

# CHARTER TOWNSHIP OF CHOCOLAY PLANNING COMMISSION MINUTES

Monday, June 20, 2016

**I. MEETING CALLED TO ORDER BY:** Andy Sikkema at 7:03 p.m.

**ROLL CALL**

*Members Present:* Andy Sikkema (Chair), Andy Smith (Vice Chair), Eric Meister (Secretary), Richard Bohjanen (Board), Kendell Milton, Bruce Ventura, Tom Mahaney (arrived 7:12)

*Members Absent:* None

*Staff Present:* Dale Throenle (Planning Director/Zoning Administrator), Suzanne Sundell (Administrative Assistant)

**II. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA**

*Motion by Meister, and seconded by Ventura, to approve the agenda as written.*

*Vote: Ayes: 6 Nays: 0 MOTION CARRIED*

**III. MINUTES**

**May 16, 2016**

*Motion by Bohjanen, and seconded by Ventura to approve the minutes as written.*

*Vote: Ayes: 6 Nays: 0 MOTION CARRIED*

**IV. PUBLIC COMMENT**

Mark Maki, 370 Karen Road – would like to comment on a couple of items –on Page 2, 4<sup>th</sup> paragraph of the minutes, there was discussion regarding the “chicken issue” which stated, “...Ventura indicated that the City had come up with a “policy” basically saying that if the neighbors don’t complain, you could have up to eight chickens. ...” Ventura indicated that this is not an official policy – if the City does not get an official complaint, they do not pursue it. Maki also has a couple of complaints – Chocolay Shores Apartments has a number of junk vehicles and storage of contractor equipment. Years ago, the Zoning Board of Appeals granted them an expansion to build a building to house some of their equipment in. He feels that this is leaking into the Chocolay River. Similarly, Hudson Mechanical has a lot of outdoor storage, and seems to keep growing. Also wondered if the Holiday Gas Station is in compliance with the sign ordinance – there seems to be a lot of signage there. As a follow up on Conditional Use requirement, Maki would like to know what has been done with testing requirements that the Planning Commission put on the golf course and the junkyard on South Big Creek Road. He remembers this was to be done on an annual basis. Maki also wondered when the junkyard was approved to go from a junkyard to a full scale scrap metal business. There was also some cleanup required on Besola’s property on US 41 –

would like to know where that stands. Maki would like to get the Planning Commission's thoughts on windmills – this is not a big issue in Chocolay, but has become a big issue in Schoolcraft County and Delta County. Maki also had a question on billboards, and his understanding that the Township does not allow billboards. Maki has called CUPPAD on prohibitions that the State may have, but has not received any language on this.

Deborah Mulcahey, 633 Lakewood Lane –issues concerning Chocolay Shores – has worked with previous Zoning Administrators about the number of vehicles and types of activity going on there. This seems to be an ongoing issue. Mulcahey also questioned the amount of time that has been spent on the chicken issue, and the failure of the Board or Planning Commission to deal with the issue of short term rentals. For the past two years, all the Planning Commission has done is punted, with their plan being to wait until the City of Marquette makes some type of decision on this. Chocolay Township does not have rental code enforcement. In reviewing the Zoning Ordinance, it clearly states that “unless it states that it is okay to do something, it cannot be done”. The Zoning Ordinance is silent on short term rentals and on chickens. Prior to 2013 / 2014, Mulcahey had worked with Jennifer Thum, and there was a memo sent to the Planning Commission in 2011, which stated in part “...*According to the ordinance, anything rented for less than one month is considered a hotel or a B & B. For our meeting, I would like to discuss the situation with you...*”. Thum then addressed the definition of hotels in her memo. Before that, Thum had worked with Mike Summers (Township attorney). Mulcahey also thanked those that respond to emails and phone calls.

Public comment closed at 7:15.

**V. PUBLIC HEARINGS**

None

**VI. PRESENTATIONS**

None

**VII. NEW BUSINESS**

None

**VIII. UNFINISHED BUSINESS**

**A. Ordinance 41 Animal Control – Chicken / Poultry**

Throenle indicated that he had done some background research concerning chicken ordinances in the surrounding communities – City of Marquette has an ordinance on the books prohibiting chickens and have no future plans of changing this. Negaunee Township covers chickens under their Animal Control Ordinance, and chickens are not permitted on property less than one acre. Throenle also looked at Forsyth Township, who had gone through a legal case a couple years ago concerning the Right to Farm Act, and there is no livestock or poultry in non-agricultural areas. Sands Township considers chickens as pets, and they are allowed in the Township. West Branch Township refers to chickens under “Light Agricultural Activities” and under that is permitted in those districts.

In reference to Chocolay Township, Throenle reviewed the Master Plan and survey associated with the Plan. The surveys tended to show there was no middle ground – residents were either strongly for chickens or strongly against. Throenle also reviewed the current Ordinance and found several other items that should be addressed if the Planning Commission is planning on changing the ordinance – service dogs are not included in the current ordinance, animals under “reasonable control” needs a better definition, spelling error, holidays need to be specified, and fees need to be adjusted within our fee schedule.

Throenle then offered suggestions to the Planning Commission – property size, confinement issues, maximum number of chicken / poultry based on acreage, impoundment if violation occurs, separate definitions concerning animal and poultry.

Throenle went over his recommendation on what the Planning Commission should be looking at when considering the question of poultry in districts other than AF – minimum acreage required, number permitted per determined acreage, is permit required, containment required, definition of poultry as opposed to animal, and enforcement / impoundment fees and requirements.

Mahaney stated that the suggestion on maximum number, acreage and distance are important. Mahaney researched other areas in the State of Michigan and was surprised at how many allowed chickens on one acre of land.

Sikkema stated there is not a prohibition on owning chickens in the Township, just that there are restrictions in certain areas. Sikkema stated the first discussion before the Planning Commission is to determine if the Planning Commission wants to modify the ordinance to allow for chickens in districts other than AF. He feels there is no sense in moving forward until this has been determined.

Bohjanen indicated that by looking at the survey, there seems to be more support for having rules that would enable the raising of chickens than against it. He feels a permit should be required, along with a site plan from the owner and an approval document from the neighbors. Bohjanen feels that it is worth looking at this, and that it should be presented to the Township Board to see if they are in favor of moving forward with this.

Milton questioned if it would become a Zoning Board of Appeals problem for a variance. Milton feels that the Ordinance needs to have some work done on it anyway, and would be in favor of expanding the districts where chickens are allowed.

Ventura feels that this is something that needs to be looked at. After re-reading the comments of the survey conducted a couple of years ago, most people that responded are in favor of this with constraints. He feels setback rules need to be looked at more than total acreage. There also needs to be some type of confinement mode and a limit on number, which may vary with size. Ventura is in favor of moving forward.

Smith, Meister, and Mahaney were also in favor of moving forward and taking a look

at this ordinance.

Sikkema indicated that there will need to be general guidelines that are given to Throenle as he starts putting this together. Bohjanen had recommended that something be put together that he could present to the Township Board for their input before anything is started on the re-write. The Planning Commission agreed that this was a good idea.

Some suggestions on things to be included were setbacks and distances, non-commercial use, personal consumption, limited number of chickens either by a flat number or a formula based on acreage and animal units, and permitting (Throenle felt this would become an enforcement issue – permitting pros and cons were discussed, and it was determined this will be left out at this point), containment, and enforcing / impoundment requirements and fees.

Bohjanen indicated that so far chickens had been discussed – has anybody asked about goats. This brought up a discussion on other types of animals that should be addressed in the rewrite of the ordinance. It was decided to allow for goats, rabbits, sheep, miniature ponies, and potbelly pigs. Bohjanen suggested these types of animals should be grouped into small animals.

Throenle will get this information put together, and Bohjanen will present to the Township Board.

#### **B. Commercial Zoning District Uses**

Throenle indicated that he had taken the matrix that was presented to the Planning Commission last meeting and split it into three matrixes – principal use, permitted use, and not permitted with the intent of looking at it and determining if it makes sense.

Sikkema read through the matrix.

Throenle referred to VIII.B.2.c.2 – Proposed Principle Use. Corrections were made on “*Item 936 – On-site agri-tourism ex. Special event hosting, ~~corn maze~~, hayrides, and other events open to the public.*” Delete **corn maze**. “*Item 942 – ~~On-site composting accessory to a farm operation.~~*” This Item should indicate **None**.)

VIII.B.2.c.3 – Proposed Conditional Use. Item 243 – Accessory residential home occupation – Tier 1. This item was not addressed at the last meeting. After discussion, Throenle will take a look at this and determine Tier 1 versus Tier 2, and bring back to the Planning Commission. *Item 437 – WECS towers over 35 feet in height.* It was noted that this does not address WECS under 35 feet. *Item 437* was changed to read **WECS towers and alternative energy**. *Item 955 – On-site renewable energy production accessory to a farm operation.* This should be **None**, as farming is not allowed in this district.

VII.B.2.c.4 – Proposed Use Not Permitted. *Item 911 – Farm operations as defined by the Michigan Right to Farm Act, PA 93 of 1981 as amended, provided operations*

are consistent with all applicable GAAMPS. Ventura indicated that this was suggesting that if you meet the GAAMPS, then farming was legal. *Item 911 was changed to read “Farm operations as defined by the Michigan Right to Farm Act, PA 93 of 1981.” Item 961 – Tree planting, harvesting, sawing, chipping, temporary storage, and transport of forest products, as well as forest research facilities. Does not include the process of wood products with other raw materials as a manufacturing operation.* Meister questioned if this included being able to clear a lot. Throenle indicated this referred to an on-going operation, such as Christmas tree planting and harvesting. Item 961 will stay as is.

VIII.B.2.c.1 - Full land use matrix. Maki questioned Items 211 and 212 – these are showing as permitted uses, but currently contractor yards and outdoor storage are conditional use. It was decided by the Planning Commission to **move “contractor yards” from Item 212 (permitted use) to Item 213 (conditional use)**. This will change the other matrixes.

Sikkema indicated that the matrix should go before the Township Board for their input before proceeding any farther. Throenle indicated that the full matrix would be the most appropriate for the Board. Sikkema also indicated that in the introduction it should be brought up that the major thought process in this matrix is to reinvigorate the commercial district in the Township. Ventura indicated that part of the discussion should also include whether this should be an overlay district or a zoning ordinance.

Throenle indicated that he would have this ready to go to the Board for their August meeting.

#### **IX. PUBLIC COMMENT**

Mark Maki, 370 Karen Road – commented on the agricultural zone of the zoning ordinance – what about factory farms, such as chicken and hog farms. Most communities provide language where these are only allowed on certain lot sizes. The way the ordinance is written now these would be allowed. Also commented on the survey – this was done when there was a lot of focus on agriculture and many of the surveys that were on the agricultural groups in Marquette submitted responses to them. He is not sure that the results are reliable as far as Chocolay Township residents are concerned.

Deborah Mulcahey, 633 Lakewood Lane – commented on the 2013 survey as far as the data was concerned – there were as many in favor as not in favor of chickens, ducks, sheep, etc. Mulcahey questioned the zones this would pertain to. Sikkema indicated that they were looking at all districts other than the AF district. Mulcahey wanted the Planning Commission to be aware that the people who indicated that they lived in the WFR district were opposed to the ability of people to have chickens. She asked that the Planning Commission keep this in mind when looking at this issue. Also wanted to address the proposed firearms ordinance – the ordinance does not address arrows. Mulcahey stated although it is not an explosion, it is a projectile.

#### **X. COMMISSIONER’S COMMENTS**

Bohjanen – none

Milton – none

Ventura – agrees with Mulcahey on the issue of crossbows and arrows.

Smith – none

Meister – none

Mahaney – none

Sikkema – none

**XI. DIRECTOR'S COMMENTS**

Throenle indicated that he is working on a way to streamline the tracking of zoning violations. Sikkema indicated that this was an important part of the job, and that he appreciated that Throenle was tackling it. Bohjanen asked if Woodward had left the matrix that she presented to the Planning Commission on a regular basis. Throenle does have this and will update for the Planning Commission.

The SET (Stronger Economies Together) conference that Throenle has been a part of is now working on corridor priority planning for the Central UP. Ventura asked if this was the Marquette, Escanaba, and Manistique consortium. Throenle indicated it was. Throenle indicated the goal of the conference was to establish economic development directives to see how they can improve the entire central corridor.

**XII. INFORMATIONAL ITEMS AND CORRESPONDENCE**

**A.** Minutes – 05/03/16 Marquette City Planning Commission

**B.** Minutes – 05/17/16 Marquette City Planning Commission

**C.** Minutes – 06/01/16 Township Board draft minutes

**XIII. ADJOURNMENT**

Sikkema adjourned the meeting at 8:45 pm.

Submitted by:

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Planning Commission Secretary  
Eric Meister