

ONEKAMA TOWNSHIP PLANNING COMMISSION

PUBLIC HEARING AND REGULAR MEETING

THURSDAY, OCTOBER 16, 2014, 6:30 P.M.

The hearing was called to order at 6:30 p.m. by Chairman Jim Trout.

The Pledge of Allegiance was said.

Members present: Jon Phillips, Robert Blackmore, Tom Volkema, Al Taylor, Bonnie Miller. Absent: Roger Cody. Also present: Recording Secretary Mary Lou Millard.

Cody arrived at 6:44 p.m.

Trout explained the purpose of the public hearing is to address minor language adjustments and corrections to the Onekama Township Zoning Ordinance, which were brought to the attention of the commission by Zoning Administrator Kris Philpot.

They are: under Definitions of a LOT, number C: add "identified by a single property number in the Township assessment roll." Under Article 41, Section 4104 (H): delete entirely: "No more than one recreational vehicle, boat, boat trailer, or trailer coach shall be stored outside a building. Outside storage shall be in a side yard or rear yard." (This is addressed in Article 10, Section 1032, number 5).

Under Article 10, Section 1026, there is no delineated Wind Overlay District. The reference to "Ag-0 is a typo error to be corrected, and, wherever there is a reference to "Onkama Community Planning Commission", change it to "Onkama Township Planning Commission".

Blackmore left the meeting at 6:50 p.m.

Blackmore returned to the meeting at 7 p.m.

Consensus of the commission was to set aside Article 10, Sections 1026.1.3 (E) and 1026.1.3 for further discussion and clarification in consultation with Z.A. Philpot. Blackmore distributed copies of a wind overlay map for the state, for informational purposes.

COMMENTS IN FAVOR: None.

COMMENTS OPPOSED: None.

Public Hearing adjourned at 7:12 p.m.

The Regular Meeting was called to order at 7:12 p.m. by Chairman Trout.

MINUTES: Motion by Taylor, second by Blackmore to approve the minutes of the Sept. 18, 2014 Regular Meeting. Motion carried.

AMEND AGENDA: Add Fireworks under Unfinished business.

PUBLIC HEARING ACTION, DECISION: Motion by Miller, second by Phillips to add the following language to Definitions: LOT, number C: “Any combination of complete and/or portions of contiguous lots, identified by a single property number in the Township assessment roll;” . Motion carried.

Motion by Blackmore, second by Cody to ~~delete--~~ **under Article 41-- section 4104 (H) in its entirety.**
Motion carried.

Motion by Cody, second by Volkema under Article 10, Section 26, numbers 1026.1.3(B), 1026.1.5 (A), (C), (D), & (E), 1026.1.6 (A) 9, Section 1026.1.6 (E) 3, and Section 1026 1.9 (C). **to change all references of “Onekama Community Planning Commission” to “Onekama Township Planning Commission”.**
Motion carried.

The planners approved having Trout contact Brad Hopwood and others as needed regarding accurate location of wind velocities in the Township in order to properly delineate the area of the Township designated as a Wind Energy Overlay District. Planners are aware that such a designation is appropriate for an area of the northeast corner of the Township, but must determine the exact boundaries of such an overlay district. (Note: The latest revised/amended ordinance pertaining to Wind Energy IS what is found on the website. - JRT)

PUBLIC COMMENT: None.

ZONING ADMINISTRATOR’S REPORT: Trout read Philpot’s report: Five land use permits, one variance request, one violation for the month of September.

ZONING BOARD OF APPEALS: Chairman Tom Gerhardt said a variance hearing is scheduled for Wednesday, Oct. 22, 2014 at 2 p.m. in the township hall for Robert Lawrence, who is seeking a variance to set aside setbacks as mandated by Section 1019 (A) 3 in the Onekama Township Zoning Ordinance and allow an addition and a second story to be built on an existing shed.

FIREWORKS: Trout wrote a proposed amendment to the Onekama Township Anti-Noise and Public Nuisance Ordinance No. 2005-02 related to the use of fireworks. The proposed amendment would be under: **C. Exceptions, No. 5 : “ Ignition, discharge, or use of legally permitted fireworks is limited to the day before, day of, and day after a national holiday, and is prohibited between the hours of 12 midnight and 8 a.m. Exceptions for events sponsored by government units or civic groups may be authorized by vote of the Onekama Township Board.** Motion by Cody, second by Phillips to submit the language in the proposed amendment as modified. Motion carried.

UPDATE ON ROAD USE/SPECIAL EVENTS ORDINANCE: The planning commission was asked by the township board to develop ordinance language that would delineate a procedure and process to control special events that may occur on roadways within Onekama Township, including events such as bike races, road runs, and longboard competition that has been held Smith Road.

Trout reviewed his discussion and meetings with the Manistee County Road Commission and County Road Commission Director Mark Sohldan and the legal review and draft ordinance from Township Attorney Tom Grier. Grier's legal opinion is that the Township has no statutory authority over roads in the Township other than that specifically concerned with the operation of ORVs.

In Trout's report/memo to the planners and township board members he reviewed the meetings. Additional, extreme, issues of presumed liability and legal requirements for events were brought up by a county road commission member, who when asked by Trout if such additional requirements were being imposed after legal review by an attorney responded, "No." When commissioners were asked if they had sought their own legal advice or insurance risk assessment information from the MCRC carrier, the reply was, "No."

Trout cannot find any written policy or procedure that outlines any standards for approval/disapproval of special events that may be in the purview of the Manistee County Road Commission. An earlier FOIA request by the PLA yielded no results regarding a written policy / procedure or uniform standards for permit issuance for special activities, either. Trout said the road use proposal will no longer be a planning commission issue as it does not involve ordinance development or other issues within the purview of the planning commission.

UPDATE ON MASTER PLAN SURVEY: Taylor reported he is still receiving surveys. He would like to talk with business people and get their input on what works and what doesn't work for them. He will check with Frankfort and Manistee on their "Monkey Surveys" to see if this can be used to compile the township data. After this is completed, the group will follow the process to create the Master Plan. Maps in the current plan need to be updated.

COMMITTEE REPORTS: None.

CORRESPONDENCE: None.

ADJOURN: 8:30 p.m.

Submitted by

Mary Lou Millard - Recording Secretary

Jim Trout, Chairman

Jon Phillips, Secretary

