

**Minutes
Regular Meeting
Crystal Lake Township Planning Commission
7:00 PM February 24, 2021
Held By Telephone Conference**

1. CALL TO ORDER at 7:00 pm by Chairman Greg Wright.

2. ROLL CALL AND RECOGNITION OF VISITORS

Present: Commission Chairman Greg Wright
Commissioners Lee Ewing, Bill Herd, Dr. Bill Northway, and Mike Pasche

Also Present: Zoning Administrator Tom Kucera
Recording Secretary Jeannette Feeheley

Recognition of Visitors: The phone conference number and password had been made available to the public. No visitor called.

3. CALL FOR CONFLICT OF INTEREST: None presented.

4. CORRESPONDENCE: Chairman Wright reported no correspondence.

5. APPROVAL OF MINUTES OF REGULAR MEETING OF January 27, 2021

Ewing moved that the Minutes of the Regular Meeting of January 27, 2021, be approved. Herd seconded. All ayes. Minutes approved.

6. APPROVAL OF AGENDA

Zoning Administrator Kucera asked that an additional item be added to the agenda regarding the FEMA Floodplain Ordinance 22 revision. Chairman Wright agreed and suggested its addition as item C under Unfinished Business.

Wright then moved that the proposed agenda, with the addition of the aforementioned item, be approved. Herd seconded. All ayes. Agenda as amended approved.

7. PUBLIC COMMENTS: No public in attendance.

8. REPORTS TO THE COMMISSION

A. Chair Report: Chairman Wright reported he would take care of the attendance sign-sheets that Commissioners and staff are unable to sign under current COVID restrictions and that he will get them filed with the Clerk.

B. Zoning Administrator Report:

Zoning Administrator Kucera and Commissioners discussed the advertising of meetings and publishing of the Commission's meeting schedule. He reported the extension of non-in-person meetings has been extended by the State Government to March 29 so unless the Governor says otherwise, the next meeting will again be by phone conference. He and Wright and Northway plan to meet next week and these matters will be confirmed. He has continued to keep his regular office hours all through the COVID restrictions.

C. Zoning Board of Appeals: Zoning Administrator Kucera said there were no appeals pending before the Board.

9. CAPITAL IMPROVEMENT PLAN

Wright said that nothing new has happened since the Plan had been reviewed last year by the Planning Commission, as is required of them annually. He said the Township Board has not expressed much interest in constructing a new building or new addition and seems committed instead to renovating the Township Hall. He said he had discussed the status of the Plan with Commissioner Herd and they agreed that the Commission this year should simply update the Plan with the new millage and make no other changes. Discussion ensued about the process of how the Plan is reviewed each year and that the Planning Commission makes recommendations to the Township Board who may accept or reject the recommendations and who make all the decisions. Northway mentioned that better air conditioning and ventilation should be looked at, and Wright said good idea and that such falls elsewhere than under "Capital Improvement". Consensus to simply update the Plan with the new millage.

10. UNFINISHED BUSINESS

A. Watershed Overlay Plan:

Zoning Administrator Kucera said he, along with the Commissioners, had recently received Commissioner's Herd's comments of concern about the proposed changes to the Watershed Overlay Plan, and he had forwarded Herd's recent comments to the Watershed Committee. Zoning Administrator said he believes the Watershed Committee took Commissioner Herd's past comments on same topic to heart. He reported the Watershed Committee has been meeting with a couple of state organizations like American Tree Farms and others. He said he would encourage them to be prepared for the next meeting. Herd was asked for concrete examples of his concerns. Herd commented that while he was very supportive of the group's aims, he had serious concerns about some of their plans. He thought they had probably done a lot of their research on line with other watershed plans but perhaps had not yet considered the type of soil we have here. He said sandy soil is spread throughout much of our particular Watershed, as opposed to soil types of other Watersheds. Herd said the existence of our sandy soil makes a lot of the proposed restrictions on property owners farther from the lake unnecessary because of the filtration that occurs with sandy soil. He also felt some of the Watershed Committee's proposals would be counter-productive towards the aim they want to achieve. He mentioned a large property on the south side of Lobb and Grace Roads, a grass fed pasture for cattle with beef a byproduct of the owner's enterprise, but that the proposed restrictions in the Watershed Overlay call for "no farming". Herd said that, with such restrictions, the property owner could no longer farm and also could not put up a campground because of the property's size and basically could do nothing for income except maybe subdivide the land and sell off parcels as individual lots which would be counter-productive to the Watershed's aims. He said the owner would be allowed to plant trees for forest purposes but would then have to wait sixty to eighty years to see any harvest income. Herd felt that many folks in the Township dependent on the land for their income are not going to take kindly to these Watershed restrictions being proposed for so far from Crystal Lake. Discussion ensued about how far the entire Watershed extends. Herd said that in the township of Benzonia, for example, it goes all the way to Benzie Central High School. Zoning Administrator asked that, from the standpoint of the enforcement that would be required of him, what should the cut-off be where the Overlay restrictions apply? Herd said that elevation

as well as distance are involved. Pasche said if there's truly 100% filtration on a site, exceptions could be made if the owner could prove such. He said it should be remembered that while we are looking at the current uses of property, the Watershed people are trying to plan for the future, twenty years down the road when current usage may have changed. He mentioned Ordinances in Wisconsin and Michigan that speak to that. Much discussion ensued, including a question of who would pay to gather the facts and figures or engineering needed to prove or disprove runoff. Herd continued to point out the plight of property owners with say, forty acres, no longer allowed to have orchards or farms, and no possibility of economic use. Zoning Administrator said they could always appeal to the Zoning Board of Appeals. Herd said a property owner should not have to depend on whomever is serving on the Zoning Board at the time for the grace to continue to use his property as in the past. Zoning Administrator mentioned actual problems he has experienced with architects and new property owners who come into his office all the time with plans to do such and such before they've even read the Ordinances. He said things have to be spelled out and clear for all concerned, including the Township. Herd asked Zoning Administrator to tell the Watershed folks that he's happy to chip in and work with them but that a lot more work needs to be done. Zoning Administrator spoke of a need to come up with language to do what Herd is saying. Pasche said he did not think excluding areas is a good idea and the aim should be to write something that would last twenty years into the future. Herd mentioned the proposal has all sorts of things about landscaping that are burdensome. Ewing said if there's a bluff between the property and the lake, it could be excluded rather than issue a blanket perimeter. Zoning Administrator said there is a need for a good slope map anyway, that a crude one exists for Crystal Lake Township but that other townships in the Overlay need to have one and that a good updated study of all the relevant slopes would cost about \$8,000-\$10,000. Discussion of where other townships stand on the matter and whether they would share the cost. Zoning Administrator mentioned that Homestead Township does not have zoning. He said Benzonia, Crystal Lake and Lake Townships have ordinances which require a slope map to be on file. He said the Township's current color coded map is crude. He said the issue of the need for good slope maps is a separate thing from the Watershed proposal. Herd mentioned that while the Watershed Association aims to have all the Townships in the Overlay approve their proposal, that one township has to go first, and that we really want to get it right. As the discussion had been extensive, Herd felt he and others had expressed their thoughts and there was no need to continue discussing it that night.

Herd moved to table the issue tonight and wait to hear if there are revisions proposed by the Watershed Association people. Wright asked if Herd really wanted to table the matter or just allow the Commission to move on that night with other matters. Herd said yes, that is what he meant and he withdrew his motion to table the matter.

B. Solar Energy Ordinance

Herd said he had a copy of the Ordinance on Solar Energy that the Township's neighbor, the City of Frankfort, had adopted for residential use and that Crystal Lake Township may want to simply adopt a similar one. He talked about various items in the Frankfort Ordinance. He said it does not address solar farms or commercial use, just residential. Wright said he did not think the Planning Commission had even decided if they want industrial solar yet. Herd was asked for a copy of the Frankfort Ordinance and promised he would send it to the Commissioners.

C. Floodplain Ordinance - Article 22

Zoning Administrator said the current ordinance has to be updated to be consistent with FEMA's new maps and that he will get the paperwork out to the Commissioners so that they can have the requisite public hearing on a revised Article 22. He also mentioned the Township Board's recent

adoption of two resolutions regarding the building code and Benzie County government.

12. PUBLIC COMMENTS: No public in attendance.

13. OTHER BUSINESS:

Herd asked Zoning Administrator if he had heard an update regarding the Barnes' property and was answered no. Herd asked Zoning Administrator same question regarding the Mix Recreational Vehicle Park property, and about the Court Judgment involved. Zoning Administrator discussed Phase One of the Park and said that if there is to be a Phase Two, the owner must apply for a Special Land Use Permit, and that he sent him a letter to that effect last fall. He said he talked with the owner recently and that the owner is working with an engineer to submit an application to expand to another forty-four spaces. Northway mentioned that he looks forward to the time when he can see his fellow Commissioners in person, having had to take office without that benefit under COVID restrictions.

14. ADJOURNMENT: With no further matters pending, Chairman Wright adjourned the meeting at 8:17 pm.

Next Regular Meeting: 7 pm, Wednesday, March 24, 2021.

Respectfully submitted,
Jeannette Feeheley, Recording Secretary