

August 21, 2023

The joint meeting of the Chocolay Township Board and the Chocolay Township Planning Commission was held on Monday, August 21, 2023, in the Chocolay Township Fire Hall. Supervisor Bohjanen called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

PRESENT: Richard Bohjanen, Max Engle, Ben Zyburt, David Lynch, Don Rhein

ABSENT: Judy White (excused), Kendra Symbal

STAFF PRESENT: William De Groot, Suzanne Sundell, Dale Throenle

APPROVAL OF AGENDA.

Rhein moved, Zyburt supported to approve the agenda as presented.

MOTION CARRIED

PUBLIC COMMENT

The Johnsons, Lakewood Lane – have attended several meetings where accessory housing was on the agenda. Interested in finding out changes that are being considered. They have three issues: (1) detached versus attached unit; (2) size of unit – 1,000 square feet to accommodate a barrier free home; and (3) what happens to unit after initial use.

Deborah Mulcahey, 633 Lakewood Lane – spoke on keeping things legal and accurately reflecting data in minutes. Feels entire community has not spoken in regard to the zoning changes that are being proposed – she supports the concept of allowing smaller homes. Mulcahey wondered about the problems with non-conforming properties as there has only been one ZBA meeting in the past 12 months. She is opposed to changes in Agricultural / Forestry and feels the Township is fixing a problem that doesn't exist. Does not support changing waterfront from 125' to 100'. Use Flashvote to find out what residents want.

Frank Jeffries, 545 Mangum Road – questioned what is actually being done with the rezoning – would like to understand this better. (Supervisor Bohjanen indicated this will be discussed later in the agenda.)

CONSENT AGENDA

- A. Approve Minutes of Previous Meeting – Regular Meeting, July 10, 2023.
- B. Approve Revenue and Expenditure Reports – July 2023.
- C. Approve the Quarterly Financial Reports – Second Quarter (April – June) 2023.
- D. Approve Bills Payable, Check Register Reports – July 11, 2023 (Check # 26236 - 26259, in the amount of \$35,985.47), July 20, 2023 (Check #26260 – 26283, in the amount of 65,197.52), and July 28, 2023 (Check # 26284 – 26295, in the amount of \$18,102.10).

- E. Approve Bills Payable – Regular Payroll of July 6, 2023 (Check #'s DD3429 – DD3466 and Check #'s 11381 – 11386, Federal, State, and MERS in the amount of \$49,716.54), and Regular Payroll of July 20, 2023 (Check #'s DD3467 – DD3494 and Check #'s 11387 – 11392, Federal State, and MERS in the amount of \$49,083.79).

Zybert moved, Rhein supported to approve the consent agenda as presented.

MOTION CARRIED

SUPERVISOR'S REPORT

Supervisor Bohjanen introduced the two newest members of the Chocolay Township Police Department – Mason Mitchell and Tyler Harvala. They have just completed the Police Academy and graduated on August 18.

Bohjanen feels there is a significant amount of concern in not getting the public's input regarding zoning changes. Zoning is a living document and changes with time. Later in the meeting, there will be a discussion between the Township Board and the Planning Commission about this subject. Only a small representation of the public is in attendance at the meetings, but there is a plan to have community meetings, use Flashvote to get public input, followed by public hearings, 2 readings and then adoption. This is a long process and hopefully will involve a lot of input from the public.

CLERK'S REPORT

Clerk Engle indicated that more laws have passed, but there is still not a lot of clarity on the 2024 election process. Engle suggested that on the Presidential Primary it may be best to wait until closer to the election to vote, as there tends to be many candidates that drop out before the actual election. Once the ballot has been cast through the tabulator there is no opportunity to spoil the ballot and change your vote.

TREASURER'S REPORT - NONE

PUBLIC HEARING – NONE

PRESENTATIONS - NONE

JOINT MEETING WITH THE PLANNING COMMISSION

The Chocolay Township Planning Commission was asked to join the joint meeting – called to order by Chair Soucy at 6:18 pm

PLANNING COMMISSION

PRESENT: Ryan Soucy (Chair), Donna Mullen-Campbell, Kendell Milton, Stephanie Gencheff, Don Rhein

ABSENT: George Meister, Rebecca Sloan

APPROVAL OF AGENDA.

Milton moved, Mullen-Campbell supported to approve the agenda as presented.

MOTION CARRIED

PUBLIC COMMENT

Deborah Mulcahey, 633 Lakewood Lane – spoke on keeping things legal and accurately reflecting data in minutes. Feels entire community has not spoken in regard to the zoning changes that are being proposed – she supports the concept of allowing smaller homes. Mulcahey wondered about the problems with non-conforming properties as there has only been ZBA meeting in the past 12 months. She is opposed to changes in Agricultural / Forestry and feels the Township is fixing a problem that doesn't exist. Does not support changing waterfront from 125' to 100'. Use Flashvote to find out what residents want.

- A/F FRAMEWORK PRESENTATION BY PLANNING COMMISSION

Chair Soucy explained that the Planning Commission's task was to develop a proposed plan for the AF zoning district to strike a balance between eliminating non-conformity, allow for the reasonable splitting of lots, and preserve the integrity and character of the Township's rural areas in a way that mitigates the possibility of sprawl. This has now been narrowed down to a framework that reflects the 1977 Zoning Ordinance by breaking the AF district into three districts. These districts are differentiated by intent, size, and use. These may look like:

AF 1 – under 3 acres (rural residential area)

AF 2 – between 3 – 15 acres (hobby farms to allow for more agricultural uses)

AF 3 – over 15 acres (more of the larger scale farming operations)

More public input would need to be gathered to see if this may be an option. Neighborhood scale with town hall meetings throughout the Township. Possibly some small scale maps.

Milton feels that the Planning Commission came up with a format that is easy to read in explaining the types of changes that are being proposed. This is more of a list type proposal.

Gencheff explained that the Planning Commission will not be creating any smaller lots, just trying to bring more areas into conformity.

Supervisor Bohjanen commented that the rezoning that took place in 2008 took the rural residential properties and made them AF, which at the same time made them non-conforming to AF. This seems to affect three areas where property rights were taken away from them. The whole object of this new process is not to take people's rights away from them, but to add uses and rights back. The Township has talked with the attorney on this. The public did not have that much input into the 2008 Zoning Ordinance. The Zoning Board of Appeals has been stable at this point because the property ownership has been stable. It is now coming to a generational change where it may not be as stable anymore.

Rhein indicated that this has been a long drawn-out process, and he feels they are doing their due diligence to reach out to the residents.

Engle stated that he lives in a non-conforming parcel. He has not had a problem but has known people that are trying to sell in his area that are having problems. Bohjanen indicated that there are many different size lots on Karen Road.

Bohjanen stated that the agricultural aspect has diminished – people that are farming already have the land. Others don't want to farm.

Bohjanen also stated that there has been talk about possibly having Agricultural (AG 1, AG 2, and AG 3) as its own zoning district, and keeping Forestry separate, because of the difference between open fields and forest.

Township Manager De Groot indicated that the Township has never declared state lands with an underlying land use. 31% of the land in the Township (which is owned by the State) is not zoned.

- TOWN HALL MEETINGS – TIMING, DUTY, AND ATTENDANCE

Bohjanen indicated that the Planning Commission will be moving forward with a document, possibly by spring / summer of 2024. Mullen-Campbell wondered if this is something that the Planning Commission should try to accomplish by the February 2024 joint meeting. Bohjanen indicated that would be an acceptable time frame.

Bohjanen feels that having three town hall meetings would be the most effective. Soucy indicated that he feels they should be based on location and meet people where they are to give people a chance to attend. Bohjanen indicated that everyone within the districts should be given notice for the town hall meetings.

Soucy feels that releasing a map on what this proposed zoning may look like, it will draw immediate scrutiny on what the Planning Commission is trying to accomplish. Doing it in smaller sections may help mitigate some of the comments.

Bohjanen asked how Flashvote can be used to gain insight. Rhein suggested starting simple to find out what people actually know about the zoning. Soucy indicated that would help the Planning Commission know what needs to be addressed at the town hall meetings.

De Groot stated that having a map for land use categories that don't exist could be very confusing. It may be better to do maps based on roads, not parcels. The Township has the power to rezone with public input – the danger is on what is enough public input. Need to be able to take a concept to the public, and then get feedback from the public. One thing that needs to be settled is the question (which was not addressed in 2008) if base zoning exists at the AF level for State-owned property. With the State looking at selling their

property, how we look at base zoning is important. Bohjanen feels that in that case Forestry should be what looks like forestry, and Agricultural should be agriculture.

Soucy questioned what kind of buy-in is needed for State land. De Groot indicated that what can be done is a statement at the beginning of the Zoning Ordinance stating that “upon sale of State land private base zoning exists”. Base zoning would need to be identified for this statement.

- STRUCTURE SIZE BELOW 800 SQUARE FEET

Soucy indicated that the Planning Commission is looking at the possibility of tiny homes and ADUs. They have looked at a variety of sources (such as AARP) along with the fact that we are in a regional housing crisis. Supply and demand in the housing market are driving up prices, which makes it very challenging for younger people with smaller budgets to find housing. The addition of tiny homes could be a possibility in helping to solve this problem.

Bohjanen asked if this would require just amending dimension requirements or does this require another zoning district. Soucy felt that this could fall under “Special Use” or possibly a tiny home community. Bohjanen indicated that a tiny home community would require a developer. Gencheff feels that the size requirement should be lowered and tiny homes permitted. Rhein feels that we shouldn’t go too small – there needs to be a limit (such as 720 sq. ft.). This is also something that should go to the Town Hall Meetings.

Mullen-Campbell wondered if “homesteads” need to be considered, and how they would be sold.

Soucy indicated that the Planning Commission will come up with Flashvote questions at their regular meeting following the joint meeting.

MANAGER UPDATE FOR SEWER AND BUDGET

Sewer – Manager De Groot stated that the final reconciliation and punch list are done. Everything has been submitted to the state to close out the project.

Budget – staff has been working diligently, and the draft will be presented at the next meeting in September. December is the last month to approve the budget. We are not expecting any big projects going into 2024, unless they are funded by grant funds.

BOARD MEMBER COMMENTS

Don Rhein – None

Kendra Symbal – Absent

Judy White – Absent

Dave Lynch – None

Ben Zybert – None

Max Engle - None

Richard Bohjanen – None

PUBLIC COMMENT

Deborah Mulcahey, 633 Lakewood Lane – spoke on people not going before the Zoning Board of Appeals. She feels that there are lots of changes, so does not agree with references to no changeovers. Questioned how bank or insurance company would know if a property is non-conforming. Spoke on the implications of changing the zoning district – taking. Applauds the idea of community and town hall meetings. Feels we need to find ways to get the information out to the public. As we move forward in doing presentation to the community, she feels it is sometimes difficult to follow what zoning is about – need to “dummy it down”.

The Johnsons, Lakewood Lane – just wondered if any decisions have been made, and how does this apply the accessory housing.

Frank Jeffries, 545 Mangum Road – spoke on the cost of building – young people are not able to afford. This is a heavy load for the next generation.

Zyburt moved, Rhein supported that the meeting be adjourned.

MOTION CARRIED

The meeting was adjourned at 7:22 pm.

PLANNING COMMISSION PUBLIC COMMENT

Deborah Mulcahey, 633 Lakewood Lane – spoke on people not going before the Zoning Board of Appeals. She feels that there are lots of changes, so does not agree with references to no changeovers. Questioned how bank or insurance company would know if a property is non-conforming. Spoke on the implications of changing the zoning district – taking. Applauds the idea of community and town hall meetings. Feels we need to find ways to get the information out to the public. As we move forward in doing presentation to the community, she feels it is sometimes difficult to follow what zoning is about – need to “dummy it down”.

Johnson, Lakewood Lane – feels the Planning Commission needs to keep in mind that with an aging population the need for barrier free square footage.

Rhein moved, Mullen Campbell supported that the meeting be adjourned.

MOTION CARRIED

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Chocolay Township Planning Commission; Regular Meeting of June 19, 2023, Revised Draft.
- B. Minutes – Chocolay Township Planning Commission; Regular Meeting of July 17, 2023, Draft.

- C. Minutes – Marquette County Solid Waste Management Authority, Special Meeting of July 3, 2023.
- D. Minutes – Marquette County Solid Waste Management Authority, Work Session Meeting of July 19, 2023, Draft.
- E. Minutes - Marquette County Solid Waste Management Authority, Regular Meeting of July 19, 2023, Draft.
- F. Minutes – Marquette Area Wastewater Advisory Board, Regular Meeting of June 15, 2023.
- G. Information – Chocolay Township Newsletter – June 2023
- H. Information – Chocolay Township Newsletter – July 2023.
- I. Correspondence – D. Mulcahey, 633 Lakewood Lane.
- J. Correspondence – B. Sanders, Sanders & Czapski Associates, LLC.
- K. Correspondence – M. James, 1805 M28 East.

Max Engle, Clerk

Richard Bohjanen, Supervisor