 except for the NW 1/4 thereof, 04-09-32-100-002-1500 W. Robinson Road & 04-09-32-400-001 (384.6 ac & 38.31 ac);
22. In Section 33, the E 1/2 and the S 1/2 of the NW 1/4, 04-09-33-200-001 (355 ac);
23. All of Section 34, 04-09-34-100-001 (628.8 ac);
24. In Section 35, the E 1/2 of the NE 1/4 and the N 1/2 OF SE 1/4 except 1 acre in the NW corner, 04-09-35-200-001 (156.5 ac);
25. In Section 36, the S 1/2 and the W 1/2 of the NE1/4 and the SW 1/4 of the NW 1/4, 04-09-36-100-004 (424.6 ac).
E. In Cross Village Township, T38N-R6W, 1454.45 acres from RR-1 & RR-2 Recreation Residential:
1. All of Sec 13, except properties in the Plat of Cross Village Shores and except properties in Sturgeon Bay Shores
2. In Sec 24, the E 1/2, and the SW 1/4 except the NW 1/4 of the SW 1/4, 05-04-24-200-001 (437.4 ac);
3. All of Sec 25, 05-04-25-100-001 (407.2 ac)
4. In Sec 26, the S ½ of the SE 1/4, 05-04-26-400-003 (70.61 ac);
5. In Sec 35, the NE 1/4, 05-04-35-200-001 & 05-04-35-200-002 (75.52 & 77.56 ac);
6. The N ½ of Sec 36, 05-04-36-100-001 (313.1 ac);

**F. In Friendship Township, T36N-R6W 4961.42 acres from FF-2 Farm Forest**
1. The NE 1/4 of Sec 1, 06-12-01-200-001-S. State Road (160 acres);
2. The N 1/4 of Sec 2, and the S ½ of the SE 1/4 except 1 square acre in SW corner thereof; and that part of the NW 1/4 of the SW 1/4 lying west of State Road, and the W ½ of the SW 1/4 of the SW 1/4, 06-12-02-100-001, 06-12-02-200-001-

**G. In Littlefield Township, T35N-R4W, 756.65 acres from FF-1 & FF-2 Farm & Forest and SR-1 Scenic Resource:**
1. The W ½ of the NW 1/4 in Sec 2, and that part of the NE 1/4 of the NW 1/4 lying north and west of the Crooked River, 07-
2. In Sec 6, the NW 1/4 of the NE 1/4 and the N ½ of the SE 1/4, all of the SW 1/4, and the SW 1/4 of the NE 1/4, 07-17-06-
3. The NE 1/4 of Sec 7, 07-17-07-200-001 (154.5 ac);
4. The N 1/2 of the SW 1/4 and the SE 1/4 of Sec 8, 07-17-08-300-001 (230.7 ac);

**H. In Maple River Township, T36N-R4W, 1825.755 acres from FF-1 & FF-2 Farm & Forest and SR-1 Scenic Resource:**
1. In Sec 4, the W ½ of the NE 1/4, and the NW 1/4, 09-14-04-100-001 (240.4 ac);
2. The E ½ of the NE 1/4 of Sec 5, 09-14-05-200-003 (76.71 ac);
3. The SE 1/4 of Sec 13, 09-14-13-400-001 (158.1 ac);
4. Sec 18, except the S ½ of the SW 1/4, 09-14-18-100-001 (501.8 ac);
5. The NE 1/4 of Sec 19, 09-14-19-200-001 & 200-002 (76.51 ac & 76.06 ac);
6. The N ½ of the NE 1/4 of Sec 24, 09-14-24-200-001 (79.19 ac);
10. All of Sec 29 except the NE 1/4 of the NE 1/4 and except the N 1/2 of the SE 1/4 of the NE 1/4, 10-10-29-100-001 & 10-10-29-200-002 (382.7 ac & 172.6 ac);
11. All of Sec 30, except the W ½ of the SW 1/4, 10-10-30-100-001 (524.9 ac);
12. In Sec 31, the N 1/2, the SW 1/4 and the N 1/2 of the SE 1/4, 10-10-31-100-001 (511.3 ac);
13. In Sec 32, the NE 1/4, the W ½ of the SE 1/4 and the NW 1/4 excepting the S ½ of the SE 1/4, 10-10-32-100-004 & 10-10-32-200-001 (213.1 ac & 155.1 ac);
14. In Sec 33, the SE 1/4 excluding the E 1/2 of the SE 1/4 of the SE 1/4, 10-10-33-400-001 (132.5 ac);
15. In Sec 34, except the N 1/2 of the NE 1/4, 14-20-34-100-002 (26.52 ac, 26.52 ac);
16. All of Sec 35, except the NE 1/4, 12-08-35-100-005 & 12-08-35-200-001 (.7507 ac & 451.9 ac);
17. In Sec 36, except the SW 1/4 and except the W ½ of the SW 1/4, 14-20-36-100-001 & 12-08-36-200-001 (407.2 ac & 39.93 ac);
18. In Sec 37, the N 1/2 of the NE 1/4 and except that part of the SW 1/4 lying south of W. Robinson Rd., 12-08-28-100-003 (488 ac);
19. The N ½ of Sec 29, 12-08-29-100-001 (316.8 ac);
20. The N ½ of the NE 1/4 of Sec 30, 12-08-30-200-001 (77.91 ac);
21. The SE 1/4 of Sec 31, except the NW 1/4 of the NE 1/4 and except the SW 1/4 of the SW 1/4, 12-08-31-100-001 (511.3 ac);
22. In Sec 32, the NE 1/4, the W ½ and the E ½ of the SW 1/4, 12-08-32-200-001 (153.9 ac);
23. In Sec 33, the NE 1/4, the SW 1/4, the S 1/2 of the NW 1/4 excepting the N 1/2 of the S 1/2 of the NW 1/4, and the N 3/4 of the E 1/2 of the SE 1/4, 12-08-33-100-004, (436.3 ac);
24. All of Sec 34, 12-08-34-100-001, 12-08-34-200-002, 12-08-34-200-003 (597.2 ac, 26.52 ac, 11.6 ac);
25. All of Sec 35, except the NE 1/4, 12-08-35-100-005 & 12-08-35-200-001 (.7507 ac & 451.9 ac);
26. All of Sec 36, except the SW 1/4 and except the W ½ of the SW 1/4 of the SE 1/4, 12-08-36-100-001 & 12-08-36-200-001 (407.2 ac & 39.93 ac);
27. In Sec 1, the NE 1/4 of the NE 1/4 and all of the SE 1/4, 14-20-01-200-002 (196.2 ac);
28. In Sec 7, the N 1/2 of the NE 1/4, the N 1/4 of the S 1/2 of the NE 1/4 and the W 1/2, 14-20-07-100-001-1288 Berger Road (390.8 ac);
29. In Sec 13, the SW 1/4 and the E 1/2 except the S ½ of the NE 1/4 of the NE 1/4, 14-20-13-200-001 (456.2 ac);
30. In Sec 15, the entire Section except the 1/4 of the NE 1/4, the N 1/2 of the SW 1/4 of the NE 1/4, and the E 1/2 of the SE 1/4, 14-20-15-100-001 (467.3 ac);
31. All of the N ½ of Sec 16, except the SW 1/4 of the NW 1/4, 14-20-16-100-001 (297.7 ac);
32. The W ½ of Sec 17, 14-20-17-100-001 (314.6 ac);
33. All of Sec 19, except the NE 1/4 of the NE 1/4, 14-20-19-100-001 (565.8 ac);
34. In Sec 20, the NW 1/4 of the NE 1/4, the NW 1/4 excepting 5 acres in the NW corner and the NW 1/4 of the SW 1/4, 14-20-20-100-002 (228.8 ac);
35. All of Sec 21, except the NW 1/4, 14-20-21-200-001 (490.6 ac);
36. In Sec 22, the W ½ and the W ½ of the SE 1/4, 14-20-22-100-001 (379 ac);
37. All of Sec 23 except the NW 1/4, 14-20-23-200-001 & 14-20-23-300-001 (394.3 ac & 77.21 ac);
38. The N ½ of the S ½ of Sec 24 and the N ½ of the NE 1/4, except the S 660 ft, 14-20-24-200-001 (213.7 ac);
39. The W ½ of Sec 25, except the E ½ of the SW 1/4, and the E ½ of Sec 25, except the N 1/2 of the NE 1/4 and except the SW 1/4 of the SE 1/4, 14-20-25-100-001 (429.9 ac);
40. All of Sec 26, except the W ½ of the SW 1/4 and except the NW 1/4 of the NW 1/4, 14-20-26-100-002 (512.7 ac);
41. The E ½ of Sec 28; 14-20-28-200-001 (298.1 ac);
42. The W ½ of Sec 29, and the NE 1/4 , except the NW 1/4 of the NE 1/4, 14-20-29-100-001 (439.5 ac);
43. In Sec 30, the N 1/2 & the N 1/4 of the SW 1/4 and the SE 1/4, 14-20-30-100-001 (500.8 ac;
44. Sec 31, except the NW 1/4 of the NW 1/4, 14-20-31-100-002 (565.7 ac);
45. The W ½ of Sec 32, except the S ½ of the SW 1/4, and the W ½ of the E ½ except the NW 1/4 of the NE 1/4, 14-20-32-100-001 (348.2 ac);
46. Sec 33, except the W ½ of the W 1/2, 14-20-33-100-002 (461.2 ac);
47. Sec 34, except the N ½ of the NW 1/4 and except the SW 1/4 of the SW 1/4, 14-20-34-100-002 & 14-20-34-200-001 (269.2 ac & 239.3 ac);
48. Sec 35, 14-20-35-100-001 & 14-20-35-200-001 (474.7 ac & 154.2 ac);
49. The W ½ of Sec 36, except the NE 1/4 of the NW 1/4, 14-20-36-100-001 (265.4 ac);
K-1. In Springvale Township, T35N-R4W, 1116.98 acres from SR-1 & SR-2 Scenic Resource, FF-1 & FF-2 Farm & Forest:
23. An irregularly shaped parcel in the W ½ of Sec 27 being tax parcel number 14-17-27-151-001 (150.7 ac);
24. An irregularly shaped 423 acre parcel in Sec 28 being tax parcel number 24-14-17-28-100-003 (424.6 ac);
25. In Sec 32, the SE 1/4 and the SW 1/4 of the NE 1/4, 14-17-32-200-003 (208.3 ac);
26. The E ½ of Sec 33, except the SE 1/4 of the SW 1/4 and except the NW 1/4 of the SW 1/4, 14-17-33-100-001 (245 ac);
27. The W 1/½ of the NW 1/4 of Sec 34, 14-17-34-100-001 (88.38 ac);

L. In Wawatam Township, T39N-R4W, 4482.47 acres from FF-2 Farm Forest, SR-1 Scenic Resource & RR-1 Recreation Residential:
All of Sec 22 except properties in the Plat of Trails End Bay Colony and properties NW'ly of Wilderness Park Drive, 15-03-22-200-002 (217.2 ac);
All of Sec 23, except the NE 1/4 of the NE 1/4 and the N ½ of the NW 1/4; 15-03-23-200-001 (387.4 ac);
In Sec 24, the SW 1/4 of the SE 1/4 and the SW 1/4 except properties situated in the Village of Mackinaw City, 15-03-24-300-001 (157.3 ac);
In Sec 25, the SW 1/4, the NW 1/4 except the SE 1/4 of the NW 1/4, and the W 1/½ of the NE 1/4, 15-03-25-100-001 (328 ac);
All of Sec 26, 15-03-26-100-001 & 15-03-26-200-001 (200-001 (34.23 ac & 241.1 ac);
All of Sec 27, except the W 1/2 of the NW 1/4, the NW 1/4 of the SW 1/4 & the Plat of Trailsend Bay Colony, 15-03-27-100-002 (399.8 ac);
7. In Sec 30, the NW 1/4, 15-03-30-100-001 (29.84 ac);
8. All of Sec 31, 15-03-31-100-001 & 15-03-31-300-001 (178.9 ac & 415.3 ac);
9. All of Sec 32 except the E ½ of the NW 1/4 and except the SW 1/4 of the SW 1/4, 15-03-32-100-001 (506.7 ac);
10. The N ½ of Sec 33 and the E ½ of the SW 1/4 and the SW 1/4 of the SE 1/4, 15-03-33-100-001 (412.3 ac);
11. All of Sec 34, except the S 1/2 of the SE 1/4, 15-03-34-100-001 (322.5 ac);
12. In Sec 35, the N 1/2, the SE 1/4, and the NE 1/4 of the SW 1/4, 15-03-35-100-001 (502.7 ac);
13. In Sec 36, the S 1/2 of the NE 1/4 and the W 1/2 except the E 1/2 of the NE 1/4 OF NW 1/4, 15-03-36-100-001 (349.2 ac)
The motion passed with the following roll call vote: Yes; Jones, Scott, Gregory, Anderson, Derrohn, Alexander. No; Laughbaum. Absent; Eby, Neal

There was some discussion between the Board and the public as to whether this reduced the property price for State land and whether it could still be rezoned or not. Jones stated that it can be rezoned, it just has to come before the Board to develop on.

11. Case #8-06  Kery Ridge, LLC, SPECIAL USE PERMIT, Open Space Plan, 4623 Howard Road, Section 29, Bear Creek Township
Legal Notice: A request by Kery Ridge, LLC for a Special Use Permit for a Site Unit Condominium Open Space Plan on property located at 4623 Howard Road, Section 29, T34N-R5W, Bear Creek Township. The property is zoned FF-1 Farm and Forest and is tax parcel number 24-01-19-29-300-022. The request is as per Sections 1901 and 2102-14 of the Zoning Ordinance.

Michalek stated that this case is on hold pending mining operation request resolution on case 8A-06. This was received as an open space plan but in reality, it is a mining operation.

12. Case #8A-06  Kery Ridge, LLC, SPECIAL USE PERMIT, Open Space Plan, 4623 Howard Road, Section 29, Bear Creek Township
Legal Notice: A request by Kenneth Nowicki for Kery Ridge, LLC for a Special Use Permit for a level-III resource mining extraction operation on a 32.16 acre property located at 4623 Howard Rd, Section 29, T34N-R5W, Bear Creek Township. The property is zoned FF-1 Farm and Forest and is tax parcel number 24-01-19-29-300-022. The request is as per Section 2102-10 of the Emmet County Zoning Ordinance.

Michalek stated that Bear Creek Township did recommend tabling for a 30-day review to allow neighbors a chance to review and comment on the information. The main concerns are that the hours and holidays aren’t limited currently. It should be limited especially during the busy summer months. The neighboring wells are not shown. The stockpiles don’t appear to be adequate size for topsoil. Not certain there is adequate topsoil on property to stabilize soils during
reclamation. The engineer is aware of the concerns. Reclamation is intended to take place at one location to the other is moved and they are proposing to be finished by October. According to the plans, a vehicle will be traveling every 4-6 minutes. Requesting new plans for easement concerns.

Anderson-If they have that much traffic it’ll be hard for neighbors to get out of their drives.

The applicant, Kenneth Nowicki stated that limiting trucks, and hours to Monday-Friday will inhibit their ability to get project done by October. The Road Commission has been working with them on a dedicated haul route and they have offered to supply a bond for road improvements. Karen Wager, neighbor, asked what the designated haul route is.

Nowicki-Loaded, Howard Road to US-131. Empty, Gregg Road.

Anderson-What is the route based on? Who decided on that route?

Nowicki-Road Commission said Howard Road is required with full trucks.

Margaret Barowski lives across the road from the proposed site and has concerns with dust and safety. There are young children and she likes spending summers outside in her garden. Also a culvert crosses her property, will there be a bridge? Feels that Howard Road won’t withstand the traffic. Would like restrictions, including a detailed phase plan and bond, dust control or paving, limited hours of operation. Barowski stated that they are in a Farm and Forest zone. Mining is not farming and she doesn’t want mining in her neighborhood.

Pat Daniel asked if there will be any screening of sand? Noise level is a concern, and there is a pond that goes underground that they will be crossing. The hill that they are planning on excavating is on the back side of a spring. He also was concerned because he didn’t receive a letter of notice for this case.

Derrohn stated that he didn’t receive notice because his residence is more than 300’ from the proposed property and advised him of the dates and times for the Township and County meetings.

Kristina Struck submitted letter. She owns the property on the west side of subject prop. She uses the easement for her driveway. She has concerns with clear cutting, noise, and dust. She advised that Tip of the Mitt is coming out to investigate to see if there is a wetland on the property. She is concerned about what will happen to the area after the mining is done. Struck is concerned about the traffic and the potential danger. Her well is 168’ deep and she doesn’t want to see her well run dry due to disruption. Other concerns brought up were air pollution, lack of visibility on the road, damage to vegetation, construction of drive without permission from her and her neighbor, and the possible absence of sand to be mined. She built her house about 18 months ago, and had her basement dug then. She had to have extra sand brought in because there was no sand, just heavy watery soil. Her basement is 12’deep and they had to wait for water to drain and build up approx 4’ higher than expected due to the lack of sand. She would request an independent traffic survey be conducted. Struck stated that the current property owners weren’t aware of what Kery Ridge was planning on doing, and were threatened to be sued if they backed out of their contracts. She proposed conditions in her letter if the project is approved.

Derrohn deferred the case to the next regular meeting to allow township time for review.

Jones-Can we make developer pave road easement?

Michalek-Yes, Section 2100 (1) an inadequate surface would be a detrimental impact to the surrounding uses (i.e. dust).

Dan Struck stated that his neighbor sleeps during the day and feels that this project would cause her a problem because she works nights. She bought this property on purpose because this is a quiet area. He also has concerns about the safety for young children.

A petition from neighbors was submitted to Michalek

Gregory stated that when Hidden River was developed they paved the road but it was voluntary.
Jones-Dust control is almost impossible on a dirt road. The water truck would have to be running constantly.

Anderson-If it goes further into the open space plan it would be required to be paved anyway.

Jones-If it was paved it would be quieter.

Nowicki stated that there would be no processing they will be hauling raw sand. Stated that his first plan had proposed a paved road but he doesn’t want a temporary paved road that he’d have to repave when mining is done. Stated that possibly they could pave part of the road and then fix it later on.

**13. Case #19-06  James Hart for Peter Barbier, SPECIAL USE PERMIT, Land Development Standards, Van Road, Section 23, Readmond Township**

Legal Notice: A request by James Hart for Peter Barbier for a Special Use Permit per Land Development Standards on vacant property in Section 23, T37N-R6W, Readmond Township. The property is zoned FF-2 Farm and Forest and is tax parcel number 24-12-08-23-200-014. The proposal is to create two new parcels. The resulting parcels create five parcels within a ten year period. The review is per Section 2102-14 of the Zoning Ordinance.

**APPLICANT REQUESTED CASE BE WITHDRAWN**

Michalek stated that he had spoken with the applicant and the parcel was sold so he didn’t need the split anymore.

**14. Case #13-06  Kerry Smith, SITE PLAN REVIEW, Fochtman Industrial Park, Section 26, Bear Creek Township**

Legal Notice: A request by Kerry Smith for Site Plan Review on property located within the Fochtman Industrial Park, Section 26, T35N-R5W, Bear Creek Township. The request is to amend the site plan originally approved in July 2000 under the Bear Creek Township Interim Zoning Ordinance. The property is zoned I-1 Light Industrial and is tax parcel number 24-01-16-26-276-001. The proposal is to add 8 buildings to be used for showrooms of plumbers, electricians, decorators or similar trades per Section 1300-1 of the Emmet County Zoning Ordinance.

Laad presented this case stating that it was initially approved by Bear Creek Township in 2000-2002 for storage units. The new plan now requests eight small buildings to be used as showrooms. This is an allowed use in this zone. No stormwater is needed as it’s been grandfathered in. The total construction is out of the wetland area. DEQ has no issues with the plan and the Township has recommended approval. Laad added that the new plan for the smaller buildings improves the site.

A motion was made by Anderson to approve this case as it meets the ordinance standards of section 1300-1 with the site plan dated 3/20/06. This was supported by Alexander and passed with the following roll-call vote: Yes; Jones, Scott, Gregory, Laughbaum, Anderson, Derrohn, Alexander. No; None. Absent; Eby, Neal

**15. Case #14-06  Kendall Electric, SITE PLAN REVIEW, WHOLESALE ELECTRIC & ELECTRICAL SUPPLY, Fochtman Industrial Park Drive, Section 26, Bear Creek Township**

Legal Notice: A request by Frank DeLong for Kendall Electric for a Site Plan Review on 5.1 acre property located within Fochtman Industrial Park, Section 26, T35N-R5W, Bear Creek Township. The property is zoned I-1 Light Industrial and is tax parcel number 24-01-16-26-275-113. The request is to allow one 75’ X 80’ building to be used for wholesale electric sales and supply as per Section 1300-1 of the Emmet County Zoning Ordinance.

Laad presented this case. Site meets ordinance standards and needs Road Commission approval. The wetland delineation letter was presented. The township has recommended approval.

Jones noted that the wetland line has changed. Does it affect the plan?

The applicant, Frank DeLong, stated that the property is very large and wetland is on the far rear of the property and not affected by the building.

It was noted that the new plan showing existing conditions should be on file.
A motion was made by Jones to approve this case as it meets the ordinance standards, and the township has recommended approval. Approval is conditional upon the wetland delineation and Road Commission approval letters, and any signs/lighting be approved by the sign and lighting committee. Anderson supported the motion which passed by the following roll call vote: Yes; Jones, Scott, Gregory, Laughbaum, Anderson, Derrohn, Alexander. No; None. Absent: Eby, Neal.

16. Case #16-06 Jerry & Jim Tripp, SPECIAL USE PERMIT, ACCESSORY BUILDING WITHOUT MAIN USE, 6997 Cedar Road, Section 27, Maple River Township

Legal Notice: A request by Jerry Tripp and Jim Tripp for a Special Use Permit for an Accessory Building As A Main Use on property located at 6997 Cedar Road, Section 27, T36N-R4W, Maple River Township. The property is zoned FF-1 Farm and Forest and is tax parcel 24-09-14-27-400-013. The request is to construct a 30'x40' accessory building per Section 2201-2 of the Zoning Ordinance.

Laad presented this case stating that it meets the setback standards and will be used for personal storage only. The township has recommended approval based on the isolation of the property, the location is on a dead end road, and it is a typical use for the community. Applicants Jim and Jerry Tripp were present.

Jim Tripp stated that there will be no power or water.

Jerry Tripp added that the color scheme will be brown in order to blend in with the trees.

Jones asked how far back from it will be from the road?
It will be 120’

Derrohn asked if a house was going to be built?

Jim Tripp stated that it is not their intention.

The Board agreed that it is far enough back to build a house if deemed necessary. Doesn’t need to build house on the property and will have an affidavit filed stating personal storage is the main use.

Gregory moved to approve this case on the condition that the affidavit of use is filed as it meets the setbacks and the township recommended approval. Motion was supported by Scott and passed on the following roll call vote: Yes; Jones, Scott, Gregory, Laughbaum, Anderson, Derrohn, Alexander. No; None. Absent: Eby, Neal.

VI Public Comment: None

VII Other Business

- Enforcement Report-Derrohn stated that she would like to see tighter enforcement on some issues, as the timeframe of progress seems to be extended.
- Sub-Area Master Plan-Laad pointed out that there was a draft motion passed out. There have been issues with Resort Township as staff doesn’t know where the plans are or if they are still with the clerk. A letter has been sent to find out that information. Michalek questioned whether we should wait another month or move forward on this? Growth in the area is growing rapidly and there has been a lot of time spent on this plan. Jones feels that the plan will be a guideline. Anderson feels that we should defer for one month and then consider approval if there is no word. The case was deferred to the next regular meeting.
- Sign review Case #S-37A-05, Valentino Trabucchi-This is a wall mounted sign 5’x10’, 50 sq. ft. R-2B is the underlying zoning. The sign is not approvable in that zone but is under a PUD so the ordinance allows the Planning Commission to approve as one of the districts covered. Scott stated that the sign and lighting committee recommended approval due to the deep setbacks and felt that the sign was appropriate. A motion was made by Jones to approve this case. The motion was supported by Scott and passed with the following roll call vote: Yes; Jones, Scott, Gregory, Laughbaum, Anderson, Derrohn, Alexander. No; None. Absent; Eby, Neal.

There was some discussion between the Board Members regarding updating the septage section of the ordinance to more closely match DEQ standards for setbacks and discussion regarding the use and discussion of Enforcement reports.

VIII Adjournment

Derrohn called the meeting adjourned at 11:06 p.m.