

**Hayes Township, Charlevoix County, Planning Commission
Regular Meeting of the Planning Commission**

April 18, 2023 7:00 pm

**Hayes Township Hall
9195 Major Douglas Sloan Road
Charlevoix, Michigan 49720**

<https://us02web.zoom.us/j/83601481092?pwd=bTRvd01yc2NtSHY5MXkrZDUxVDMrZz09>

+1 309 205 3325 US

Meeting ID: 836 0148 1092

Passcode: 068828

Call to Order

Pledge of Allegiance

Review of Agenda

Declarations of Conflict of Interest

Approval of March 28, 2023 Regular Meeting Minutes

Public Comment Unrelated to Agenda Items

Report of Township Board Representative to the Planning Commission

Report of Planning Commission Representative to the Zoning Board of Appeals

Zoning Administrator Report

New Business

- Report on Advisory Committee Activity
- Update on Zoning Ordinance Edits
- Recap/Discussion LIAA, Lake Charlevoix Association/Tip of the Mitt March Presentation

Old Business

Set/Confirm Public Hearing Dates

Set/Confirm Date of Next Planning Commission: May 16, 2023 at 7:00 pm

Public Comment

Planning Commission Comment

Adjournment

Public Comment at Meetings of the Hayes Township Planning Commission

The Hayes Township Planning Commission values public input and offers two opportunities for the public to comment at its meetings, once near the beginning and once near the end. This affords the Planning Commission the opportunity to hear your views and remarks. If you speak, you should not expect to engage the Planning Commission members or any staff in discussion or debate.

Planning Commission Members will not respond to comments made during the Public Comment unless it becomes necessary to ask a clarifying questions, correct a factual error, or to provide specific factual information.

Questions about Township matters are best directed to individual Board members or Township staff (Planner, Zoning Administrator, or Assessor) between meetings. Contact information is available on the township website at: hayestownshipmi.gov.

The availability of public comment is recognized by the Michigan Open Meetings Act. The Act provides that rules may be adopted for orderly comment from the public. To that end, the following rules have been established by the Planning Commission:

1. A person who wishes to speak during Public Comment will sign in and signify that they would like to speak on the form.
2. The person will begin by stating their name, spelling it out if requested.
3. The person addresses the Chairperson, or other person chairing the meeting, on behalf of the entire Planning Commission. Public comment is NOT to be addressed to individual Planning Commission members, to any township staff present, or to other members of the audience.
4. There is a three (3) minute time allotment for each speaker. The time limit may be extended by the Chairperson or majority of the Planning Commission members present. If a speaker uses less than three (3) minutes, they may not use the remaining time at that Public Comment. A speaker may speak only once at each Public Comment. There is no provision for another audience member to 'donate' their three (3) minutes to another speaker.
5. A speaker will be out of order if the speaker disrupts the meeting, fails to be germane, speaks longer than the allotted time, uses vulgarities or makes a personal attack on a Planning Commission member or Township employee that is unrelated to the performance of that person's duties.
6. If a speaker is called out of order, that speaker will not be able to speak again at the same meeting except by special leave of the Planning Commission. If the speaker continues to disrupt the meeting or is disorderly, law enforcement will be called to remove the speaker.
7. The Chairperson, or other person chairing the meeting, will have the discretion to permit members to speak at times other than the times reserved for Public Comment.

Hayes Township Planning Commission
March 28th, 2022
Regular Meeting
Zoom ID 836 0148 1092

1 **CALL TO ORDER:** Chairperson Roy Griffiths called the meeting to order at 7:00 p.m.

2 Members present: Roy Griffiths (Chair), Steve Bulman, Derek Burnett, Marilyn Morehead, and
3 Matt Cunningham

4 Excused: Rex Greenslade and Ed Bajos.

5 Also, present: April Hilton (Deputy Clerk/Recording Secretary).
6

7 Audience: Janet Simon, Kim Fary, Deb Narten, Jim McMahon, Diane McMahon, Ellis Boal,
8 LuAnne Kozma, Shelly VanWart, Christopher Mills, Jennifer McKay, Danielle Hutcheson, Tim
9 Boyko, Winnie Boal, Betty Henne, Bill Henne, Tom Forton, Marilyn Anderson, Daron Phelps,
10 Catherine Phelps, Mike Hutcheson, Jesus Torres, Bethany Torres, Chelsea Mills, Tom Darton, Vic
11 Martinchek, Kathy Martinchek, Kevin Willis, Melvin Czechowski, Kevin Kemp, Candy Kemp,
12 Christine Knight, Andrew Wilson, Ruth Augustine, Ryan Engen, Tim Wenger and Larry Evans.
13

14 **PLEDGE OF ALLEGIANCE TO THE FLAG:** Mr. Griffiths led the Pledge of Allegiance.
15

16 **REVIEW AGENDA:**

17 Ms. Morehead made a motion, supported by Mr. Burnett to approve the agenda as presented.

18 Yeas: Derek Burnett, Steve Bulman, Roy Griffiths, Matt Cunningham, and Marilyn Morehead

19 Nays: none **Motion Carries**
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22 **DECLARATIONS OF CONFLICTS OF INTERESTS:** None
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25 **PRESENTATION BY LIAA, LAKE CHARLEVOIX ASSOCIATION AND TIP OF THE MITT:**

26 Berry Hicks and Jennifer McKay presented professional guidelines and recommendations to the
27 Planning Commission from LIAA, Lake Charlevoix Association and Tip of the MITT for protecting
28 Lake Charlevoix shoreline.
29
30

31 **APPROVAL OF MINUTES JANUARY 17TH, 2023 REGULAR MEETING**

32 Ms. Morehead made a motion, supported by Mr. Bulman, to approve the January 17th, 2023,
33 regular meeting minutes as presented.

34 Yeas: Derek Burnett, Steve Bulman, Roy Griffiths, Matt Cunningham, and Marilyn Morehead.

35 Nays: none **Motion Carries**
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Hayes Township Planning Commission
March 28th, 2022
Regular Meeting
Zoom ID 836 0148 1092

PUBLIC COMMENTS UNRELATED TO AGENDA ITEMS:

Public comments opened at 7:51 pm.

- Resident is concerned the changing the Zoning Ordinance will decrease the township's ability to protect the community, especially the shoreline.
- Resident is concerned the Reith Riley mineral extraction will affect them at their home.
- Resident is concerned the township officials do not have the communities and residents' best interest in mind and feels their decisions may have conflict of interest.
- Resident is concerned the activity of Reith Riley's mineral extraction will affect negatively affect the residents daily live and health. They would like Hayes Township to conduct a special meeting with Reith Riley.
- Resident is concerned the Reith Riley mineral extraction will affect their daily life, health, and home value.
- Resident is concerned for the Bayshore community and would like the Planning Commission to hold a special meeting to address the Rieth Riley mineral extraction concerns.
- Resident would like to know if a traffic study has been done in Bayshore on highway 31.
- Resident does not believe the Planning Commission wants to do more toward protecting the lake.
- Resident asked for an update on the Zoning Ordinance draft. And is concerned the proposed changes would decrease the Zoning Ordinance protection of the Shoreline.
- Resident is concerned Reith Riley's mineral extraction will decrease housing values and will destroy the water quality of Horton creek and Lake Charlevoix. Also concerned the increases truck traffic will cause traffic hazards.
- Resident supports Kim Fary's, research, and purpose for a special meeting regarding the residents concerns of Reith Riley extracting minerals in Bayshore.
- Resident would suggest the Planning Commission read through Kim Fary's letter and research and would like to see the Township hold a special meeting with Reith Riley to address these concerns.
- Resident would like to remind everyone Reith Riley already came to the Township during the Board of Trustee meeting and answered the concerns of the residents. Would also like the residence to keep in mind to be polite when asking questions to township member and presenters.
- Resident stated Reith Riley has to wait for the frost/freeze laws to lift before extraction minerals. They are concerned of road damage when they do begin moving truck loads.

Public comments closed at 8:29 pm

Hayes Township Planning Commission
March 28th, 2022
Regular Meeting
Zoom ID 836 0148 1092

REPORT OF TOWNSHIP BOARD REPRESENTATIVE TO THE PLANNING COMMISSION:

Next meeting April 10th, 2023.

REPORT OF ZONING BOARD OF APPEALS REPRESENTATIVE:

NA

ZONING ADMINISTRATOR REPORT:

Written report available at Hayes Township Hall.

NEW BUSINESS-

REVIEW OF ADVISORY GROUP ACTIVITY:

Mr. Burnett presented the Planning Commission with a review of the Advisory Group's most recent meeting activity.

OLD BUSINESS-

SET/CONFIRM PUBLIC HEARING DATES:

None

SET/CONFIRM DATE OF NEXT PLANNING COMMISSION MEETING:

Next Planning Commission meeting will take place on April 18th, 2023, at 7:00 pm.

PUBLIC COMMENT: Public comments open 8:36 pm.

Comments included:

- Resident asked the Planning Commission when the Zoning Ordinance draft will be presented to the public to view. Resident does not believe that Beckett and Raeder should be involved.
- Resident presented studies they have generated from sources regarding the potential damages that may be caused by Reith Riley extracting minerals in Bayshore.
- Resident would like to see a discussion regarding the suggestion to contact the Township Attorney and to have a special meeting to address the residents concerns of Reith Riley mineral extractions.
- Resident is concerned for traffic hazards on 31 and Pincherry. The Township will reach out to the road commission regarding having a traffic study conducted.
- Resident is concerned more residents were not present at the meeting to show concern for shoreland protection.
- Resident encouraged the Planning Commission to discuss having a special meeting regarding the Reith Riley mineral extraction. Also expressed concern for the consultant leading the Advisory Committee is informing the group incorrectly.

Hayes Township Planning Commission
March 28th, 2022
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- 109 - Resident believes it is the planning Commissions responsibility to stop the extraction of
110 mineral by Reith Riley.
111 - Resident would like the Planning Commission to consider all the concerns expressed during
112 the public comment portions of the meeting.
113 - Resident wants to know what the Planning Commission is planning to do regarding the
114 Bayshore residents concerns for Reith Riley extraction of minerals.
115 - Resident does not want to come across as attacking to the township members, just would like
116 to express their level of concern for the residents of Bayshore.
117 - Resident stated they are concerned of Reith Riley accountability for their lack in response to
118 the community concerns. And would like to resolve these issues outside of the courts, however,
119 will entertain a lawsuit if needed.
120 Public comments closed 8:59pm.

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122 **PLANNING COMMISSION COMMENT:**

123 Mr. Burnett asked how long it would take to gather all the information needed to entertain a
124 special meeting regarding the Reith Riley concerns.
125 Mr. Griffiths responded the process is to reach out to the township's attorney regarding the
126 status of Reith Riley's special use permits and how to address these issues. He will be reaching
127 out to the township's attorney the following day.
128 Mr. Bulman supports Mr. Griffiths to contact the townships attorney for his legal opinion on
129 address the Reith Riley mineral extraction concerns.

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131 **ADJOURNMENT:** Mr. Bulman made a motion, supported by Mr. Burnett, to adjourn the
132 meeting at 9:02 pm.
133 Yeas: Derek Burnett, Steve Bulman, Roy Griffiths, Marilyn Morehead, and Matt Cunningham.
134 Nays: none **Motion Carries**

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137 Respectfully Submitted by:
138 April Hilton
139 Deputy Clerk/Recording Secretary
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**HAYES TOWNSHIP
ZONING ADMINISTRATOR REPORT
APRIL 2023**

Application for variance, 07644 Indian Trails, is waiting for meeting date for public hearing to be scheduled.

Received and reviewed application for an accessory structure at 06450 Boyne City Road. Site plan submitted indicated proposed structure to be located across property line.
Received survey for lot line adjustment to accommodate zoning permit application however have not received application for adjustment.

Reviewing application for reconstruction of a gazebo at 07000 Boyne City Road.
Site plan was submitted however proposed site does not meet zoning ordinance requirements for setback. Applicant has been notified however no response at this time.

Working with property owners of 11929 Boyne City Road inquiring about parcel divisions, density and other zoning requirements.

Met with interested potential buyers of a large parcel on Lake Michigan seeking density and other zoning requirements.

Still working with two potential buyers of vacant property on Red Pine Road about zoning requirements.

Working with owner of vacant property on Boyne City Road about zoning requirements for accessory structure.

Working with owners of vacant property on US 31 N in Neighborhood Commercial Zoning District about zoning requirements.

Owners of property on Stephens Road have requested pre-application meeting for proposed camp ground. Meeting has not been scheduled as of this report.

Issued zoning permit for an accessory structure at 09025 Upper Bay Shore.

Issued zoning permit for a new single family dwelling with attached garage at 07615 Oyster Bay Drive within building envelope established with PUD approval.

Issued zoning permit for an 8' x 30' porch replacement and a 12' x 56' agricultural building addition at 06399 Boyne City Road.

Approved application for parcel division at 08085 Mulberry Lane.

2023 Lake Charlevoix Shoreline Protection Visioning



Lake Charlevoix Association (LCA) – Promotes understanding of shared use of Lake Charlevoix and advocates for sensible and sustainable lakefront development practices.



Tip of the Mitt Watershed Council (TOMWC) – Dedicated to protecting northern Michigan lakes, streams, wetlands, and groundwater.



Land Information Access Association (LIAA) – Non-profit serving other non-profits and governments to support planning and technology needs to increase civic engagement and foster sustainable and resilient communities.

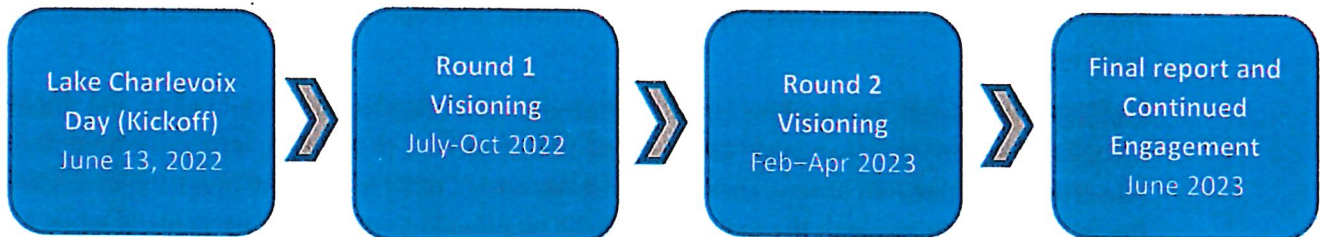
Project Background:

www.lakecharlevoixprotection.org

LCA has contracted with TOMWC and LIAA to accomplish two main objectives:

- 1) Revisit the 2016 efforts and discuss the status of lakeshore protection standards with each community.
- 2) Develop a shared vision of Lake Charlevoix with common goals and objectives shared by all of the communities around the lake as well as individual community visions.

Project Timeline:



Hayes Township's Vision for Shoreline Protection:

Greatest concerns

- Financial inability to litigate against lawsuits to uphold regulations.
- Enforcement – uniform and ubiquitous upholding of Township zoning ordinances. This concern was provided during public comment in Round 1 discussion. Does the Township planning commission also hold this as a concern?

Ideas

- Bio-engineered project test sites to replace seawalls to show their ability to withstand Lake Charlevoix's wave energy. (ie Camp Seagull)
- Education – dissemination of information to educate Township officials and property owners.

Needs/Wants

- Checklist for anyone looking to alter shoreline that outlines local and state regulations as well as best practices
- Progress – how do we measure progress over time? For example, do we know greenbelts work? How do we measure this to show future permit applicants.
- Data – felt the last shoreline survey was immensely helpful; more information like this would be helpful for decision makers.
- Ordinances that activate shoreline restoration requirements (such as a non-conforming use ordinance)

Lake-wide Recommendations

- **Overlay District** An overlay district is a common tool for establishing development restrictions, or extending development incentives, on land within a defined geographic area or characterized by specific physical features or site conditions. Adopted as part of a zoning bylaw, overlay districts are superimposed over one or more underlying conventional zoning districts in order to address areas of community interest that warrant special consideration, such as shoreline protection or to ensure new development fits the existing community character and needs. Common standards or regulations in an overlay zone may include building setbacks, density standards, lot sizes, impervious surface reduction, vegetation requirements, building floor height minimums, and flood-proofing to high water levels. Overlay districts can be useful for many of the jurisdictions around Charlevoix County.
- **Education**
 - Homeowners
 - Realtors
 - Contractors
 - Planners Forum
 - Watershed Plan Advisory Committee
- **Coordinated Permitting**
 - **Regulation** Local jurisdictions would coordinate regulations both through the use of lake-wide overlay zones/districts and through regulations that may impact the watershed and water-quality, such as impervious surfaces and alternatives to accommodate development while allowing natural processes to continue.
 - **Comment on permit applications** Local governments are provided notice and given the opportunity to review and comment on proposed public notice prior to action. In addition, local governments are copied on permits and violation letters. Local units of government need to take the opportunity to participate in the permitting process with the State of Michigan by providing comments, particularly when a proposed project will violate a local ordinance.
 - **EGLE to attend Planning Commission** District permitting staff from the Michigan Department of the Environment, Great Lakes, and Energy has agreed to attend Planning Commission/Board meetings to further understanding and coordination between the state and local units of government.
 - **Require all other relevant permits to be obtained prior.** Local communities may include provisions in their zoning ordinance that all other relevant permits are received prior to permit approval. Local units of government could also conditionally approve a permit, requiring submission of all other required permits prior to final approval. Once a sequence for permits has been established communities can create and use checklists to guide and document their workflow.

Next Steps

- Has anything been missed or mis-interpreted?
- Does Hayes Township plan to implement shoreline protection efforts?