

**CENTERVILLE TOWNSHIP
PLANNING COMMISSION**

*Lindy Kellogg, Chairperson; Rolf von Walthausen, Vice-chair;
Joe Mosher, Board Representative;
Mary Beeker, Secretary; Noel Bielaczyc, ZBA rep;
Cindy Kacin, Recording Secretary
Chris Grobbel, Planner*

April 16, 2024, Special Meeting, *Approved Minutes*

Call to Order: Kellogg called the meeting to order at 6:30 p.m.

Attendance: Joe Mosher, Mary Beeker, Noel Bielaczyc, Rolf von Walthausen, Lindy Kellogg

- **Staff Present:** Township Planner, Chris Grobbel
- **Public attendance:** 6 in person.

I. **Review Agenda**

a. Agenda reviewed by Members. No changes.

II. **Public Comment Regarding the Agenda** - None

III. **Revise/Approve Agenda**

ACTION: Beeker moved to approve the agenda of April 16, 2024, supported by von Walthausen. Motion carried.

IV. **Declaration of Conflict of Interest** – None

V. **Public Comment before Discussion**

Written comment came in before this meeting and the comments are attached.

VI. **Planning and Zoning Issues**

Typos will be sent to Chris Grobbel separately.

WATERFRONT OVERLAY – Questions and clarifications

- Boathouses are prohibited.
- The purpose and intent section is not enforceable. This section is there as a courtesy to explain the reasoning of the following regulations.
- Streambank – as defined, this refers to waterways other than shoreline. A stream is defined as a body of water that has an observable flow, a defined bank, and a scoured bottom. Property owners cannot alter streams on their property.
- The lot and setback asterisks were removed.
- There is a setback of 75 feet from the lakeshore. There is language for situations when adjacent property setbacks (built prior to ordinance) are less than 75 feet. The setback of adjacent properties is averaged to calculate the

allowable setback for the new property. This provision was made as a courtesy to fairly make the setback for the new building comparable to adjacent properties. It was discussed if the present language is understandable. However, anything with dimensions goes to the ZBA. The ordinance allows for averaging, but technically it would be non-conformable.

- The front yard setback on waterfront property is defined as the lakeside yard. It will be checked to make sure that the definition is consistent through the document.
- For the preservation of a filtered view of the lake, a regulation exists for new builds. Selected pruning or clear cutting (may be the sum of pruning and clear cutting) cannot exceed 30% of the filtered view. A corridor is defined as a clearcut path to the water. This regulation was put in to prevent clear cutting a lot prior to building. The pruning and cutting happens after the building is constructed.
The regulation on a property with an incline will be at the discretion of the ZA.
- An additional standard: a dock can only extend to a 3-foot depth. This comes from EGLE. However, the ordinance could make exception in the summer because the lake level is controlled by the dam. This ordinance is meant to prevent dredging.
- Definition of earth change. This comes from the Soil Erosion Control Act. It refers to the moving of dirt. Moving dirt by hand to create a flower garden, etc. is exempt.
- Wetlands are protected by a lot of MI laws. People cannot destroy a wetland on their property.
- The language about impervious surfaces, including graded areas, needs to be in the ordinance. The county and EGLE have regulations and they work closely together. There is an industry standard for an impervious surface.
- A natural vegetation strip is meant to be only in the waterfront overlay. Getting a soil erosion permit and the vegetation strip can be a condition of approval.
- There was a question about ADA accessible for pathways to the water. ADA is for public properties, not private.
- The language about the removal of dead, diseased, or invasive plants needs to be tightened up. The ordinance could require consultation with the county forester or the ZA rather than encouraged. Removal of dead, diseased or invasive plant matter is allowable. However, forested wetlands in the county is almost gone.

SITE PLAN REVIEW – section 13.1

Proposed amendments

- Throughout the document, there is reference to the ZA and sometimes the Township Planner. It is important that the positional name is covered by insurance as it is sometimes understood that another is acting as, or is taking on the duties of another position. It needs to be clear that personnel are identified with the position that they are filling. The Board should be directing the positions. In this document, the Zoning Administrator (ZA) will be referred position.
- There was discussion about an application being administratively complete and who decides that. The final decision comes whenever the application is ready. The preliminary site plan review may occur over several meetings. The Board is not obligated to make a decision right after a public hearing. Time is allowed for consideration.
- Difference between minor and major site plans. Typically, the ZA can manage a minor site plan and major site plans are reviewed by the Planning Commission. It should be clear who gets what. It could be that all applications go to the Planning Commission – or – it could be all developments less than 5,000 square feet go to the ZA. It was decided that all developments less than 5,000 square feet will go to the ZA.
- Is there a definition for performance guarantee? This is added to insure completion. Who determines the value of the performance bond? It can be done by the Township or you could hire someone to do that. The cost for it gets put on the applicant.

Point of sale septic

- This is a police power ordinance and not a zoning ordinance. A septic system must be inspected prior to the sale of a property.

Review small WECs

This could be folded into the zoning ordinance and is encouraged.

- WECs can make a lot of noise. An ordinance should be considered to protect neighboring properties. In order to be efficient, the WEC needs to be 30 feet above the tree canopy. That can drive a lot of noise to neighbors. Also, there should be setbacks. Towers need to be located with a setback so that it cannot fall on an adjacent property.
Basic regulations would start out at 110 feet high and have a setback. A noise measurement does not need to be specified. If it is a noise nuisance to a neighbor, it has to be shut down. This would be enforceable by the ZA. There can be up to 3 WECs on a single parcel. The total cannot exceed 30 kilowatt hours. It must be designated as on-site use and not commercial use.

Deed restrictions come out of 3.19.B3. It could be simplified to that it cannot fall on adjacent property. Meteorological towers are limited to 3. The impact needs to be minimal.

Small solar energy systems

- Parameters for roof or ground mounted solar energy systems should be considered.

Restrictions could include glare to neighbors or where they can be placed on the property. Waterfront property could be different.

Grobbel gave a sample of a temporary land use permit. This would be another layer on the event regulations. It was agreed to table it for now.

The PC were asked to review the mineral section for homework. It will be on the next meeting agenda.

VII. PUBLIC COMMENT

Derenda Lefevre – She thanked the Commission for bringing up ADA. There is an ADA reference in the Fair Housing Act which she will forward to the members. She asked for ADA considerations when planning the location of the public hearing.

Bill Walters – He spoke of an area where the 3 of the 4 corners of an intersection are owned by farmers. He is concerned about that corner becoming commercial. He believes there are plans forming for a solar farm. He feels that the ordinance allowed accessory structures to be build before a primary structure which is worst thing that happened against the preservation of farmland.

Bill Rastetter – He stated that there is a lot of pressure on farmers. He had concerns about the fate of Sugar Loaf. He asked if all public comments are posted.

Michele Uhaze – She submitted a written letter for public comment. She would like clarification on the items in her letter.

Steve Hamilton – He agreed with everything that was discussed at this meeting. He thinks the agri-business section is good. He would like Michele Uhaze’s comments should be considered.

- Grobbel believes they will be finished in another couple of meetings. He asked if there are other areas needing to be discussed.
- Mosher clarified that the intention of the moratorium was to address those areas that needed attention for the Northgate issue at hand.
- The next meeting is May 29, 2024 at 6:30 p.m. Mineral extraction will be discussed.

- May 6, 2024 will be the final read-through.
- Mosher will find out when to notice for the Public Hearing.

VIII. Adjournment – the meeting was adjourned at 8:41 p.m.

Respectfully submitted, Cindy Kacin

WRITTEN PUBLIC COMMENT FOR APRIL 16, 2024 MEETING

To: Centerville Township Planning Commission

From: Michele Uhaze, 6150 East Amore Rd. Lake Leelanau

Date: 4.16.24

After reviewing the latest zoning ordinance version 9 (4-13-24) I would like to submit the following recommendations for clarification to the ZO on a few points:

- Page 64 – item #6 was struck – I would recommend that language still exist regarding third party entities. The current language in the revisions of the ZO allow for (4) or less campsites, glamping sites, tents, rooms, or similar overnight accommodations – an agritourism enterprise could still enlist a third-party management company to manage the site if this is stricken from the ordinance.
- Recommend language to define the size of the campsites, glamping sites, tents, rooms, or similar accommodations.
- Also recommend language in this section to define that these structures are non-permanent.
- If an Ag-related enterprise decides to have campsites or other such overnight accommodations, to support the economic viability of their farm etc. should the parcel owner be required to reside on the property to manage the camp sites?

Hi everyone!

First, I look forward to hearing more discussion on ADA. The ADA statement you included is an important addition and if that is where you land with ADA language in the ZO, it is a vital step toward inclusion in our township. Thank you.

There are 3 statements that I still advocate for including:

Article XIII: Procedures For Site Plan Review
Section 13.1.B.b.

27. Identification of accessible features including but not limited to structures and amenities, parking, pathways and connectors, entrances, signage, lighting, service plans, employment practices, communications, private or public passenger vessels, etc.

Article XVI: Administration
Section 16.9 Public Notification
B.5 Amended

Handicap access: Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.

The public hearing will be held at a facility that is accessible for people with disabilities, and incorporates effective communication strategies including but not limited to sign language interpreter, large print materials, screen reader compatible materials, etc. Promotional material should state what access needs have been addressed (i.e. ASL interpretation, wheelchair access, etc) and ask people to write or call to inquire about specific accessibility concerns.

Article XVIII: Zoning Board of Appeals

18.5 Public Meetings

All meetings of the Board of Appeals shall be open to the public. The public hearing will be held at a facility that is accessible for people with disabilities, and incorporates effective communication strategies including but not limited to sign language interpreter, large print materials, screen reader compatible materials, etc. Promotional material should state what access needs have been addressed (i.e. ASL interpretation, wheelchair access, etc) and ask people to write or call to inquire about specific accessibility concerns.

Also:

I think that we should return to the term Agricultural Tourism to align with the industry. Addressing it as Agricultural Related Enterprises seems to make this section more confusing rather than clearer, at least for me. And you can still define what AgriTourism means for our township.

I think that the list of sales not allowed (fireworks, etc.) seems misplaced to me. Can you restrict the growing and sales of tobacco and marijuana? I don't know the answer to that, but it seems that those would be regulated/licensed by the state and may not be able to be restricted locally. Some other items on this list are definitely not agriculturally related and so I think it makes this section a bit confusing to include them.

It may be clearer to list the following as "Uses not permitted" under AgriTourism:

- Restaurants
- Motorized Recreational Facilities
- Campgrounds

Do Wineries, Cideries, Meaderies, and Distilleries qualify under the Ag Tourism ZO or under their own ZO. If under their own, then maybe they should be listed above as well?

I think this section may be getting bogged down in various regulations, such as GAAMPS. GAAMPS should not be required if they are not required by state law, which they are not.

The Right to Farm Act is the regulatory act for farmers and defines what is a working farm. Local regulations should not conflict with the Right to Farm Act therefore, if a farm meets the criteria of the RTF Act then they should be considered a working farm.

I found this article to be very informative and wanted to share it with you as well.

https://www.canr.msu.edu/news/right_to_farm_act_can_preempt_local_regulation_authority_but_not_all_local

I look forward to hearing the discussion on Tuesday!

Thanks for all you do,

Derenda LeFevre, 2197 S. Popp Road