

Milton Township  
Planning Commission  
Approved Meeting Minutes  
October 14, 2008

Members present: Chairman Stilson, Hefferan, Luckett, Cole, Geddes and Merillat and McKimmy.

Also present: Weinzapfel and 6 audience members.

Stilson called the meeting to order at 7 pm.

Approval of past minutes dated Sept. 9, 2008:

Pg 2: Change "5" to "6"

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

Meetings and Announcements:

Enabling Act meeting is coming up in Grayling October 22.

Agenda approval:

Motion by Luckett to approve the agenda as presented. Seconded by McKimmy. Motion carried.

Public Hearing for Amendment 08-04:

A new chapter - 117.2200 Wind Energy Systems.

Stilson asked regarding conflicts of interest. There are none.

The subcommittee consisted of McKimmy, Hefferan and Merillat. The committee has worked for several months on the language with public input and review with planning commission members.

The public hearing was advertised in the Elk Rapids News September 18<sup>th</sup> and October 9<sup>th</sup>, 2008.

One letter was received in favor of the amendment dated October 9<sup>th</sup> from Dick Crout. Merillat read this letter into the record.

The proposed amendment has five sections 1. The purpose; 2. Definitions; 3. Language on site use of wind energy systems; 4. Wind site assessment for utility grid wind energy systems; and 5. Language for Utility Grid wind energy systems.

Hefferan gave a presentation. The committee was formed August 14 of 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 minimum lot size. If they are less than 65 feet, they are a permitted use. Setbacks are 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 can not be exceeded.

Regarding Crout's letter:

1. The word "primarily" should stay because someone could sell the electricity back to the grid.
2. Luckett said we may be better off adding "accessory". Cole said the current wording is broader and covers more.
3. Deliberately goes to site plan review because a special use permit costs more money.
4. Freestanding is intentional to avoid guy wires.
5. Cole agrees here that visual standards should apply to personal as well as commercial.

McKimmy gave more background regarding where wind energy is actually commercially viable in Milton Township.

Cole suggested that A-E relate to all OSUWES towers.

Weinzapfel asked regarding #2 and what happens if "accessory" is added. Cole said if the property does not allow structures...Weinzapfel said all properties will allow a structure. Weinzapfel said the ordinance also requires a primary structure.

Public Questions for Information Only:

Richard Hammond of Easley Road asked if a resident meets all the requirements except the minimum land requirement, can they still make the request? Right now, he could have a wind turbine 35 feet high. For this ordinance, a variance is really not an option.

Cole said if this passes, then anything over 65 feet would need a site plan review.

Keith Termaat of Joe Marks Trail asked regarding the current height restrictions for a home. It is 35 feet. All of a sudden, we are allowing a structure that is twice as high as the home.

Kathryn Barhant of SW Torch Lake Drive is it the intent to eliminate towers under 35 feet that are now allowed? It would be a byproduct of the current language. Cole said it may be a good idea to have three categories; up to 35ft, 36-65ft, over 65ft.

Heidi Clark of Rex Terrace asked where 65 feet came from. Hefferan said 65 is permitted. 66 needs a site plan review. But what is the significance? 65 feet came from the dimensions of a common 2 acre parcel. Cole said once you get past 65 feet and something goes wrong with the tower, it is a concern what it can do to your neighbor's property.

Weinzapfel said 65 foot as a general height also came from JD Stratton Electric as an acceptable height for a residential wind turbine.

Those speaking in support:

No one wished to speak

Those speaking against:

Keith Termaat of Joe Marks Trail on the home system: 65 feet is too tall to allow on the small lot sizes where there is a plat. With respect to utility grade systems being restricted to sections 23 and 36. These are wind farms, so they tend to be grouped. In restricting it to these two sections, one is mostly environmental and the other is a scenic area. Other areas in the township are better suited and should be considered.

Deliberations:

McKimmy asked if changes are considered, will it need to be re-posted. Yes. McKimmy said he suggests all proposed changes go back to subcommittee.

Weinzapfel said an accessory structure has to meet setbacks within the zone.

Hefferan suggested taking the information gained from the public hearing back to subcommittee because it was never the intent not to allow towers up to 35 feet on parcels less than 2 acres.

Motion by McKimmy to send the amendment back to subcommittee. Seconded by Cole.  
Discussion: Merillat asked if we should vote it down and then send it back to subcommittee or does the current motion work?

McKimmy amended his motion to reject the amendment 08-04 . Agreed to by Cole. Motion carried.

Home Business Subcommittee Report:

As given by Cole. The committee met in September and some minor changes were made. However, Weinzapfel was not able to be in attendance. Merillat, Cole and Lockett will meet October 21<sup>st</sup> at 9am.

Ordinance Review Subcommittee Report:

As given by Geddes. The last meeting was September 24<sup>th</sup>. Geddes would like to hold off scheduling more meetings at this point. The next meeting is TBD.

Non Conforming Lots Subcommittee Report:

As given by Geddes. The group has met three times. Next meeting date is October 21<sup>st</sup> at 4 pm.

Bylaws Subcommittee Report:

As given by Merillat. Draft one has been circulated among the subcommittee members. Next

meeting date is October 21<sup>st</sup> at 11 am.

#### Signs Subcommittee Report:

This is a work session of the full Planning Commission.

Geddes raises the issue of the current 50 square foot limit. Lockett said the committee feels 50 square feet may be too large. The intent is not to create a lot of non-conformity. Geddes brought up Cottage Cove, Torch Riveria, Torch River Marine, Ace Hardware. Geddes does not see these as objectionable. Lockett said lots of objections to the proposed ordinance have come from realtors regarding off premises signs. Geddes also brought up the idea of no banners unless it is for the first 30 days. Ace Hardware has a banner right now celebrating 60 years, and that seems reasonable. He would rather see a community with vibrant business. Lockett said looking at the areas where commercial is allowed, do you think it is a good idea to have a 50 square foot sign, although it is mixed use? Geddes said he feels it is too restrictive as written. Lockett said they were trying to limit distractibility and driver safety. Cole said on moving signs, he would rather a business not do a moving scroll for the reason of driver safety. All business areas are mixed use, and therefore we have to look at what is the best for all involved. Geddes suggested excluding community pride and school pride signs, like the "Go Elks" signs.

McKimmy asked regarding sign size limits. Geddes also brought up the signage at ~~Luhrs~~ Luhrs Landing with his signs on the docks over the river. These business people are trying to survive. Lockett said they have tried to solicit business input to see if decreasing the size of the sign would decrease their business. She said many of these businesses are landmarks. Cole said in terms of sizes, they are trying to balance the survey results that people would like to keep the scenic vistas and making sure businesses have a way to advertise. If every business put up a 50 square foot sign, this would change the nature of our community. You want the business to be able to advertise, while keeping scenic vistas. Lockett said the other area that they have struggled with is off premises signs.

Hefferan said he has struggled with what is the problem and why are we looking at changing the current ordinance. It worries him when government expands an ordinance greatly. Hefferan quoted Pharo's letter saying that this looks like government gone amuck.

Merillat said he has a problem with lowering the size of the signs. People's personal signs have gotten much smaller in the proposed language. The number of special events signs are not limited at all. Cole said they are limited by time. Seasonal Ag signs are limited to one. Merillat recommend making sure 'per side' is always added consistently. Merillat said home business signs must have a permit. Cole said this was not the intent. After signs requiring a permit, swap 307 with 306. When Merillat got to 307, it got too complex. Cole said that is an attempt to vary the size of the sign according to the size of the building. Merillat said he disagrees with the idea that a business can only have one sign. Cole said if people are really disagreeing with the direction, they should go back to the drawing board.

McKimmy said looking at two communities where there are no regulations and many regulations. He would rather be cautious because you can never take it back. He is supportive of a more restrictive ordinance. Merillat said the proposed gas station at Torch River Bridge was having a hard time meeting the ordinance requirements. Under this ordinance, it would be impossible. McKimmy said there are signs that have four corners competing with each other. There are signs that are for information. In Milton, we do not have competing businesses. If you are not trying to compete, your signage can afford to be much smaller. McKimmy asked regarding electronic signs. Cole said yes and the sign can change only every 45 seconds, but there are no regulations regarding times of day that it can be on.

Stilson said it's troubling that the board is split on what it wants. Geddes said he is also concerned about the lack of business interest in this proposal. Merillat asked is it currently 50 square feet for both sides of the sign or total, 25 per side. It is 25 per side. Merillat said there should be allowance for multiple types of signs per business, one free standing, one on the business etc. Cole said he does not think this is necessary. Luckett said the number or size of sign is based on the road frontage.

Meeting adjourned at 9:25 pm by order of the chair.

Respectfully submitted,

Joseph Merillat  
Secretary