

**APPROVED MINUTES**

**DELTA COUNTY PLANNING COMMISSION MEETING  
Delta County Service Center  
Monday, March 3, 2025**

- 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 Denholm, Amy Berglund, Clayton Harris, Curtis Larsen, Charles Lawson, Matthew Jensen, Kelli van Ginhoven. Member(s) absent: None. Recording Secretary present: Kasja Nelson. Also present: Jack Smith, Rachel Pascoe.
- IV. Approval of the February 3, 2025 minutes.

Motion to approve the minutes as written was made by John Denholm and seconded by Charles Lawson.

Vote: Yes-7 No-0. Motion Carried.
- V. Approval of agenda.

Motion to approve the agenda as written was made by Kelli van Ginhoven and seconded by Matthew Jensen.

Vote: Yes-7 No-0. Motion Carried.
- VI. Public Comment. None.
- VII. Declaration of conflict of interest. None.
- VIII. New Business.
  - 1. CASE 2-25-PC – Richard Oja.

Presented by Building & Zoning Administrator: property owner requesting a Conditional Use Permit be granted to allow for the property to be split to sell the existing home with a minimum of 2 acres. Currently it is a 27 acre parcel that has 2 homes on the property.

Motion to open the public hearing made by Kelli van Ginhoven and seconded by Matthew Jensen.

Roll Call:	John Denholm	Yes	Amy Berglund	Yes
	Clayton Harris	Yes	Charles Lawson	Yes
	Curtis Larsen	Yes	Matthew Jensen	Yes
	Kelli van Ginhoven	Yes		

Vote: Yes-7 No-0. Motion Carried.

**Public hearing opened: 5:35 p.m.**

- No public comment.

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- Curtis Larsen asked the Building & Zoning Administrator why the property couldn't be re-zoned as rural residential as opposed to granting a conditional use permit.
- Jack Smith, Building & Zoning Administrator, stated that it is currently zoned rural residential and according to the zoning ordinance there is a 5-acre minimum with an allowable 2-acre minimum with a Conditional Use permit.
- Kelli van Ginhoven wanted to get the Building & Zoning Administrators opinion regarding the conditional use permit, and it was his recommendation that the conditional use permit be granted.
- Amy Berglund requested clarification as to why it was indicated on the survey that the well was off line, and the Building & Zoning Administrator responded that it simply meant that the well was 10' away from the property line.

Motion to close the public hearing made by John Denholm and seconded by Kelli van Ginhoven.

Roll Call:	John Denholm	Yes	Amy Berglund	Yes
	Clayton Harris	Yes	Charles Lawson	Yes
	Curtis Larsen	Yes	Matthew Jensen	Yes
	Kelli van Ginhoven	Yes		

Vote: Yes-7 No-0. Motion Carried.

**Public hearing closed:** 5:38 p.m.

**Worksheet:** All members of the Planning Commission have reviewed the application, it meets Ordinance requirements; location is appropriate for use; no effect on district; no concerns from adjacent property owners; no environmental impact and is not a spot zone.

Motion to approve the application that was submitted was made by Curtis Larsen and seconded by Kelli van Ginhoven.

Roll Call:	John Denholm	Yes	Amy Berglund	Yes
	Clayton Harris	Yes	Charles Lawson	Yes
	Curtis Larsen	Yes	Matthew Jensen	Yes
	Kelli van Ginhoven	Yes		

Vote: Yes-7 No-0. Motion Carried.

### 2. CASE 3-25-PC – E&T Williamson Trust, Edward Williamson.

Presented by Building & Zoning Administrator: property owner is requesting to rezone the property from Open Space to Resource Production for the purpose of building a 36'x48'x14' private storage garage.

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Motion to open the public hearing made by Matthew Jensen and seconded by John Denholm.

Roll Call:	John Denholm	Yes	Amy Berglund	Yes
	Clayton Harris	Yes	Charles Lawson	Yes
	Curtis Larsen	Yes	Matthew Jensen	Yes
	Kelli van Ginhoven	Yes		

Vote: Yes-7 No-0. Motion Carried.

**Public hearing opened: 5:40 p.m.**

**- Public Comment.**

- Katie Olsson - I oppose the rezoning because it is unnecessary for building a garage and could lead to unwanted development. I purchased my property for its undeveloped state and want to preserve it, especially since the land includes wetlands.
- Ann Leonard (read by Katie Olsson) - I am totally against rezoning any of the property in question I think it just opens the door to more development in the future. The peace and tranquility that we've all come to enjoy will be lost.
- Greg & Ginny McCambridge (read by Katie Olsson) - We oppose the rezoning as we purchased our property with the understanding that the forest on the North side of Mirons Lane is protected wetland, as designated by the EPA. The area experiences significant water issues, including standing water near our home, flooding in our backyard, and runoff from the ravine. Developing this land by cutting trees and building structures would worsen water runoff and drainage problems, creating potential major issues for both our property and the surrounding area.
- Johnson Family (read by Katie Olsson) - We support the Williamson's right to build a garage on their property, provided it does not require rezoning. This ensures there are no potential complications or unintended consequences with future developments.
- Gabe Bultinck - I've owned my property since 2007 and have concerns that a permit may not be required by EGLE or for soil erosion. I also have questions about how the distance from the lakefront is measured, given that the water level fluctuates. Additionally, there is a small creek near the potential building site, and I'd like to know the required setback distance from it. It's also worth

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noting that there is enough space by the house for the structure the Williamson's wish to build.

- Jack Smith, Building & Zoning Administrator – Open Space is not usually homeowner friendly. If residents are concerned about potentially a campground or garage, both can be done in Open Space or Resource Production. However, since it is a designated wetland, this most likely cannot happen.
- Edward Williamson (read by Jack Smith) - I do not plan on selling my property now or in the future, as my wife and I intend to retire at our family dwelling across the road from the property in question. To my knowledge, previous rezoning applications in the area have been approved. Our goal is to clear only what is necessary and minimize disturbance to the land. We plan to blend the garage into the surroundings, not make it a focal point, as we, like many of our neighbors, value the natural state of the property.
- Richard & Donna Geyer (read by Rachel Pascoe) - It has recently come to my attention that Williamson has requested rezoning for property purchased through the Williamson Trust. Both my wife and I, along with many neighbors in the adjacent and immediate area, are opposed to this rezoning. The land was purchased due to its wetlands designation and EPA protection status, which prevents development in this area.
- Dan & Sheri Palmer (read by Rachel Pascoe) - My wife and I live close to the property in question and received the rezoning letter. When we built our house, we had to request a variance for wetland use, but the DEQ denied it, and we had to build a bridge over the wetlands to obtain our permit. We moved here 25 years ago for the beauty and privacy of the trees and wetlands, and we believed the Open Space zoning would ensure the area remained unchanged. If this zoning changes, where will it stop? Property development, more roads, and increased traffic? We are strongly opposed to any zoning changes.
- Jim & Lynnda Nelson (read by Rachel Pascoe) - We are strongly opposed to any zoning changes and building on the property in question. Our concerns include the environmental impact on wetlands, creeks, waterways, and wildlife, including deer and waterfowl. While we understand an inspection has taken place, we question whether an environmental impact study has been completed to assess the specific consequences of the proposed changes. Other residents have been required to invest significant resources, including permits and costly

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bridge structures, to avoid impacting the wetlands. Why should this property be developed when others were not allowed to do so? Additionally, historical flooding in the area raises concerns about the impact of adding infrastructure, such as driveways and buildings, on the environment.

- Matthew Jensen wanted clarification regarding the distance from the waterfront to the build. The Building & Zoning administrator stated that there is median water level taken, it isn't just about where the water line is at the moment.
- John Denholm went over the use both by permit and by right included in the Resource Production zoning and pointed out that the property to the north of the subject property had already been zoned Resource Production.
- Matthew Jensen stated that he was confused why the property owner was moving in this direction when there didn't seem to be any difference between Open Space and Resource Production given the stated desired usage was a garage.
- Kelli van Ginhoven expressed the same sentiment and asked the Building & Zoning Administrator if he had any clarification. The Building & Zoning Administrator stated that the property owner was given both options and this is the option he chose on the application.
- Matthew Jensen expressed concern about the build location and the possibility that moving it away from the waterfront could put it in the area by the road that is wetlands.
- Jack Smith, Building & Zoning Administrator, outlined the process with EGLE as follows: you present what and where you want to build, if they have concerns they will tell you where you will allowed to build.
- Clayton Harris questioned if the property owner's written response which stated he had no plans to do what nearby residents thought he might have plans for was legally binding. The Building & Zoning Administrator said that it was not legally binding, but also that the Planning Commission cannot speculate what a property owner might do in the future.
- Kelli van Ginhoven reaffirmed that decisions should not be made based on speculations but that the Planning Commission can't just be focused on the present but the future too.
- Matthew Jensen stated that he would be more inclined to grant a Conditional Use Permit as opposed to rezoning the property.
- John Denholm pointed out that even if the property was rezoned, the wetlands still exist and pose a problem for any future builds.

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- Amy Berglund expressed concern that rezoning the property would open it up to other developments in the future that the property wouldn't need to get permission for.
- Tim Brassick (resident) expressed a concern that if the property is rezoned to Resource Production the current property owner might try to sell it because with more options for usage the property becomes more valuable.
- Curtis Larsen expressed that the proposed location for the garage that would be used for storage seemed illogical when it seems like he has adequate space on the existing parcel adjacent to his home. He also asked if the Trust documentation had been looked at to see if there were certain stimulations included.
- Jack Smith, Building & Zoning Administrator said that's not really a question that can be asked. He also stated that the Trust Documentation hadn't been reviewed as that would require a legal opinion to do so.
- Kelli van Ginhoven questioned whether or not it would be a good idea to table this and have the county prosecutor review the Trust and the Building & Zoning Administrator said that might be a good idea.
- Amy Berglund stated that she was not supportive of rezoning the parcel and wanted to know if a Conditional Use Permit could be approved instead.

Motion to close the public hearing made by Kelli van Ginhoven and seconded by John Denholm.

Roll Call:	John Denholm	Yes	Amy Berglund	Yes
	Clayton Harris	Yes	Charles Lawson	Yes
	Curtis Larsen	Yes	Matthew Jensen	Yes
	Kelli van Ginhoven	Yes		

Vote: Yes-7 No-0. Motion Carried.

**Public hearing closed:** 6:18 p.m.

**Worksheet:** All members of the Planning Commission have reviewed the application; it meets Ordinance requirements; location is appropriate for use; no effect on district; there was a significant amount of negative feedback from adjoining and nearby property owners; it is possible that it would have a negative environmental impact and is not a spot zone.

- Matthew Jensen expressed that after reviewing the application it seems like the application should be denied.

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- John Denholm asked if it would be possible to deny the application with the recommendation of a Conditional Use Permit.

Motion to deny the application that was submitted and recommend that the property owner pursue a Conditional Use Permit was made by Matthew Jensen and seconded by John Denholm.

Roll Call:	John Denholm	Yes	Amy Berglund	Yes
	Clayton Harris	Yes	Charles Lawson	Yes
	Curtis Larsen	Yes	Matthew Jensen	Yes
	Kelli van Ginhoven	Yes		

Vote: Yes-7 No-0. Motion Carried.

### 3. Baldwin Township, Fowl Complaint to Commissioner van Ginhoven.

- Kelli van Ginhoven initially received this fowl complaint but wanted to use this opportunity to determine roles and responsibilities.
- Jack Smith, Building & Zoning Administrator, has been working on this issue for awhile and letters have been sent. The Delta County Sheriff was called and we are currently waiting for a response from the prosecutor about whether or not the building & zoning department can issue citations or if the sheriff's department must do that.
- Matt Jensen said that if there aren't any provisions within the ordinance for citations that will need to be added.
- Kelli van Ginhoven wanted to know what happens after a letter is sent as a result of the violation. The Building & Zoning administrator stated that is what we are waiting on the prosecutor for.

## IX. Unfinished Business.

### 1. Delta County Master Plan Update.

- Amy Berglund updated the Planning Commission that the RFP had been approved at the last Board of Commissioners meeting on February 18, 2025. At the May meeting of the Planning Commission the responses to the RFP will be opened and a recommendation will be sent to the Board of Commissioners.

### 2. PA233 Compatible Renewable Energy Zoning Ordinance.

- Matthew Jensen informed the Planning Commission that all members of the subcommittee had been provided with a working copy of the revised ordinance and will be meeting on March 7, 2025 to finalize the ordinance.

## X. Correspondence.

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Motion to place correspondence from the Bark River Township on file and send a letter to the Bark River Township made by John Denholm and seconded by Matthew Jensen.

Vote: Yes-7 No-0. Motion Carried.

Motion to place correspondence from Masonville Township on file and send a letter to Masonville Township made by Charles Lawson and seconded by John Denholm.

Vote: Yes-7 No-0. Motion Carried.

Place MSU Citizen Planner correspondence on file.

XI. Public Comment. None.

XII. Planning Commission Member Comments.

- Amy Berglund attended the CUPPAD quarterly meeting and the CUPPAD Executive Committee representatives from the Board of Commissioners are Christine Williams and John Malnar.

XIII. Adjournment.

Motion to adjourn at 6:42: p.m. made by John Denholm and seconded by Curtis Larsen.