

AGENDA

HAYES TOWNSHIP, CHARLEVOIX COUNTY

PLANNING COMMISSION

REGULAR MEETING

November 15, 2022 7:00 pm

Hayes Township Hall

9195 Major Douglas Sloan Road

Charlevoix, Michigan 49720

Join Zoom Meeting

<https://us02web.zoom.us/j/84924945717?pwd=VUhTNU11a3plcmhqUVFLY0hoSUR0QT09>

Meeting ID: 849 2494 5717

Passcode: 066586

+1 312 626 6799 US (Chicago)

- Call to Order
- Pledge of Allegiance
- Review and Approval of Agenda
- Declarations of Conflict of Interest
- Approval of Regular Meeting Minutes of October 18, 2022
- Public Comment not related to agenda items
- Board of Trustees Representative for Planning Commission Report
- Zoning Board of Appeals Representative for Planning Commission Report
- Zoning Administrator Report
- New Business
 - Master Plan update process- Beckett & Raeder
 - Status report on the draft edits of Zoning Ordinance
 - Reschedule December Planning Commission meeting/Public Hearing
- Set/Confirm Public Hearing Dates (Mini-Campground)
- Set/Confirm Next Planning Commission Regular Meeting Date
- Public Comment
- Planning Commissioners Comment
- Adjournment

To best facilitate a hybrid meeting (in person as well as ZOOM) for the public, please adhere to the following guidelines:

In person attendance

1. Doors to the hall will open at 6:45 pm
2. Please voluntarily provide a name for the record
3. Please hold all comments until the appropriate designated public comment agenda item
4. To maintain an orderly meeting while providing opportunity for the public to be heard, Planning Commission Chairman will call names in appropriate order
5. We ask that you voluntarily state your name for the record
6. Direct all comments to the planning commission
7. Keep comments brief and to the point (3 minutes per person); deputy clerk will advise when time is up
8. Do not speak while others are speaking
9. Minutes may not be yielded to other speakers.

Via ZOOM attendance

1. Upon signing into the meeting, please voluntarily provide a name for the record
2. All ZOOM participants will be admitted from the waiting room prior to the start of the meeting
3. All ZOOM participants will remain muted until called on during the appropriate designated public comment agenda item
4. Please raise your hand to be called on during public comments
5. Direct all comments to the planning commission
6. Keep comments brief and to the point (3 minutes per person); participant will be muted at 3 minutes
7. Minutes may not be yielded to other speakers.

Note: A quorum of the Hayes Township Board members may be present at this meeting. No Hayes Township Board business will be discussed or conducted at this meeting.

DRAFT
Hayes Township, Charlevoix County
Planning Commission
October 18th, 2022 7:00 pm
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The October 18th, 2022 meeting of the Hayes Township Planning Commission was called to order by Chair Roy Griffiths at 7:00 pm.

Board members present were: Matt Cunningham (Trustee), Roy Griffiths (Chair), Steve Bulman, Derek Burnett, Rex Greenslade, Ed Bajos and Marilyn Morehead.

Also present: April Hilton (Deputy Clerk/Recording Secretary)

Audience Members signed in: Shelly VanWart, Ellis Boal, LuAnne Kozma, Tim Boyko, Kim Fary, Deb Narten, Winnie Boal, Danielle Hutcheson, Monica Fedak, Omar Feliciano, Jim Rudolph, Gretchen Baisa, Chris Knight, Carole Meluin, Robert Jess, John Knight, Sheryl Bergman, Chelsea Mills, Chris Mills, Betty Henne, Judy Price, Earl Price, Janet Simon, Ray Bice, Bob Adams, Bill Henne, Sue Bice, Lawrence Murray, Kevin Kemp, Candy Kemp, Sue Loverger, Chip Lovenger, Karen Lamoreauny, Marilyn Anderson, Dave Stolt, Vic Martinchek, Kathy Martinchek, Pat Fary, Lesley Pritchard, Mel Narten, Mike Hutcheson, Diane McMahan, Jim McMahan, Darcey Phelps, Lee Maynard, Bob Furgeson, Bud Borus, Maureen Whitener, Jennifer McKay, Katie Wolf, Wendy Leudand, Amy Kuczynski, Wayne Sexton, Kellyann Sexton, Randy Price, Mike Taylor, Summer Way, Anthony Dass, Carol Umlor, Tom Darton, Andrew Mailloux, Brent Price and Carl Harmon.

PLEDGE OF ALLEGIANCE

REVIEWED & APPROVED AGENDA

Ms. Morehead made a motion, supported by Mr. Bajos, to approve the agenda as amended.

Yays: Matt Cunningham, Roy Griffiths, Steve Bulman, Derek Burnett, Rex Greenslade, Ed Bajos, and Marilyn Morehead.

Nays: None Motion Carried

DECLARATIONS OF CONFLICT OF INTEREST: NONE

REZONE REQUEST UPDATE/MASTER PLAN/FUTURE LAND USE MAP:

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Mr. Griffiths updated the Planning Commission Members, as well as the public present, on the rezone request on the property owned by Emmet County that surrounded by property owned by Reith-Reilly in Bayshore. The rezone request was withdrawn by the applicant prior to the hearing and the application fee has been returned by the Board of Trustees. The rezone request, as well as residents' concerns, highlighted a need for the Planning Commission to revisit the Future Land Use Map in the Master Plan that was adopted in 2019. The Future Land Use Map does not reflect the impact of Industrial Zoning on the Bayshore area. Mr. Griffiths stated he would entertain a motion to begin the process of revisiting the Master Plan to correct the Future Land Use map.

Mr. Bajos made a motion, supported by Ms. Morehead to begin the process required to review and amend the Hayes Township Master Plan.

Yays: Matt Cunningham, Roy Griffiths, Steve Bulman, Derek Burnett, Rex Greenslade, Ed Bajos, and Marilyn Morehead.

Nays: None Motion Carried

PRESENTATION BY LAND INFORMATION ACCESS ASSOCIATION, TIP OF THE MITT WATERSHED COUNCIL, LAKE CHARLEVOIX ASSOCIATION:

Lee Maynard (LIAA) introduced the three organizations and the individual representatives (Tom Darnton- Lake Charlevoix Association, Lee Maynard (LIAA), Jennifer McKay (Tip of the Mitt) and Katie Wolf (Tip of the Mitt).

Jennifer McKay presented a review of the 2016 Lake Charlevoix Visioning and Shoreline Protecting Project as well as Lake Charlevoix Watershed Zoning Recommendations.

Hayes Township Specific result of waterfront parcel review:

- 78% in violation (47% of those had rock/riprap/32% beach sanding/ 4 seawalls)
- Greenbelt results (42% very poor/poor, 42% moderate/good, 16% excellent)

Lee Maynard presented different types of shorelines within the county as well as some ideas of restoration of damaged shorelines.

Individual PC members shared concerns, interests, ideas to benefit the lake included:

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- Educate and encourage to work with property owners to protect lake (not always 100% restoration)
- Construction in Hayes Township promotes Shoreline Protection Strip restoration per Ordinance
- Property owners may not have means to restore Shoreline Protection Strip 100%
- OHWM definition and reality create conflict
- Work with individual property owners to create Lake protection on individual unique parcels
- Enforcement issues; needs to be collaboration of all communities
- Inform public (rebuild/new construction); educate public
- Erosion caused by high lake levels
- Ordinary High-Water Mark (OHWM) not consistently presented or defined; Shoreline hardening not in Township's regulations; EGLE passed out permits too easily
- More Charlevoix County involvement
- Not all parcels are the same, uniformity countywide of enforcement
- High Energy wave action areas
- Hayes Township Park maybe a future site for the Township to work with agencies jointly to put in a bioengineered shoreline protection project

PUBLIC COMMENTS UNRELATED TO AGENDA ITEMS

Public comment opened at 7:51 and include:

- ✓ Hayes Township Principal of Guidance
- ✓ Questioned the sincerity of Planning Commission members
- ✓ Concern about former H&D property; Industrial near Residential
- ✓ Chair reminded the public that the Township recognizes that the Future Land Use map does not reflect the desires of the Township nor what should happen on or near the parcel owned by Emmett County
- ✓ Concerns about Master Plan that was adopted in 2019
- ✓ Reclamation process of Reith-Reilly property
- ✓ Thank the PC for revisiting the Master Plan
- ✓ Michigan Shores residents are concerned with industrial zoning

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- ✓ Strict rules and regulations that PC must follow to consider a rezone and there are
- there are many false rumors flying around
- ✓ Master plan verbiage conflicts with map
- ✓ Ordinance needs to be strictly enforced
- ✓ Protect Bayshore
- ✓ Development should not happen in Hayes; ruined Traverse City

Public comment closed at 8:34.

APPROVAL OF AUGUST 16TH, 2022 PC MINUTES

Mr. Bajos made a motion, supported by Mr. Greenslade to approve the September 13, 2022 Planning Commission minutes as corrected.

Yeas: Matt Cunningham, Roy Griffiths, Steve Bulman, Derek Burnett, Rex Greenslade, Ed Bajos, and Marilyn Morehead.

Nays: None **Motion Carried**

REPORT OF TOWNSHIP BOARD REPRESENTATIVE TO THE PLANNING COMMISSION:

By Matt Cunningham. Next meeting November 14, 2022.

REPORT OF PLANNING COMMISSION REPRESENTATIVE TO THE ZONING BOARD OF APPEALS:

Mr. Greenslade presented an oral Zoning Board of Appeals report.

ZONING ADMINISTRATOR REPORT:

Ron VanZee presented an oral Zoning Administrator Report.

NEW BUSINESS

STATUS REPORT ON COMPILATION OF SYNOPSIS OF ZONING ORDINANCE REVIEW:

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Planning Commission members each received a copy of the edits along with a drive containing all the videos of previous discussion for review. Draft will be put on the website and copies are available from the clerk.

Planning Commission came to a census to review the edits of the Zoning Ordinance discussion draft individually and return comments and corrections to Chair Roy Griffitts before next scheduled meeting.

SET/COMFIRM PUBLIC HEARING DATES:

Tentatively set, (complete application has not been received by the Township/no health department approval) a Public Hearing/Special Use Permit for a Mini Campground, for December 20th, 2022.

SET/COMFIRM DATE OF NEXT PC MEETING:

Next Planning Commission meeting will take place on November 15th, 2022 at 7:00 pm.

PUBLIC COMMENTS: Public comments opened at 8:47 pm.

Comments included:

- ✓ Honor the protection of streams, lakes, wells, shoreline
- ✓ Traffic study prior to any more development
- ✓ Un-elect Roy Griffitts from Chair of Planning Commission
- ✓ Thank you for the commitment to revisit the Master Plan
- ✓ Intimidating to speak at meetings; more collaboration between residents and Planning Commission
- ✓ Hayes Township current Ordinance is considered one of the best in State to protect lakes
- ✓ Contact with Holtec (new owner of Big Rock)
- ✓ Discussion with community while reviewing the Master Plan

Public comments closed at 9:05 pm.

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PLANNING COMMISSION COMMENT:

Ellis Boal has requested the Planning Commission remove Roy Griffitts as Chair.

Planning Commission comments:

- Roy acting as Deputy Supervisor (in regards to the EMS Authority) and serving on the Planning Commission was an oversight and not malicious
- Roy handles the difficult position well
- All members strongly disagreed with removing Roy Griffitts as Chair
-

Ms. Morehead made a motion, supported by Mr. Bulman to reject the suggestion to remove Chair Roy Griffitts from the Planning Commission.

Yeas: Matt Cunningham, Steve Bulman, Derek Burnett, Rex Greenslade, Ed Bajos, and Marilyn Morehead.

Abstained: Roy Griffitts

Nays: None **Motion Carried**

Mr. Bulman clarified that the Planning Commission has a legal responsibility to hear applications received (the rezone as well as the salt station). He takes offense to the name calling and rhetoric directed to the Planning Commission or the suggestion the PC was encouraging or in favor of either request. He reiterated that he took the position on the PC to represent all Hayes Township land owners and their rights. The PC is with the residents and not against.

Mr. Greenslade clarified with the Chair the Ordinance edit review process. The public will have a chance to provide input. He continued that he would like the community and residents to support and comment regarding the Zoning Ordinance.

Mr. Burnett reiterated to the public that all meeting where the Planning Commission has discussed the Zoning Ordinance has been open to the public.

Mr. Griffitts made a observation that this has been the largest meeting since the Elmer's controversy. He appreciated all of those that were respectful. Dialog needs to stay open

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and that the statements that have falsely been made against the Planning Commission are detrimental to the process. He invited the public to question why or what those false statements serve, what purpose. All discussions take place at the Planning Commission meetings, always open to the public, nowhere else. Mr. Griffiths encourages the public to regularly attend.

ADJOURNMENT: Mr. Bajos made a motion, supported by Ms. Morehead, to adjourn at 9:15 p.m.

Yeas: Matt Cunningham, Roy Griffiths, Steve Bulman, Derek Burnett, Rex Greenslade, Ed Bajos, and Marilyn Morehead.

Nays: None **Motion Carried**

Respectfully Submitted,

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April Hilton

Hayes Township Deputy Clerk/Recording Secretary

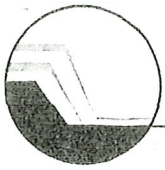
HAYES TOWNSHIP PLANNING COMMISSION

Meeting Date: November 15, 2022

Location:

Hayes Township Hall

Name	Would you like to be called on to speak during public comment?	
Jim McMahon	YES	NO
Diane McMahon	YES	NO
Andy Wilson	YES	NO
Bob Naulty	YES	NO
Debbie Kester	YES	NO
Darlene Hetcheson	YES	NO
Anthony Diaz	YES	NO
Carol Umhor	YES	NO
Kim Ford	YES	NO
Jane Simon	YES	NO
JOHN MEYER	YES	NO
Phil Czechowski	YES	NO
LuAnne Kozma	YES	NO
Ellis	YES	NO
Carl Hamann	YES	NO
Bob Kaeber	YES	NO
	YES	NO
	YES	NO
	YES	NO



BAUER-FORD RECLAMATION

RECLAMATION PLANNERS & LANDSCAPE ARCHITECTS

Division of Landscape Architects & Planners, Inc.

September 19, 2022

Ron Van Zee
Township Supervisor
Hayes Townshi
10772 Barnet Road
Charlevoix, MI 49770

Dear Mr VanZee

On September 2, 2022 Anthony Bauer and Robert Ford from Bauer-Ford Reclamation Design conducted an inspection of the Reith-Riley mine site more or less located south of Petosky St. and west of Townline Rd., in Hayes Township, Charlevoix County, MI. to discuss mining and reclamation issues related to past and future activities at the above mentioned site. Those in attendance included Brad Shearer, Paul Glotzhober and John Pemberton from Reith-Riley and Ron Van Zee and Roy Griffiths from Hayes Township. Following the office meeting, all parties participant in the site inspection.

CHANGES FROM PREVIOUS YEARS

Only a limited amount of mining has occurred since the 2004 inspection. No complaints related to the mining activity have been noted by Hayes Township officials or Reith-Riley. Map 1 illustrates the original mining and reclamation plan and the seven mining and reclamation phases. Phases I, II, III, V, and VI have been successfully reclaimed. H & D indicated that phase IV, south of Pincherry road has very limited reserves and is unlikely to be mined. Only phase VII is the active portion of the mine area. Map 2 shows modification to the original plan that includes the relocation of Pincherry road in the mine site and the phase VII area.

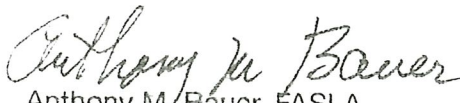
CURRENT AND FUTURE ACTIVITIES

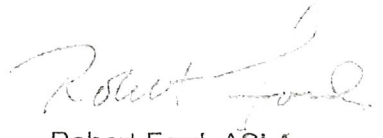
It is noted that no processing occurs on site. All excavated materials are hauled to the Reith-Riley Bashore site. Reith-Riley indicated mining does not occur every year. It occurs approximately every three years based on local demand. The company estimates that the area in phase seven contains between 15 and 30 years of reserves based upon local demand.

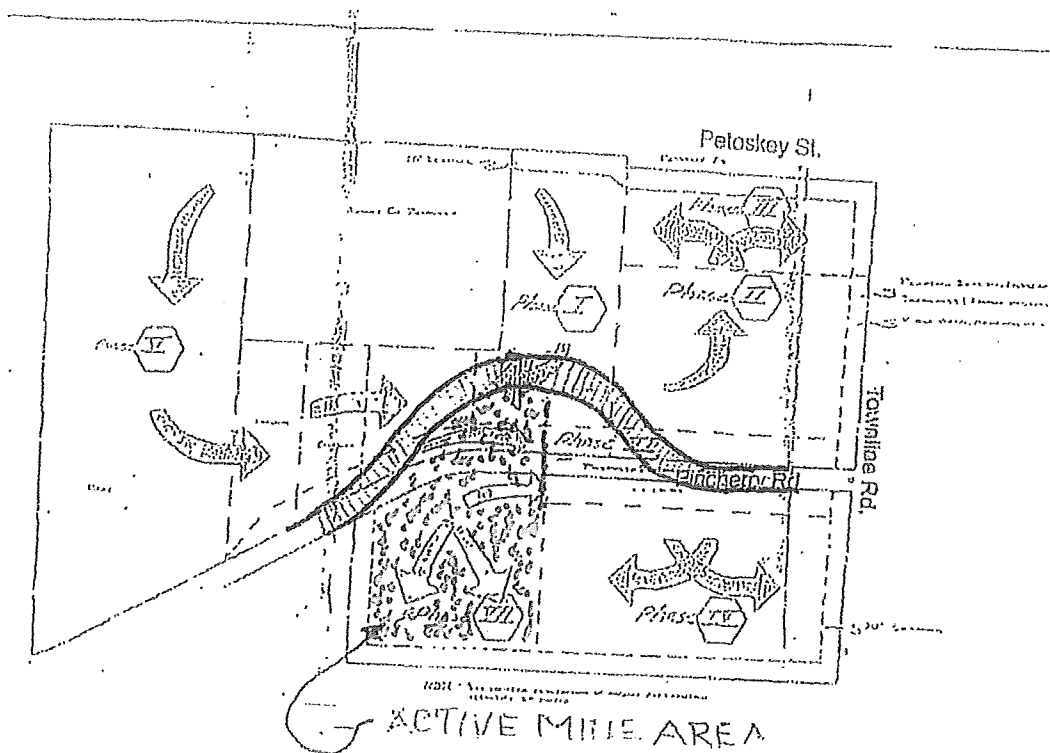
CONCLUSION

Reith-Riley is conducting their mining operation at this site in accordance with the expectations of Hayes Township and the consent agreement. Future inspections will be determined by the Township.

Respectfully submitted,


Anthony M. Bauer, FASLA
Reclamation Planner


Robert Ford, ASLA
Landscape Architect



MAP 2

Pincherry Rd. Relocation

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA
Hartford, Connecticut 06183

RECLAMATION PERFORMANCE BOND

Bond No. 107667482

KNOW ALL MEN BY THESE PRESENTS:

THAT WE, RIETH-RILEY CONSTRUCTION CO., INC., as Principal, and TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, a corporation duly incorporated under the laws of the State of Connecticut, and authorized to do business in the State of Michigan, as Surety, are held and firmly bound unto Hayes Township, Charlevoix County, as Obligee, in the penal sum of Twenty Six Thousand and 00/100 (\$26,000.00) Dollars for the payment of which we hereby bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents.

WHEREAS, the Principal has a permit to perform Green Pit Phase VII mining operations in Hayes Township, Charlevoix County, Michigan.

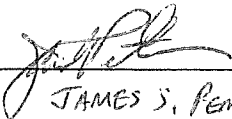
NOW, THEREFORE, THE CONDITIONS OF THIS OBLIGATION ARE SUCH, that if the Principal shall faithfully perform the Green Pit Phase VII closure plan, and protect said Obligee from any damage caused by the Principal's non-compliance with or breach of the closure plan, then this obligation shall be null and void; otherwise to remain in full force and effect.

This bond shall become effective on the 13th day of October, 2022, and shall automatically terminate upon successful completion of the Green Pit Phase VII closure plan.

PROVIDED, that regardless of the number of years this bond is in force, the Surety shall not be liable hereunder for a larger amount, in the aggregate, than the penal sum listed above.

SIGNED, SEALED AND DATED this 13th day of October, 2022.

RIETH-RILEY CONSTRUCTION CO., INC.

By: 
JAMES S. PEMBERTON, AREA MANAGER

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

By: 
Linda Discenza, Attorney-in-Fact

