

Milton Township
Planning Commission
Unapproved Meeting Minutes
May 3, 2023

Members present: Chairman Hefferan, Warner, Standerfer, Ford, and Merillat.

Also present: Kopriva, Peterson. Applicants and nine audience members.

Members absent: Renis, excused. Peters, unexcused.

Hefferan called the meeting to order at 7:00pm.

Public Comment:
None.

Approval of Agenda:

Motion by Ford to approve the agenda. Seconded by Merillat. **Motion carried.**

Approval of Minutes dated April 3, 2023:

Motion by Ford to approve the April 3, 2023 minutes as presented. Seconded by Standerfer.
Motion carried.

Correspondence:
None.

Old Business:

1. Public Hearing: ZO-2023-01 Winery Amendment:

Hefferan discussed the public hearing procedure. We are reviewing draft V5 dated May 1, 2023

No members declared a conflict of interest.

This was advertised in the Elk Rapids News on April 13, 2023.

Applicant Presentation:

Chantal Lefebvre thanked the planning commission and subcommittee for their work on this project. The township has been receptive to the notion that farms need more resiliency in those years when it is hard to bring a crop to fruition and these are activities that will help us survive. This is how we will promote our brand and sell our product.

Kopriva gave an overview of the amendment and the history. There are some changes relating to tasting rooms and marketing events. The biggest change is relating to guest quarters for wineries only.

Ford, chair of the subcommittee said they have been working on this for a long period of time.

We have a draft here and it speaks well for the expansion of wineries in our township. Warner said he is glad we are at the point where we can finalize this. Standerfer said it was a very good working relationship. Hefferan said this was a unanimous recommendation from the subcommittee.

Questions for information:

None.

Correspondence:

None.

Public Comment in Support:

Susie Calliu said the turnout is in support of the winery and having them do what they need to do to survive. I cannot imagine anyone fighting this against them. They need our support.

Public Comment in Opposition:

No one wished to speak.

Public Comment Closed.

Board began deliberations.

Merillat said he is disappointed that his good suggestions from last month were ignored. It is bad public policy to carve out a niche for one segment of an industry to allow them to have rentals.

Hefferan pointed out that even though the subcommittee only met twice since this application was presented this time, they met previously many times under a similar application. This was not a new concept. Considering that, this was not fast tracked.

Merillat said he cannot remember a time when we brought the application to the commission for review the first time and then took it to a public hearing without any amendments.

Hefferan said he has had a hard time defining agritourism. What is less difficult is our responsibility to our master plan to support agriculture. This is his focus at this time.

Motion by Ford to recommend approval of ZO 2023-01 related to wineries to the township board. Seconded by Warner. Roll Call:

Warner: Yes | Ford: Yes | Standerfer: Yes | Merillat: No | Hefferan: Yes.

Motion carried, 4-1.

2. Master Plan Review:

Kopriva said the draft was not ready for review. She will have it ready at the next meeting.

New Business:

1. ZO 2023-02 Utility Solar Amendment:

Kopriva created a draft amendment ZO 2023-02 V1 for review. What is being proposed is for

anyone doing personal solar, it would be a permitted use. The biggest concern is for the intention to be for electricity use on site. Discussion of roof and ground mounted solar. They count toward your lot coverage maximum. Merillat said he does not think we should be saying anything about the personal solar. Warner agrees. Merillat said the township is now giving you the permission to do something people already are allowed to do. Ford said regarding front/back yard, but talking about lakefront lots, what is front and what is back? Discussion of the definition in the ordinance. Standerfer said he would hate to put a damper on someone trying to do it residentially. Hefferan agrees. Remove wording relating to personal use.

Looking at Solar Energy Farms, this is a special use permit in the AG district. Are there any other places you would like to allow this use? Merillat suggested the manufacturing zone. Kopriva will add this. Kopriva asked if there was a preference if they are on the roof or ground mounted? She said some communities if it is on the roof, it is permitted. If it is on the ground, it is a special use. Warner said a recent article he read was about farming underneath solar panels. Standerfer said in AG land, the township does not tell us what we can or cannot grow. Kopriva suggested then it could be a site plan review. If it is special use, it is a minimum of two months for approval. If it is site plan, it is one month. Kopriva said this may be something you need to think on a bit more. Hefferan asked if Kopriva could review what other townships are doing and if they are doing it on a site plan review. Kopriva said many use a special use and not a site plan review. Commission members feel good about doing a special land use permit, rather than a site plan review. Kopriva discussed height restrictions and setbacks on the panels. Lot coverage does not apply. Merillat asked why. Kopriva said it is kind of impervious where the panel is and in the AG district you can have 30% lot coverage. If you do want to require lot coverage, you may need more than 30%. Hefferan concurs with the 30% if that is what the ordinance says. Sound and a security fence were discussed by Kopriva. She also discussed buffering. Merillat said if you have a building, you do not need landscaping, but if you put in solar panels, you do? Kopriva said that is a good point. Standerfer asked why you would have to pay a landscape architect. Kopriva agrees. Merillat asked how the buffer is similar or different to our existing green belt. Kopriva read from the ordinance. Our ordinance does not require a landscape architect. Kopriva will remove this. Kopriva discussed application requirements. Merillat said some of these additions seem excessive. Kopriva said you are looking at a 10 acre farm, realistically. Merillat said #7 should be removed regarding paving and curbing. Kopriva discussed decommissioning. Hefferan asked if surrounding townships have an ordinance like this? Kopriva said not right now but she is not sure about Elk Rapids Village.

2. ZO 2023-03 Steep Slope Amendment

Kopriva presented the amendment. Merillat discussed some of the history of the steep slope ordinance. We are looking at creating a steep slope overlay. If someone comes in and wants a land use permit and you are in the overlay, you would need to give more details about the slope on your property. We are hoping it would encourage people to build on an area that is not over 15%. Just because you are on a parcel that is orange or red, it just means we need more information. We broke it down anything over 15% is steep slope. Over 25% is an extreme steep slope. The reason we looked at a parcel as a whole is because it is hard to determine where those lines are for sure. Merillat said on a 25% or greater slope, you cannot do anything in the township. Kopriva said yes. Merillat asked what that will do to the value of the property? Kopriva said that is just the sloped portion of the land. When you are subdividing property, the

goal is not to create unbuildable property. Merillat asked if an existing lot becomes un-buildable as a result of this, do you go to the ZBA? Yes. Kopriva discussed retaining walls and that the land is stabilized before the structure is built. Kopriva talked about trees and vegetation and clear-cutting slopes. No trees over 8" should be removed from the slopes and no stumps removed over 15%. The biggest part of this is education to the public. We also did build in a replanting if someone does remove trees, they are required to replant that slope to remediate and protect and stabilize the grade. Hefferan said looking at the map, we have a lot of red that is township or conservancy property. That would not be developed anyway. Should this be shown on the map? Merillat said he is more familiar with angles rather than percentages. If you get a chart and anything over 15 degrees you are prohibiting a building on. What actually is a steep slope? Kopriva said the committee discussed having handouts. Merillat suggested a diagram. Merillat said he needs to know if he would be voting on it. Merillat asked why are we regulating non-steep slopes? Why do we need a setback? By definition I would not create erosion. Kopriva said you do not want people to dig foundations and then be on the slope and destroying it while you are trying to construct. So, we move it back. That was the intent. Standerfer said he does not like saying you cannot do anything on a steep slope. Kopriva said you want to protect the area and we work through and talk about it but it is difficult to make it work. She has not seen one that has gotten adopted. It makes sense, but we do not want to take away someone's ability to use their property. Kopriva said the biggest issue is the tree removal. There are other parts of the country that build on steep slopes. Hefferan said we would need to be clear with the community what we are trying to accomplish. How do we communicate that to the community. Merillat said if we cared a lot, the township should offer to buy those properties. Kopriva said there is more info she can get the commission based on what the subcommittee reviewed. Let's think about it over and discuss it at the next meeting. Merillat said he is not in favor of this ordinance. Hefferan said how do we respond to the health department when there are places you cannot build. Is this different from that? Merillat said today I can build. If you put this in, I cannot. Hefferan asked if the subcommittee should continue to look at or should the full commission look at it again? Warner said he is confused about where we are wanting to go with this. If the subcommittee wants to meet, they can and then we can have a full commission discussion again. Hefferan asked if this is something we should be sharing with the township board? This is a big change and we could put all this work into it and then the township board says no way.

Reports:

ZBA Report:

Kopriva provided a report for members to review. We are up to 33 permits for the year already.

Township Board Report:

No report.

ZBA Report:

Hefferan said they have not met.

Planning Commission Updates:

None.

Future Meeting Considerations:

June 7, 2023:
Master Plan Review.
Solar Utility Ordinance Review.
Steep Slopes Review.

Meeting adjourned by order of the chair at 8:43pm.

Respectfully submitted,

Joseph Merillat