

Milton Township
Planning Commission
Approved Meeting Minutes
May 12, 2008

Members present: Chairman Stilson, Hefferan, Luckett, Cole, Kopkau, Merillat, and Kingon.

Also present: Weinzapfel and three audience members

Approval of past minutes dated April 14, 2009

Signs Sub Report: 8 lines down, "Temporary for profit signs...add "Temporary off premises signs are being excluded."

Motion to approve the minutes as amended by Cole. Seconded by Luckett. Motion carried.

Meetings and Announcements:

Michigan Citizen Planner Classroom series is continuing.

Home Business Public Hearing is June 9th.

Phragmities Meeting is June 6th at NMC.

ZBA Update: Election of officers in April. Officers stay the same. This Thursday's meeting is canceled.

Agenda Approval:

Move #3 to #1. Motion to approve the agenda as amended by Kingon, seconded by Hefferan. Motion carried.

Cell Tower Application by Lakeland Tower Leasing:

Bernard Yantel of Lakeland Tower Leasing would like to re-apply for a special use permit to put up a cell tower within the township on the Larry Bargy farm. This application had already been approved on December 11, 2007, but is no longer valid because the timeframe had run out. Everything on the application is the same; it's just that AT&T would like to be a tenant on this tower. A company called North by Northwest came to the township board and asked for permission to put a tower up on township property for AT&T. That is under consideration by the Township Board. Our ordinance precludes a second tower going up until the first tower is filled. Time ran out because of different acquisitions of the cell companies. The board discussed dates of application. Weinzapfel suggested the board proceed with Lakeland at this time and if the Township Board makes a decision on the other tower between now and then, changes can be made at that time. A subcommittee will consist of Hefferan, Merillat and Kingon and meet May 15th at 5:15 pm.

Motion by Hefferan to call for a hearing to consider a special use permit for a 195 foot mono pole on the Larry Bargy Property by Lakeland Tower Leasing at the June 9th, 2009 meeting. Seconded by Merillat. Motion carried.

Public Hearing Wind Energy Systems:
Amendment 09-01, A new chapter 22 being 117.2200.

The subcommittee of Merillat, Hefferan and Stilson has worked for several months on the language with public input and review at regular meetings. A copy has been available per public notice and posted on the web site as well as at township offices. The amendment has five sections 1. The Purpose 2. Definitions 3. On site use of wind energy systems 4. Wind site assessment for utility grid wind energy systems and 5. Utility grid wind energy systems.

Stilson discussed the procedure for a public hearing.

Merillat read letter a letter dated May 11, 2009 into the record from Keith Termaat of the Milton Neighbors in opposition to the proposed ordinance.

The Public Hearing was advertised in the Elk Rapids News.

Hefferan gave the presentation. The subcommittee was formed August 14, 2007. During meetings, surrounding township's ordinances were reviewed. They determined that it was important to define and differentiate commercial from private systems. ~~Highlights regarding the onsite systems are a 2-acre min lot size.~~ If they are less than 65 feet, they are a permitted use. Setback as 1.5 times from property lines. Onsite systems over 65 feet would require a site plan review. In regards to the utility grade systems, those are permitted in sections 23 and 36 under a special land use permit. Minimum FAA standards for lighting cannot be exceeded.

Stilson clarified that sections 23 and 36 reference the purpose statement of the proposed ordinance.

Weinzapfel said that the attorney had some proposed changes.

Information Comments from the Audience:

Keith Termaat of Joe Marks Trail said he has found more data that Michigan ranks 14th in wind power, but we only have five percent of the potential of the Great Plains. The Plains offer a much higher potential. Generally speaking, the potential for wind power goes up as you go north. The section choice on the map appears to be arbitrary.

Those speaking in support:

No one wished to speak

Those speaking in opposition:

Keith Termaat of Joe Marks trail spoke in opposition. He does not agree with the two sections being singled out. These are abutting residential areas. The ordinance should protect scenic views and there should be environmental protections.

The Planning Commission began deliberations.

Kington said Termaat makes some good points regarding the lack of potential for commercial towers in the township. On the other hand, looking at the how technology may change, it could become more viable in the future.

Cole said he agrees that Milton will not be high on any energy company's list. We probably will not see any big grids here because there are better options in the state. If we do not adopt a policy like this and someone wants a system like this, our answer would be that they cannot. If we are taken to court, we would lose and, in some cases, they would have the option to pick the spot. That being the case, it behooves us to have something in place. Given that, the two sections picked by the subcommittee are the best places. It is far removed from residential areas. Regarding individual systems, this is a good option. Let the size of the lot dictate the size of the system.

Merillat said regarding the two sections, there are large parcels of land that would meet the set back requirements.

Kopkau said with the way the economy is going; this is the way of the future. Lockett said an individual came in requesting this. That was the original impetus. Regarding the grid systems, I don't think we will see the larger systems. Overall, if this administration pursues it further, we may see a preemption of local ordinances all together. The governor is pushing alternative energy systems. It is better that we have something in place.

Weinzapfel identified some minor changes suggested by the township attorney:

- pg 1, item J: add "/MET" to the definition.
- Pg 2: 117.203: add "such towers shall be considered accessory structures and subject to a land use permit"
- Pg 3: 117.2204: SCADA, change from SKADA and spell out in parenthesis.
- "Should be filed with Milton Township" remove "local government and replace with Milton Township"
- Pg 3 117.2205 B: Capitalization on Wind Energy Systems and add parenthesis (UGWES). This should be a universal fix where this is mentioned.
- 117.2205 B 3, change "local government" to "Milton Township"

These minor changes can be made (the lawyers suggestions) would not be a problem. They are not major enough to have to re-notice it.

Weinzapfel identified a chart from the Land Policy Institute that shows areas for Milton Township regarding possible sections for commercial systems. They are on the north side of the township; however, there are issues with residential areas. Cole said we are trying to find our best locations. He is more concerned with the language regarding the individual user. Cole asked what would happen if on the individual user, we capped it at 65 feet. Merillat said the

subcommittee could not find information that suggested that was high enough. Merillat said the definition is this is intended to serve the needs of the customer. Hefferan said you are going to build a tower at the height that meets your needs due to cost. Merillat said by definition, they cannot put up something that is bigger than what they need.

Kington asked regarding the data that Weinzapfel has provided, could the sections be better chosen? Merillat said this is the only area that could feasibly have any because of the large parcels and sparse population. In order to meet setbacks, this was the best option. Merillat said it was the intent to limit the UGWES area.

Motion by Hefferan that chapter 22 Wind Energy Systems proposed ordinance draft 8 dated Feb. 10, 2009 be approved with the corrections as noted by the attorney. Seconded by Cole.

Roll Call:

Luckett: yea, based on encouragement from the state. It does not conflict with the Master Plan. Provides usage for individuals and provides sections for utility grade systems.

Kington: yea, based on the township having an ordinance in place. The subcommittee did a reasonable job in designating the two sections and defining the environmental constraints on individual properties.

Cole: yea, based on the ordinance providing for individual systems and the utility grid systems are provided for in the best locations regarding parcel size and population.

Hefferan: Yea: It is fair and reasonable for the individual and the utility grade systems.

Kopkau: Yea based on the Master Plan and the in-depth research by the subcommittee. It covers the needs of the individual owners.

Merillat: yea based on utility grade systems be limited to the two notes sections to have a minimal impact on the township. The onsite use energy systems height will be limited by the setbacks.

Stilson: yea, the township needs this ordinance due to economic conditions.

Motion carried. 7-0.

Non-Conforming Lots Subcommittee Report:

Cole said according to the attorney, if we have multiple requests we should make a change to the ordinance. New language was submitted and dated 5/11/09. Cole discussed the updates. Luckett said if the setback requirements are being reduced; why not reduce the minimum size. Cole said below 960 square feet, this gets too small. Luckett said this may be proportional. Cole said proportional is not necessarily the right way to consider the issue. Variances would not be given

on the square footage of the house. Cole went over the three possible options and drew diagrams.

Weinzapfel is concerned with the 15 foot encroaching into the road right of way. Luckett is concerned about the minimum size. Hefferan submitted a letter dated April 15, 2009 listing his concerns. He is still struggling with the entire square footage that is being allowed. Cole said the only way to avoid that is to tell them they can only go single story. Luckett said consider adjusting the square footage down since we are already starting with a non-conforming lot. Hefferan said what if the minimum square footage is 960? What if we say 1.5 times that, 1440? We are not limiting how close they are to their neighbors, we are limiting how close they are to the road and the lake.

Gary and Linda Baukerman at 12471 SW Torch Lake Drive have a problem with the depth of the lot. They have a building envelope of about 5 feet. They have about 1550 sq feet of living space and a garage. It is not quite enough when living here permanently. In 1970 the average home was 1700 sq ft. In 2004, the average is 2300 sq feet. They could not solve the problem by buying an adjacent lot. They bought it prior to zoning being established.

Stilson said another problem is when the lot is between two roads, where do you take the 50 foot from. Cole said we need to come up with a minimum square footage number. Board members discussed having a joint meeting with the ZBA or a subcommittee of the ZBA. The proposed date will be determined later.

Signs Subcommittee Report:

As given by Luckett. Met on April 29th. We are suggesting that signs with external or internal illumination be turned off by 10 pm. We also added that signs advertising weekly rentals should be prohibited at private residences. Also, agriculture signs were added. When dealing with 3.10 D and E and whether or not we wanted the Zoning Administrator to be able to extend the limits. That was added back in, and the discretion of the ZA was removed. Cole suggested local/community signs in temporary signs. The problem being that you would have to define local. Cole said he will retract his suggestion. It can be added later. At this point, the only question was the time limit for the signs being turned off by 10 p.m. Hefferan asked if this applied to the village. Yes. This is the only place that lit signs are allowed. Cole suggested having the signs go off at the close of business. Kingon suggests 10pm or the close of business. Cole said we do not comment on signs for home business. Should we comment on this? Luckett said it should go with home business. Luckett will draft a new version.

Ordinance Review Subcommittee will meet May 27th at 1:30 pm.

Shoreline Protection Overlay Subcommittee:

Kopkau said the second meeting is scheduled for tomorrow night at 6:30 pm. The members are just getting started and putting their thoughts together. Cole said the one decision they did make was that this should go in the new waterfront chapter, rather than an overlay.

Luckett said she would like attorney's comments before a public hearing.

Meeting adjourned by order of the chair at 9:52 pm.

Respectfully submitted,

Joseph Merillat
Secretary