

AGENDA
HAYES TOWNSHIP, CHARLEVOIX COUNTY
PLANNING COMMISSION
SEPTEMBER 19, 2023 7:00 pm
Hayes Township Hall
9195 Major Douglas Sloan Road
Charlevoix, Michigan 49720
ZOOM

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

Meeting ID: 836 0148 1092
Passcode: 068828

+1 312 626 6799 US (Chicago)

1. Call To Order
2. Pledge of Allegiance
3. Review and Approval of Agenda
4. Declaration of Conflict of Interest, if any
5. Review and Approval of Draft Minutes- August 22, 2023
6. Public Comment Unrelated to Agenda Items
7. Report of Township Board Representative to the Planning Commission
8. Report of Zoning Board of Appeals Representative to the Planning Commission
9. Zoning Administrator Report
10. New Business
 - Housing North- Zachery Samples (Briefing on Resort Township and local Housing Needs Analysis)
11. Old Business
 - Review of Zoning Ordinance Draft
12. Set/Confirm Public Hearing Dates
13. Set/Confirm Date of Next PC Meeting- October 17, 2023
14. Public Comment
15. Planning Commission Comment
16. 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
August 22th, 2023
Special Meeting
Zoom ID 836 0148 1092

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

Members present: Roy Griffitts (Chair), Derek Burnett, Marilyn Morehead, Rex Greenslade, CT Martin, and Matt Cunningham.

Steve Bulmann Excused absent.

Also, present: April Hilton (Deputy Clerk/Recording Secretary) and Kristin Baranski.

Audience: Sarah Wolf, Jim McMahon, Dianne McMahon, Doug Kuebler, Deb Narten, Janet Simon, Tim Boyko, Winnie Boal, Betty Henne, Chris Fulford, Carol Umlor, Wendy Wieland, Ruth Augustine, Kevin Willis, Jean McCarthy, Mike McCarthy, Joellen Rudolph, Melissa Robinson, Mel Czechowski, Joel Robinson, Andy Willow, Anthony Diaz, Jim Pemberton, and Jim Rudolph.

REVIEW AGENDA:

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

Yeas: Derek Burnett, Roy Griffitts, Matt Cunningham, Rex Greenslade, CT Martin, and Marilyn Morehead

Nays: none **Motion Carries**

Ms. Morehead made a motion, supported by Mr. Griffitts to adjourn meeting by 8:30pm if the discussion is at a concluding point.

Yeas: Derek Burnett, Roy Griffitts, Matt Cunningham, Rex Greenslade, CT Martin, and Marilyn Morehead

Nays: none **Motion Carries**

DECLARATIONS OF CONFLICTS OF INTERESTS: None

APPROVAL OF MINUTES JULY 18TH, 2023 REGULAR MEETING

Ms. Morehead made a motion, supported by Mr. Burnett, to approve the July 18th, 2023, regular meeting minutes as corrected.

Yeas: Derek Burnett, Roy Griffitts, Matt Cunningham, Rex Greenslade, CT Martin, and Marilyn Morehead.

Nays: none **Motion Carries**

APPROVAL OF MINUTES JULY 25TH, 2023 SPECIAL MEETING MINUTES

Mr. Greenslade made a motion, supported by Ms. Morehead, to approve the June 25th, 2023, special meeting minutes as presented.

Yeas: Derek Burnett, Roy Griffitts, Matt Cunningham, Rex Greenslade, CT Martin, and Marilyn Morehead.

Hayes Township Planning Commission
August 22th, 2023
Special Meeting
Zoom ID 836 0148 1092

Nays: none **Motion Carries**

PUBLIC COMMENTS UNRELATED TO AGENDA ITEMS:

Public comments opened at 7:07 pm.

Comments included:

- Resident hopes the Planning Commission members had time to review his correspondence email. They read some highlighted points from their correspondence email. Their correspondence email is attached to minutes.
- Resident referenced an article from Ann Arbor, would like to see mining in Hayes Township to come to a stop soon.
- Resident would like to see Hayes Township a clean and healthy environment. They informed the Planning Commission members of a lawsuit against the Montana Government. They feel Hayes Township has a strong Zoning Ordinance.

Public comments closed at 7:12pm

CONTINUATION OF REVIEW OF THE MASTER PLAN ADVISORY COMMITTEE

RECOMMENDATIONS - FUTURE LAND USE MAP:

- Todd Millar express concern for using the term mining impaired.
- Todd Millar has begun to engage a professional reclamation firm to do an analysis of the Reith Riley green pit, to advise the Planning Commission of potential future land uses for this parcel.
- Todd Millar advised to avoid spot zoning in the Future Land Use Map and encouraged the Planning Commission members to stick to using the list of Zoning terms the Township already has established, instead of creating new terms.
- Mr. Griffitts made a suggested correction to the foot note to reflect the last version of the consent agreement, striking the sentence that states 'When restoration has been completed, the consent agreement contemplates the future use may be four 10-acre housing lots.'

Mr. Greenslade made a motion, supported by Ms. Morehead, to approve tabling the Future Land Use Map discussion, until the Planning Commission receives more information from the court decision and the Reclamation Firm proposal.

Yeas: Derek Burnett, Roy Griffitts, Matt Cunningham, Rex Greenslade, CT Martin, and Marilyn Morehead

Nays: none **Motion Carries**

Hayes Township Planning Commission
August 22th, 2023
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BEGIN REVIEW OF DRAFT EDITS TO ZONING ORDINANCE:

Planning Commission came to a consensus to push this discussion to the next Planning Commission meeting.

PUBLIC COMMENT: Public comments open 7:56 pm.

Comments included:

- both mines to be considered in the scope of work
- clarification on what sentence was taken out of the foot note.
- concern for Horton Creek drying up.
- clarification if there is a contract with Bauer Ford, and which area is being focused on.
- who came up with the term "Mining Impaired" and curious if the term is to discourage certain land uses.
- the party who loses the court decision will appeal.
- Intervenors would like input with Bauer Ford. Concerned about head waters at Horton Creek.
- discussion at tonight's meeting is leading in a positive direction.

Public comments closed 8:08pm.

PLANNING COMMISSION COMMENT:

Mr. Griffiths informed the Planning Commission and public that Lake Charlevoix Association and Jennifer Buchanan are providing shoreline review and recommendations for shoreline restoration at no cost to Lake Charlevoix Lake front owners. Jennifer Buchanan will also work with the Shoreland Sub- Committee on reviewing plans.

ADJOURNMENT: Mr. Greenslade made a motion, supported by Ms. Morehead, to adjourn the meeting at 8:09 pm.

Yeas: Derek Burnett, CT Martin, Roy Griffiths, Marilyn Morehead, Rex Greenslade, and Matt Cunningham.

Nays: none **Motion Carries**

Respectfully Submitted by:
April Hilton
Deputy Clerk/Recording Secretary



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Proposed Public Meeting

1 message

Todd Millar <tmillar@parkerharvey.com>

Thu, Sep 14, 2023 at 11:21 AM

To: "clerkhayestownshipmi@gmail.com" <clerkhayestownshipmi@gmail.com>

Cc: "Katlyn R. Selleck" <kselleck@parkerharvey.com>

Kristin,

I was reviewing the Board of Trustees' packet for the September meeting and read Jim McMahon's September 6 email. I am writing to advise against the Township sponsoring and organizing such a meeting given the pending litigation. I believe that it is reasonable to assume that Mr. Wilczynski will be serving as an expert witness in the case. It would be inappropriate, in my opinion, for the Township to sanction such a meeting. I would suggest that you advise Mr. McMahon that he can organize such a meeting, invite whoever he wants, including the public, and even hold it at the Township Hall.

Please let me know if you have any questions.

Todd

Todd W. Millar

Attorney

DIRECT 231.486.4519 EMAIL tmillar@parkerharvey.com

PARKER HARVEY PLC

901 S. Garfield Ave, Suite 200, Traverse City, MI 49686

MAIN 231.929.4878 FAX 231.929.4182 www.parkerharvey.com



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September 6, 2023

Members of the Hayes Township Planning Commission:

Hayes Township residents have the right to a clean and healthful environment.

Young activists in Montana won a landmark climate change lawsuit against the state. The legislature had passed a law that said the state could not take greenhouse gas emissions into account when considering mining or energy projects. The constitution included "the clean and healthful" clause in its constitution. The finding by the judge declared that promoting fossil fuels endangers the well-being of young people. It is a landmark case which gives me hope.

The Planning Commission is in a position to make decisions that strongly affect the quality of life in Hayes Township. I was impressed by a Planning Commission and Advisory Committee Member, Marilyn, at the July 25th Planning Commission Meeting. She stated she would not want to live near a gravel pit. She proposed using an asterisk and keeping the section/directions under "Mining Impaired" to protect Bay Shore residents. There was consensus on the board. On August 22, Todd Millar's comments indicated that including this language might require many special use permits, as if this were the most important consideration. On the contrary, the language would help protect the quality of life of the Bay Shore community and Michigan Shores. Approving or denying special use permits is the responsibility of the Planning Commission and is extremely important. Do not abdicate that responsibility. It protects the residents of the township.

Todd has "been working" with Reith-Riley to determine the topography and contours of the South Side of highway US 31 to contract with Bob Ford to determine the possible future use of the property after reclamation. You are, also, waiting until after the court case with the intervenors and Reith-Riley to complete the Master Plan. There is a critical third step that is missing. A scientific study of the property is crucial. It is disappointing that no one on the board has commented on the certified geologist and hydrologist, Mr. Mike Wilczynski's report. He is highly respected, has done extensive and highly reputable research and has been requested to testify in important court cases. To make critical decisions requires pertinent information, especially scientific information. I encourage you to invite Mr. Wilczynski to speak at a special PC Meeting to educate and allow for questions from PC members, Trustees, and residents of Hayes Township. Should more testing be done? What kind of testing is needed? Is the mined land contaminated? What should reclamation look like? (Roy could not answer the last question; he said to ask Reith-Riley.) BUT, Reith-Riley owns the property, does not have a good track record, and their bottom line is highly questionable and problematic! We NEED scientific, reliable answers to all of our questions and concerns.

The Planning Commission should reach out to the Planning and Zoning Center of Michigan State University, which does workshops. Planning specialists go around the state and do workshops in three or four locations. Attending workshops is required (or should be) to be on the Planning Commission; it is necessary for all board members to be educated and updated on proper planning. Welcome, TJ; I hope you and other members of the Planning Commission will attend a workshop soon.

My family has lived in Hayes Township since 1975. I am deeply concerned about planning and zoning in our township. Hayes Township residents have the right to a clean and healthful environment.

Betty Henne



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Public Educational Meeting to Learn More about Gravel Mines

1 message

Jim McMahon <jim_mcmahon_iii@yahoo.com>

Wed, Sep 6, 2023 at 12:46 PM

To: Ron Van Zee <supervisor@hayestownshipmi.gov>, Kristin Baranski <clerk@hayestownshipmi.gov>, Matt Cunningham <trustee2@hayestownshipmi.gov>, Doug Kuebler <hayestrustee5@gmail.com>, Julie Collard <treasurer@hayestownshipmi.gov>, "hayestownshippc@gmail.com" <hayestownshippc@gmail.com>

Dear Board of Trustee Members and Planning Commission Members,

From the questions and commentary expressed by planning commission (PC) members and the audience in the most recent PC meeting, I sense everyone is desperately seeking more information and knowledge.

Many of us believe a conversational public meeting with Mike Wilczynski, a certified professional geologist, would go a long way toward a better understanding of the facts. Mike Wilczynski is also well educated as a hydrologist and can speak to those matters. He is often called upon as an expert witness in court cases regarding this science and his vast field experience.

As you will recall, Mike Wilczynski has written reports to the township board, the planning commission, and the special Advisory Committee about the geology and hydrology regarding the two Rieth-Riley mines.

I'm suggesting a special public meeting be assembled so that everyone can get their questions answered. It would be more like a conversation - no formal presentation. Invite all PC members and township board members. Invite the township attorney. Invite the community. Invite Rieth-Riley to sit with the community audience. This would be a sit-down conversation and discussion - no standup grilling.

Many people in the community and I believe the PC members and others are yearning for more scientific information and knowledge. This would be an excellent opportunity for everyone to learn and participate (and be in the same room) and hear the same thing. Mike Wilczynski lives in Livingston County. Because of the travel involved, we're hoping this meeting could occur before the weather turns. By the way, Mike Wilczynski is offering his assistance on a "pro bono" basis to our community and township.

I'd like to talk about this request for an educational meeting to be discussed at the next township board and PC meetings. Because of the anticipated number of people attending, the Charlevoix Public Library gathering room could be scheduled. Zoom is also available in this room. Thank you.

Jim McMahon
7377 Nine Mile Point Drive
Charlevoix, MI 49720
phone: 231-347-9829

RIETH-RILEY CONSTRUCTION Co., Inc.

100% Quality • 100% Employee Owned • Over 100 Years

September 5, 2023

Mr. Ellis Boal
Attorney for Intervenor (P10913)
9330 Woods Rd
Charlevoix, MI 49720-1698

Sent via certified mail
Article No. 7021 0950 0001 0368 1401
Sent via electronic mail
ellisboal@voyager.net

Todd W. Millar (P48819)
Attorney for Hayes Township
Parker Harvey PLC
901 S. Garfield Avenue, Suite 200
Traverse City, MI 49686

Sent via certified mail
Article No. 7021 0950 0001 0368 1388
Sent via electronic mail
tmillar@parkerharvey.com

RE: Resumption of Rieth-Riley's Operations at the Green Pit

Mr. Boal, Mr. Millar:

This letter serves to notify you, as the attorneys for Intervenor and Hayes Township, respectively, that Rieth-Riley Construction Co., Inc. ("Rieth-Riley") intends to continue seasonal mining operations at the Green Pit located in Hayes Township on Monday, September 11, 2023. As you're aware the Green Pit is the subject of certain litigation between Rieth-Riley, the Intervenor, and Hayes Township. **This activity will include sand and gravel extraction, plus hauling materials away to another location, and will require re-location of berms and safety fences, among other related activity.** Rieth-Riley's operations at the Green Pit will cease no later than November 17, 2023.

All activity at the Green Pit will continue to be conducted as required by the terms of the multiple consent judgments entered by H&D, Inc. (Rieth-Riley's predecessor in interest), Hayes Township, and the Intervenor.

If you have any questions, please do not hesitate to contact the undersigned counsel for Rieth-Riley.

Sincerely,

GPS, with permission

Gary P. Schenk
SCHENK BONCHER & RYPMA
601 Three Mile Rd, NW
Grand Rapids, MI 49544

K. M. Brennan

Keegan M. Brennan
RIETH-RILEY CONSTRUCTION CO, INC.
3626 Elkhart Road
PO Box 477
Goshen, IN 46527



FOR IMMEDIATE RELEASE

Sept. 5, 2023

EGLE Media Office, EGLE-Assist@Michigan.gov, 517-284-9278

Sara Pearson, Supervisor, Source Water Unit, PearsonS@Michigan.gov, 517-420-3219

Free well water testing now available for Michigan residents

The Department of Environment, Great Lakes, and Energy (EGLE) is excited to announce a special program to help Michigan families know the quality of their well water. EGLE and local health departments (LHD) are working together to ensure that safe drinking water is a priority for Michigan families.

Last year, the Michigan Legislature appropriated \$5 million to provide free well water testing for Michigan residents who rely on a household or private well for their drinking water. Water from private wells may sometimes not be safe to drink. EGLE and the LHDs want to help families know if their water is safe to drink, and this free well water testing will help get them that answer.

Most wells get checked when they are first built; however, EGLE and the LHDs know that water wells should be checked more frequently as water quality may change over time. This testing can determine if there have been any water quality changes to your well that could be harmful to those who drink and use that well water.

Many different substances may be found in well water that could be harmful and may cause illness, including bacteria; nitrates; and some metals, such as arsenic. Residents who test through this free program will have the assistance of the LHD to help determine next steps if test results show a problem with their well water quality.

If you have a private well and you want to know if your water is safe to drink, here is what you can do:

- Talk to your LHD. They can tell you if there is anything special you need to know about the water in your area.
- Go to the EGLE website [gov/EGLEPrivateWells](https://www.michigan.gov/EGLEPrivateWells). Here, you can add your information to ask for a water test. You will also learn more about how to collect a water sample to send to the laboratory.
- Don't worry if you are not sure what the laboratory results mean – your LHD will help you understand the results and will guide you on next steps, if necessary.

This free testing program is your first step in knowing if the water you drink from your private well is safe, and steps to take if an issue is found.

To stay up to date on other EGLE news follow us at Michigan.gov/MIEnvironment.

###



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Email Address: e.g. name@example.com

Fwd: Invitation - Northwest Michigan Housing Summit

1 message

Hayes supervisor <supervisorhayestownshipmi@gmail.com>
To: Kristin Baranski <clerk@hayestownshipmi.gov>

Fri, Aug 25, 2023 at 6:01 AM

We need to put this out to BOT and PC and encourage attendance please
Sent from my iPhone

Begin forwarded message:

From: Yarrow Brown <yarrow@housingnorth.org>
Date: August 24, 2023 at 2:56:43 PM EDT
To: supervisor@hayestownshipmi.gov
Subject: Invitation - Northwest Michigan Housing Summit
Reply-To: Yarrow Brown <yarrow@housingnorth.org>

[View this email in your browser](#)



Dear elected officials and staff,

We wanted to formally invite you to attend the 9th annual Northwest Michigan Housing Summit on October 26-27th in Traverse City at the Park Place. This is an opportunity for units of government to collaborate, learn and discuss topics around housing including planning and zoning resources and the use of new legislative tools. We wanted to share some key highlights this year and encourage you and your staff to attend this year. [Here is a link](#) to the registration and more information about the Housing Summit.

Why should you attend this year's Housing Summit?

- **Incremental Development training:** We will have professionals from the Incremental Development Alliance to lead workshops on creating a housing project proforma and site planning. You won't want to miss these workshops.
- **Addressing the Housing Crisis:** The Summit brings together different levels of government and stakeholders to collaborate on tackling housing issues, such as affordability and inadequate housing supply, making it an ideal space for discussion and finding solutions.
- **Zoning and Land Use:** By discussing zoning and land use regulations, participants can identify barriers to housing development and explore ways to streamline the approval process for new housing projects as well as learn about potential zoning solutions used in other communities to facilitate housing development.
- **Affordable Housing Initiatives:** The Summit will bring in discussions exploring the new legislative tools that incentivize the construction of

affordable housing units

- **Data Sharing and Analysis:** Units of government can have a better understanding of the data from the Housing Needs Assessment (HNA), and how to incorporate the information into decision making and community-fitted housing solutions.
- **Sustainable Development:** The Summit can emphasize environmentally friendly practices and sustainable development principles, ensuring that housing initiatives align with broader environmental goals.
- **Regional Collaboration:** The Summit provides an opportunity for regional cooperation, recognizing that housing challenges often extend beyond municipal boundaries

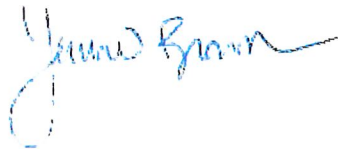
We hope to see you there! This year we are hosting a legislative happy hour for the first #80 who sign up at Top of the Park on October 25th from 5-8 p.m.

We also want to remind you of the recent 2023 [Housing Needs Assessment](#) report for the ten county region. There is very important data that can help inform key housing and economic development decisions for your community. [Here is a link](#) to the full report and [here is a link](#) to the summary documents and individual county reports.

Please let us know if you want us to schedule a time to present to your community and discuss the results. We will be available for presentations this Fall.

My best,

Yarrow Brown



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[231-335-1685](tel:231-335-1685) info@housingnorth.org

Mailing address: PO Box 1434 Traverse City, MI 49685

affordable housing units

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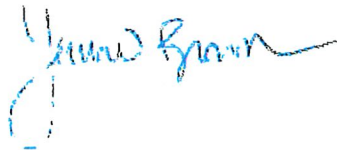
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Please let us know if you want us to schedule a time to present to your community and discuss the results. We will be available for presentations this Fall.

My best,

Yarrow Brown



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231-335-1685 info@housingnorth.org

Mailing address: PO Box 1434 Traverse City, MI 49685

**HAYES TOWNSHIP
ZONING ADMINISTRATOR REPORT
AUGUST 2023**

Issued zoning permit for a new single family residence at 09789 Burnett Road.

Issued second complaint letter for building on the property line without permit on Shrigley Road to answer questions about complaint.

Responded to a noise complaint on Maple Grove Road.

Met with Housing North representatives concerning common elements between Resort Township and Hayes Township.

Working with Developers outlining zoning requirements for a proposed large housing development Boyne City Road at US 31.

More than normal calls/questions concerning real estate transactions and general zoning questions.

On Thu, Sep 14, 2023 at 10:22 PM Jim McMahon <jim_mcmahon_iii@yahoo.com> wrote:

Hi Roy,

Is the planning commission meeting allowing time for me to talk about the need to bring in Mike Wilczynski, the geologist/hydrologist, to answer questions about the two gravel mines? My understanding from Ron VanZee during the board of trustees meeting is that this topic would be discussed with all members of the planning commission participating. Matt Cunningham told me that he would ask you to allot some time for this discussion.

This time does not appear on the PC meeting agenda?

Jim McMahon

HAYES TOWNSHIP PLANNING COMMISSION

Meeting Date: SEPTEMBER 19, 2023

Location:

Hayes Township Hall

Name	Would you like to be called on to speak during public comment?	
Lukas VanZee	YES	☒ NO
Jim McMahon	☒ YES	NO
Danell Hutcherson	YES	NO
KEVIN WILLIS	YES ?	NO
Janis Simon	☒ YES	NO
DEB NARTEN	☒ YES	NO
McMahon	YES	☒ NO
Andy Wilson	☒ YES	NO
Diane McMahon	YES	☒ NO
Winnie Boal	☒ YES	NO
Ellis Boal	☒ YES	NO
LuAnne Kozma	☒ YES	NO
Melvin H. Gschwendt	YES	☒ NO
Carol Uhler	YES	☒ NO
Dianne McMahon	YES	☒ NO
Tim Boyko	☒ YES	NO
	YES	NO
	YES	NO
	YES	NO

