

DELTA COUNTY PLANNING COMMISSION MEETING
Delta County Service Center
Monday April 4, 2022

- I. Call to Order. The meeting was called to order at 5:30 p.m.
- II. Pledge of Allegiance.
- III. Roll Call. Member(s) present: John Malnar, John Denholm, Dave Moyle, Curtis Larsen, Renee Barron and Christine Williams. Member(s) absent: Randy Scott.
- IV. Approval of the March 7, 2022 minutes.
Motion to approve made by John Malnar and seconded by Curt Larsen. Vote: Yes-6 No-0 Motion carried.
- V. Approval of agenda.
Motion to approve made by Dave Moyle and seconded by Curtis Larsen. Vote: Yes-6 No-0. Motion carried.
- VI. Public Comment.
 1. Greg Stevenson, Baldwin Township Supervisor – township concerns of repealing zoning; burden to the townships and create a huge unnecessary cost; current zoning okay; respect any township to do their own; spoke with 10 townships affected and 7 are against and 3 need further information; read letter on behalf of Herb Pomeroy, Nahma Township, not in favor of repeal, financially cannot afford, difficult time finding help and was not aware prior to repeal; use common sense on ordinance; surrendering zoning is wrong.
- VII. Declaration of Conflict of Interest. None
- VIII. New Business.
 1. **Case No. 3-22-PC Derrick Fries**
Presented by Building & Zoning Clerk: 7.5 acres on Little Bay de Noc, would like to rezone from OS to LSR, for land division and ability to acquire building permit.
Public hearing opened: 5:39 p.m. – Open by Dave Moyle and seconded by John Malnar.
Public hearing closed: 5:40 p.m. Close by Dave Moyle and seconded by John Malnar.
Motion to approve made by Dave Moyle and seconded by Curt Larsen. Vote: Yes-6 No-0. Motion carried.
 2. **Case No. 4-22-PC Zoning Repeal**

Christine Williams read a statement and provided a presentation. Renee asked for clarification on whether or not a township can have zoning w/o planning; Chris stated she didn't now how you could do zoning w/o planning.

Public hearing opened: 5:50 p.m. Open by Renee Barron and seconded by Dave Moyle.

1. Greg Stevenson, Baldwin Township Supervisor – 10 joint townships already have planning and zoning through county; four townships do their own zoning budgeting \$20,000 - \$40,000 a year; 2006 Delta County basically did the same thing; townships willing to kick in more money; a lot of townships lack the experience and money. What would the Planning Commission do if zoning goes away?
2. Bob VanDamme, Baldwin Township – get rid of zoning would affect 10,000 people, a 50/50 vote would say not affected; non-sensible and intrusive zoning passed. Why would there be a need for the Planning Commission if zoning repealed?
3. Rory Mattson – attend a lot of these meetings and Board meetings; 20 out of 83 Michigan counties have zoning and 62 counties don't; MSU Extension bulletin, under State law; counties do not have enforcement authority, only townships have police powers; horse not removed after 1-1/2 years; county zoning ordinance with no enforcement.
4. Dave Holmgren, Masonville Township – been on planning commission for 20-25 years, 7 – person commission; glad we do our own zoning; struggle to keep it up, but our Board stands behind us; and we all work with passion and we find people to help.
5. Dennis Maufort, Brampton Township Supervisor – reason for repeal for 10 townships; if cost an issue why not raise fees; did county do a cost benefit study, if so I'd like to see it; one zoning board is consistent.
6. Janet Daasch, Garden – Ford River Township budgets \$20,000 a year, if few townships combine jointly it would be much less money, can work and those could have what they want in their township; disappointed with wind energy, felt not heard.
7. Anne Okonek, Cornell Township – couldn't believe eliminating zoning; mink ranch, dog kennel or factory is not compatible in a residential area; identify issues; respect and be good neighbors; ask to vote against; final vote at Board meeting tomorrow night, I encourage you to be there.
8. Tammy Hanson, Cornell Township – she's (Anne) right; don't want eliminated and leave townships floundering or hanging; give townships time.

9. Michael Lang, Fairbanks Township Supervisor – progressed faster than should, Board meeting tomorrow way too fast; seems not much thought; hard to find people - level headed people and without a private agenda
10. Rebecca O’Brien, Ensign Township – why? Small townships cannot afford, burden for us; events that caused the repeal; appears don’t want to do zoning anymore; inefficient for townships to do themselves; get rid of other services; only 10,000 people, well I’m one of those 10,000. What is planning commission for if no zoning?
11. Susan Rochefort, Garden Township – believe conflict over solar. If given to townships, does solar go away right now, do we take over and do we have time to do our own zoning with time before permits are issued? Not to happy with items taken out of solar already.

Public hearing closed: 6:19 p.m. Close by Dave Moyle and seconded by John Malnar.

Planning Commission discussion:

1. Dave would like to hear what Sandy had to say on behalf of B&Z: Sandy - county zones 28% of the population and 72% zoned by the townships and cities; costly, applying for an Amendment/Condition Use/Variance/Class A is \$400, but it costs our office \$625 -650; county zoning is 45 years old and other than wind energy being added a few years ago there has been minimal changes. Decide to keep zoning, then this should be looked into. Maps cannot be put online as they are not ADA compliant and we do not have software or digital copies to edit.
2. Curt – read a public statement; also, the case in many Villages and Cities (John D. – PC advisory); if eliminated still grandfathered in and would not alleviate existing issues. Re: John D.’s motion: would you reconsider rather than approve it? Re: John D.’s motion: recommend steps to be taken by the commissioners.
3. Dave – since those two points were aimed at me (Curt’s statement); I am the one who proposed getting out of the game, I did not do so with the slightest contempt; throw feedback out and some is ‘hell no’ some is yeah do it; fiduciary duty/obligation; some are afraid and frustrated, you don’t have all the information; we’re fixing on getting sued which could impact taxation; had support from Commissioner Malnar and Commissioner Barron; discussion of public concerns, will not leave you dangling; county law suit, costly, settled out of court twice in last 1-1/2 years; help to do what Wexford County did and will work with townships; extremely worried about lawsuits; concerns over regulating on private property, property rights; you’ll be paying more money; sympathetic with public comments, lost revenue sharing; no rush and could wait 2 months; could have and would support a public hearing at Board level; referred to someone who

just moved up here and his neighbor has a horse that is not zoned properly and had the prosecutor, sheriff and Mr. Menacher close the door; if we have zoning we need to have it enforced.

4. Renee – appreciate County Board’s background on why the Commission did what they did; our job today is to provide a recommendation, it is not this Board that makes the final decision, it is the County Board that does that; what is our role of PC and how do we move forward. What is the County Board looking for from us? Will the County Board vote on this tomorrow? We heard about this the same time the public did; feelings we’re hearing out there are same as we are having; recommend some time to have experts talk to us about this. If this does happen tomorrow what happens to the townships? Think the County Board should hear from these people also as there seems to be some confusion; different avenues to enforce zoning; we should have an understanding as to why the Board made this decision; townships have the right to get out of county zoning at any time and have their own.
5. Chris – appears County Board wants a recommendation to agree or not with repeal ordinance; if we do agree we could suggest a future date, or we could recommend not to repeal; spoke with Brad at MSU Extension, transitions have not happened this quickly and resources provided to townships to process; we did not bring this forward (repeal). What does PC do if we get rid of zoning? Planning would stay and we would still oversee and work on the Master Plan.
6. Emily – have option to have public hearing at County Board level, but don’t have to as that has been tonight at the Planning Commission level; County Board could vote on this tomorrow. Re: John D.’s motion to approve ordinance: date on ordinance effective 15 days, this is the date the commission would vote on, if you want 6 months that would be the date the Board would vote on it.
7. John D. – this isn’t new, was done for free before charging for zoning; cost issue; enforcement - we at the county level do not have the authority to enforce it, townships have the legal authority to do that; Wexford County joined townships, flat fee, additional fee for additional parcels; PC has no authority, no funding, and we’re simply an advisory Board to County Board; we do not do what other planning commissions do; recommend 6-month delay before voting.
8. John M. – cannot see this (vote) happening tomorrow; heard public loud and clear and know what my thoughts are. Yes, I did vote for this; I have 10 townships and have listened to what they want me to do.

APPROVED MINUTES May 2, 2022

Motion to accept this ordinance to repeal county zoning to be in effect in 6 months made by John Denholm and seconded by Dave Moyle.

Roll Call:	Christine Williams	No
	John Denholm	Yes
	Renee Barron	No
	Dave Moyle	Yes
	John Malnar	No
	Curt Larsen	No

Vote: Yes-2 No-4. Motion fails.

Motion to deny the ordinance to repeal county zoning and to seek additional information from the Board on why this is being proposed and to understand options for enforcement and budget, if those are the concerns, and to seek professional training from MSU Extension to better understand this process made by Renee Barron and seconded by Christine Williams.

Roll Call:	Christine Williams	Yes
	John Denholm	No
	Renee Barron	Yes
	Dave Moyle	No
	John Malnar	Yes
	Curt Larsen	Yes

Vote: Yes-4 No-2. Motion carried.

IX. Unfinished Business – table all to next month made by Renee Barron and seconded by Dave Moyle.

1. LSR
2. Vacation Rentals – subcommittee
3. Code Violations

X. Correspondence. Garden Resolution emailed to PC

XI. Public Comment.

1. Steve Freeman, Garden Township Supervisor – township enforce, why not set up with county to enforce? In Colorado Springs, county worked with city with code enforcement, take responsibility for that authority.
2. Bob VanDamme, Baldwin Township – solar, property rights, my neighbor’s rights stop at my property line; 15 regulations on industrial solar, why called industrial, people think of smoke

stacks and pollution; think of the fuel, fertilizer, pesticides, insecticides and runoff when actively farming that won't happen; ask people in the Pine Ridge subdivision, property values going down from the smell and pollution from the paper mill; just went up the East coast from Florida and to Maine and saw a solar project in every community; 1.5-mile overlay doesn't make sense; residential no requirements, but industrial regulated.

3. Rory Mattson – hope you do yourself a favor and not just hold public hearing; suggest a Committee of the Whole meeting and invite township officials to sit down and interact; Michigan state law, county cannot enforce, only townships; in Michigan, cities have to have own zoning; burden on county.
4. Tony VanDamme, Maple Ridge – solar resistance to change and different type of farming; next big change is solar farms, they have no carbon footprint; grass for grazing, tomatoes and peppers 50% more per acre under shade of panels; property rights, three generation farming paying taxes; more tax money for all.
5. Mary VanDamme, Maple Ridge – property rights and aesthetics, no difference between seeing solar or irrigation; house values don't go down, a 75-page report on that; wildlife has an easier time of adapting than humans; industrial solar has no smoke stacks; others think they have control over our land.
6. Rebecca O'Brien, Baldwin – small people feel not listened to and I felt heard, thank you; final decision not done; county sued – what if Ensign Township gets sued? Enforcement? Don't have information and ask for help.

XII. Board Member Comments.

1. Renee – civil vs. criminal enforcement.
2. Dave – thank you for coming in and taking time out of your night to express opinions.
3. John M. – thanks for coming; opened my eyes on how you want done.
4. Chris – wonderful to see everyone here and what matters to us.

XIII. Adjournment.

Motion to adjourn at 7:20 p.m. made by John Denholm and seconded by John Malnar.