

**Hayes Township Planning Commission
Zoning Ordinance Amendment
Public Hearing
July 21, 2015**

Chair Jim Rudolph called this Ordinance Amendment Public Hearing of the Hayes Township Planning Commission to order at 7:00 p.m., at the Hayes Township Hall, 09195 Old US 31, Charlevoix.

Planning Commission members present were, Doug Kuebler, Pat Phillips, Marilyn Morehead, Steve Wilson, Ed Bajos and Jim Rudolph. Cliff Biddick was absent. Also present were Marlene Golovich, secretary, Ron VanZee, zoning administrator, Mary Campbell, Jim McMahon, Connie Saltonstall, Pat Kovach, Dan Dueweke, Linda Smith, John Casey, Matt Cunningham, Jennifer Cunningham, Jerry Seymour, Carol Seymour, Cristin Cunningham, Paul Andoni, Roxanne Andoni, Ben Cunningham, Charles Slagle, Holly Slagle, Daniel Singer, Robin Singer, Ken Kojanian and Shelby Kojanian.

Chair Jim Rudolph asked to be joined in the pledge of allegiance.

Chair Rudolph turned the meeting over to Township Planner, Mary Campbell of M.C. Planning and Design. Mary stated the purpose of this meeting was to take public comment on a proposed amendment to the Hayes Township Zoning Ordinance (see attached).

Mary asked if the public and PC wanted to review each section amendment and answer questions as she goes or save all questions and comments to the end of the review.

Section 3.14 B the colon punctuation at the end of the sentence needs clarification.

Section 3.14 A. correct typo

Section 3.14.4 Docks and Boat Parking on Inland Lakes

Connie Saltonstall stated that the current Township Master Plan states that one of the highest priorities of the Township is to protect the natural resources. The 1980 Fox case kept the proposed development from building docks that protruded into the lake but instead required them to build an inland marina. The Devos development also made an inland marina rather than making a long dock protruding into Oyster Bay. Connie also stated that she is not asking for permanent docks to be banned on all of Lake Charlevoix but just in Oyster Bay to protect the fragile eco system and the narrow navigational waters. She is asking that the same thing that was done in the 80's be done again to protect Oyster Bay.

Planning Commission Minutes

Jim Rudolph stated that the PC has a couple of options at this point; adopt this section as written or set it aside and deal with it later.

Mary suggested that the PC gather all public comments on this section before making a decision.

Dan Dueweke a property owner in Oyster Bay since 1945 does not want to see permanent docks in Oyster Bay .

Scott Parker stated that Oyster Bay is narrow and maybe allow permanent dock in other areas of Hayes Twp. But not Oyster Bay because it is so narrow.

Sara Gay Dammann stated that no permanent docks should be allowed anywhere in Hayes Twp. They are not good for the environment or fisheries.

Linda Smith stated she is a resident of Oyster Bay and that there are lots of boaters on the bay and it provides a safe harbor. Permanent docks will narrow this bay and limit its use.

Matt Cunningham, a Hayes Township resident stated that seasonal docks can also narrow the bay and that permanent docks are no more intrusive than seasonal.

Jerry Seymour stated that permanent and seasonal docks are the same but feels seasonal docks are more disruptive to the bay because they are put in and pulled out every year. He also stated he would rather see a permanent dock in the ice in the winter than all the seasonal docks stacked on the shoreline all winter. Large boats need permanent docks; if they are moored in the bay they have a huge swing arc.

Carol Seymour stated that seasonal docks blow apart in storms and create a hazard. The clean up after storms disturbs the lake bottom.

Sara Gay stated that this subject needs more study.

Matt Cunningham stated that the PC is doing a great job and has put a lot of time and thought into this topic.

Connie Saltonstall stated that the DEQ and Corp of Engineers do not want to deal with this dock issue. There is lots of information out there. The issue is how narrow Oyster Bay is not the whole lake.

Jerry Seymour stated that either all docks should be disallowed or all docks allowed but not just one type of dock not allowed.

Jennifer Cunningham stated that sometime structures are left in the lake to provide fish habitat.

Planning Commission Minutes

Vic Stillson stated that the City of Charlevoix voted not to expand their docks into Round Lake, when is enough, enough.

Section 3.16 correct typo and add language regarding shared boundaries for fences adjacent to public parks and language regarding the ordinary high water mark.

Section 7.01.15 B.1. add the following “provided all the following applies”.

Ben Cunningham stated the ordinance amendment looks good and the PC should move forward.

Scott Parker asked why the changes were made regarding ordinary high watermark. Mary stated the current ordinance is using multiple terminologies for the ordinary high watermark and this is just meant to clean that up. It is also meant to eliminate the area known as no-mans land between the waters edge and the ordinary high watermark.

Scott also stated that in the schedule of regulations there is no section for waterfront properties and would ask that a footnote be added to direct waterfront property owners to the section of the ordinance that pertains just to waterfront properties.

Mary Cambell stated that the PC can make recommendation to adopt the amendment in its entirety and/or modify it and depending on the modification may or may not need additional public hearings. It will then go to the County Planning Commission for review and then to the Hayes Board of Trustees for adoption. After being adopted by the BOT it will then be published in the paper to take effect.

Sara Gay urged the PC to deal with the permanent dock issue now.

Connie asked if the public could ask to have the permanent dock issued reviewed at a later date if the current amendment is adopted as written. The answer was yes.

Mary Campbell stated that she understands that ~~that~~ the following tweaks and corrections need to be made;

1. Typos
2. Fence section
3. Footnote to the schedule of regulations
4. Changes to the mining extraction and fill section

She stated there were lots of comments regarding docks; permanent vs seasonal and lots of pros and cons to each side.

Planning Commission Deliberations

Planning Commission Minutes

Ron VanZee stated that the DEQ will still regulate permanent docks but they will not regulate seasonal docks. They don't regulate seasonal docks because they are only temporary structures and do not require permits.

Marilyn Morehead stated that it is very difficult to get the DEQ to come out to oversee their own regulations. If we as a Township are serious about regulating structures we need to be responsible and make a decision about docks today. She is opposed to permanent docks on the lake anywhere. She loves the lack of structures on the lake in winter and does not want to see permanent docks

Jim Rudolph stated it is a hot topic and suggested the PC move forward with the ordinance amendment as proposed and deal with permanent vs seasonal docks at a later time.

Doug Kuebler made a motion, supported by Steve Wilson to recommend the adoption of the proposed ordinance amendment as revised and to submit the revised amendment to the Charlevoix County Planning Commission for review.

Yeas: Steve Wilson, Doug Kuebler, Jim Rudolph, Ed Bajos

Nays: Marilyn Morehead, Pat Phillips

Absent: Cliff Biddick

Motion Carried.

Public Hearing Adjourned

Respectfully submitted

Marlene Golovich, recording secretary
Secretary

Steve Wilson Planning Commission

Minutes approved as corrected August 18, 2015