



CHARTER TOWNSHIP OF CHOCOLAY
PLANNING COMMISSION AGENDA
JOINT MEETING WITH THE TOWNSHIP BOARD
Monday, August 21, 2023 – 6:00 PM

I. CALL TO ORDER

II. ROLL CALL

Ryan Soucy (Chair)

George Meister (Vice Chair)

Donna Mullen-Campbell (Secretary)

Rebecca Sloan (Vice Secretary)

Don Rhein (Board Representative)

Stephanie Gencheff

Kendell Milton

III. ADDITIONAL AGENDA ITEMS / APPROVAL OF AGENDA

IV. MINUTES

None

V. PUBLIC COMMENT

Limit of three minutes per person.

VI. PRESENTATIONS

None

VII. UNFINISHED BUSINESS

None

VIII. NEW BUSINESS

A. Joint Meeting with the Township Board – AF Framework Presentation

1. Presentation from the Planning Commission

B. Joint Meeting with the Township Board – Town hall meetings

1. Timing, duty, and attendance discussion

C. Joint Meeting with the Township Board – Structure size below 800 square feet

1. Discussion regarding minimum square footage requirement in current zoning ordinance and future considerations (ADUs, tiny homes, etc.)

IX. PUBLIC COMMENT

Any item of interest – limit 3 minutes per person

X. COMMISSIONER'S COMMENTS

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

- A. Correspondence – Sanders
- B. Correspondence – James
- C. Correspondence - Mulcahey

XII. ADJOURNMENT

Planning Commission Rules for Public Hearings and Public Comment

1. Please wait for the Planning Commission Chair to acknowledge you before speaking. Individuals not following this rule are subject to dismissal from the meeting.
2. Individuals must state their name and address for the record. Individuals representing an organization must state their name and the organization they represent for the record.
3. Give your comments, opinion and / or question on the issue being addressed. Please stay on topic or you may be ruled out of order.
4. Due to a full agenda, and to ensure that everyone has time to speak, the Commissioners will limit comments to a timed limit per person. For the same reasons, please be as brief as possible and try not to repeat what has been said by others before you.
5. No person can grant his or her time to another speaker.
6. Please be as factual as possible and do not make comments on the character of people.
7. Planning Commissioners and Township staff members are not required nor expected to respond to comments, opinions and/or questions from the floor.





Charter Township of Chocolay

Planning and Zoning Department

5010 US 41 South

Marquette, MI 49855

Phone: 906-249-1448

Fax: 906-249-1313

Issue Brief: Joint Meeting with the Township Board – AF Framework Presentation

Meeting: Planning Commission Meeting

Date: August 21, 2023

Issue Summary

Proposed agriculture zoning district ordinance language and uses.

Background

Research in 2018 provided an analysis of the non-conforming parcels within the Township. Primary concern from that analysis was the percentage of non-conformance in the AF zoning district. Additional concerns were raised regarding the minimum lot width requirement, especially in the R-1, R-2 and WFR zoning districts.

Additional information has been added to the 2018 research that showed the impact of reducing the size of the AF parcels from the 20 acres minimum required in the current zoning ordinance. At the October 10, 2022 meeting, three suggested ranges for analysis were used: 10 acres, 5 acres, and 2 acres. Each range showed the number of remaining non-conformances and the reduction in the number of non-conforming parcels. (see attached)

Additional documents were added for Commissioner review. Zoning ordinance extracts and maps were taken from three townships (Empire, Glen Arbor, and Lake) for language considerations and to show different ways that the acreage discussion has been implemented. The townships were chosen based on similarity to Chocolay Township in population and geography.

To aid in the discussion, the Commissioners received an extract from the 1977 Township zoning ordinance that showed the zoning designations for each zoning district. This extracted data was further summarized in a document that compared the 1977 classifications with the current zoning ordinance classifications.

A map was developed that showed the zoning districts from 1977. A draft version of the 2008 zoning map was also provided. A map showing the non-conformances by zoning district was included for discussion purposes.

A document was included that outlined proposed changes to sections 6.1 and 6.2 of the Township zoning ordinance. The proposed changes included a rewrite of existing language, removal of footnotes under the table in 6.1, and a table with the proposed changes in zoning district names, lot sizes and setbacks (see attached).

At the October 2022 meeting, Commissioners requested maps showing the various acreage sizes throughout the Agriculture / Forestry (AF) zoning district. Maps for this request showed the acreage sizes in six size categories:

- less than two acres
- two to five acres
- five to ten acres
- ten acres to fifteen acres
- fifteen acres to 20 acres
- over 20 acres



At the November 2022 meeting, the topic was tabled until an opinion could be obtained from the Township attorney regarding the rezoning of parcels in the AF district to different acreage sizes.

At the February 2023 joint meeting the Township attorney gave a presentation related to the process of rezoning the AF properties, which gave the Commissioners the ability to return to the non-conformance discussion.

At the February 2023 regular meeting Commissioners requested the table that included percentage of reductions in non-conformances be included as part of the March agenda materials. Staff summarized the original document and presented the summary data and included it for the March meeting (see attached).

At the March meeting, Commissioners reviewed recommendations for splitting the current AF zoning district into three separate districts. Commissioners requested additional details on these districts at a future meeting (see attached).

At the June meeting, Commissioners reviewed recommendations for splitting the current AF zoning district into three separate districts and set the acreage sizes for each district. Commissioners also reviewed the uses for the proposed districts.

Prior to the July meeting, staff researched the requirements for the following items:

- Adult foster care facility
- Child care center
- Family child care home
- Group child care home
- Qualified residential treatment program
- State licensed residential facility

Staff found requirements detailed in the Michigan *Zoning Enabling Act*, section 125.3206 that required changes to the proposed use tables (see attached extract).

At the July meeting, Commissioners reviewed the intent statements and land uses for each of the proposed zoning districts (AG 1, AG 2, and AG 3) (see attached).

Staff Research

Author: Dale Throenle
Date: August 16, 2023

Attachments

1. *Non-conforming parcel research, October 10, 2022*
2. *Proposed zoning districts, lot sizes and setbacks, October 10, 2022*
3. *Non-conforming parcels – AF, March 3, 2023*
4. *Proposed AF districts, March 3, 2023*
5. *Michigan Zoning Enabling Act extract, pages five and six, July 17, 2023*
6. *Proposed Agriculture Zoning Districts – Comparisons, July 17, 2023*

Non-Conforming Parcel Research

Minimum Lot Size Non-Conformance

The research concept is to determine how many parcels are non-conforming based on acreage size.

Current Non-Conforming Parcels - Minimum Lot Size						
Zoning District	Minimum Lot Size	Parcels	Parcels Counted	Percentage Not Counted	Parcels Non-Conforming	Percentage Non-Conforming
AF	20 acres	867	862	0.58%	528	61.25%
Commercial	25,000 sq ft	88	87	1.14%	33	37.93%
Industrial	1 acre	24	24	0.00%	5	20.83%
R-1 with sewer connect	18,750 sq ft	163	160	1.84%	47	29.38%
R-1 no sewer connect	25,000 sq ft	1,580	1,564	1.01%	484	30.95%
R-2	10,500 sq ft	187	186	0.53%	42	22.58%
WFR	25,000 sq ft	529	513	3.02%	41	7.99%
Total Township		3,438	3,396	1.22%	1,180	34.75%

Notes Parcels counted are parcels that contain a lot size greater than 0 in the Assessing database
 Percentage of non-conforming acreage is based on value in *Parcels Counted*

Minimum Lot Width Non-Conformance

The research concept is to determine how many parcels are non-conforming based on minimum lot frontage.

Current Non-Conforming Parcels - Minimum Lot Width						
Zoning District	Minimum Lot Width	Parcels	Parcels Counted	Percentage Not Counted	Parcels Non-Conforming	Percentage Non-Conforming
AF	none	867	-	-	-	-
Commercial	125 feet	88	80	9.09%	25	31.25%
Industrial	150 feet	24	23	4.17%	3	13.04%
R-1 with sewer connect	125 feet	163	100	38.65%	68	68.00%
R-1 no sewer connect	125 feet	1,580	990	37.34%	104	10.51%
R-2	50 feet	187	177	5.35%	1	0.56%
WFR	125 feet	529	486	8.13%	296	60.91%
Total Township		3,438	1,856	46.02%	497	26.78%



Notes Parcels counted are parcels that contain a lot width greater than 0 in the Assessing database.
 Percentage of non-conforming lot width is based on value in *Parcels Counted*.
 AF properties were not calculated because AF does not have a minimum lot width specified.

Minimum Lot Size and Minimum Lot Width Non-Conformance

The research concept is to determine how many parcels are non-conforming for both the acreage size and the minimum lot width.

Current Non-Conforming Parcels - Both Minimum Lot Size and Minimum Lot Width						
Zoning District	Minimum Lot Size	Minimum Lot Width	Parcels	Parcels Counted	Percentage Not Counted	Parcels Both Non-Conformances
AF	20 acres	none	867	-	-	-
Commercial	25,000 sq ft	125 feet	88	80	9.09%	14
Industrial	1 acre	150 feet	24	23	4.17%	1
R-1 with sewer connect	18,750 sq ft	125 feet	163	100	38.65%	48
R-1 no sewer connect	25,000 sq ft	125 feet	1,580	989	37.41%	50
R-2	10,500 sq ft	50 feet	187	176	5.88%	1
WFR	25,000 sq ft	125 feet	529	484	8.51%	22
Total Township			3,438	1,852	46.13%	136

Notes Parcels counted are parcels that contain a lot width greater than 0 in the Assessing database.
 Percentage of non-conforming lot width is based on value in *Parcels Counted*.
 AF properties were not calculated because AF does not have a minimum lot width specified.

Suggested Changes

Minimum Lot Size

The research concept is to show potential reductions in non-conformances based on changes in the lot size for the Agriculture / Forestry (AF) zoning district.

Lot Size						
Zoning District	Minimum Lot Size	Parcels Counted	New Parcels Non-Conforming	New Percentage Non-Conforming	Reduction in Non-Conforming Parcels	Percentage Change in Non-Conforming Parcels
AF	10 acres	862	390	45.24%	138	-26.14%
AF	5 acres	862	265	30.74%	263	-49.81%
AF	2 acres	862	166	19.26%	362	-68.56%



Minimum Lot Frontage Width

The research concept is to show potential reductions in non-conformances based on minimum lot width for the Single Family Residential (R-1), High Density Residential (R-2), and Waterfront Residential District (WFR) zoning districts.

There are no suggested changes for the C, I, and R-2 districts.

Lot Size						
Zoning District	Minimum Lot Width	Parcels Counted	New Parcels Non-Conforming	New Percentage Non-Conforming	Reduction in Non-Conforming Parcels	Percentage Change in Non-Conforming Parcels
R-1 with sewer connect	100 feet	100	10	10.00%	58	-85.29%
R-1 no sewer connect	100 feet	990	42	4.24%	62	-59.62%
WFR	100 feet	486	70	14.40%	226	-76.35%
Total Township		1,576	122		346	



PROPOSED ZONING DISTRICTS, LOT SIZES AND SETBACKS

Current Section 6.1 Original Language and Table

6.1 Height and Placement Regulations

(A) Except as otherwise specifically provided in this Ordinance, no structure shall be erected or maintained between any lot line and the pertinent setback distance listed below and no structure shall be erected or maintained which exceeds the height limit specified below. Where there is no rear lot line as otherwise defined herein, the required rear setback distance shall be measured from a line through the point on the lot most distant from any front lot line of the same lot, which line shall be perpendicular to a line from said point to the closest point on any front lot line. If there is more than one such line, the rear setback shall be maintained from any one of them at the option of the owner. Where a lot fronts on two streets within 30 degrees of being parallel, but not of their intersection, no rear setback is required. The side setback requirement applies to a side lot line and also to any lot line which is neither a front, rear, or side lot line. All distances are measured in feet from the drip lines of said structure/s.

Schedule of Regulations

District	Front	Side	Rear	Height	Minimum Lot Size	Minimum Lot Width
AF	30	30	30	1	20 acres	None
C	30	5	20	30 ₆	25,000 square feet	125
I	40	5	20	30 ₆	1 acre	150
MFR	30	30	30	30 ₆	20 acres	None
MP	40	20	30	30	None	None
PUD	5	5	5	5	5 acres	300
R-1	30	10 ₂	35	30 ₆	25,000 square feet ₄	125
R-2	25	5	25	30 ₆	10,500 square feet	50
WFR	30	10 ₂	30	30 ₆	25,000 square feet	125

Note 100' waterfront setback is required in all districts (see Section 6.8 Waterfront Setback)

Footnotes

1. Height at any point on a structure shall not exceed the horizontal distance to any lot line.
2. A detached accessory building not exceeding 14 feet in height and not exceeding 720 square feet may be located within six feet of a side lot line and 20 feet from a rear lot line. (#34-19-04)
3. Lot width shall be measured at the location of the front setback line.

4. 18,750 sq. ft. where lot is served by public sewer and/or water supply.
 5. Setbacks and height limits are to be determined as required by the original zoning district. Any modifications are subject to the final approval of the Final Development Plan.
 6. No detached building shall exceed the permitted height for the zoning district. (~~#34-21-02~~) (~~#34-09-17~~)
- (B) In Districts R-1, R-2, MFR, WFR, and AF, the minimum lot size and lot width regulations do not apply to any nonconforming parcel of land shown as lot in a recorded plat, or described in a deed or land contract executed and delivered prior to the effective date of this Ordinance.
- (C) There shall be a maximum floor area ratio of 25 percent in District MFR and 80 percent in Districts C and I.
- (D) There shall be a maximum ground coverage ratio of 30 percent in District MFR and 40 percent in Districts C and I.
- (E) There shall be a minimum landscaped open space of 30% in District MFR and 10% in Districts C and I. There shall be a minimum of 2.5% landscaped open space within the front yard setback.

Current Section 6.2 Original Language

6.2 Zoning District Boundary Setback Regulations

On lots in Districts C and I, no structure shall be erected or maintained within 30 feet of the boundary line of any R-1, R-2, or MFR Districts. Where a district boundary line divides a lot into two districts, it shall be treated as a lot line for purposes of the setback provisions of this Ordinance.

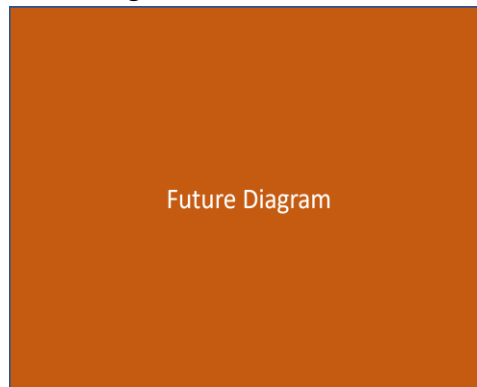
PROPOSED CHANGES

Proposed Language Changes

Height and Placement Regulations

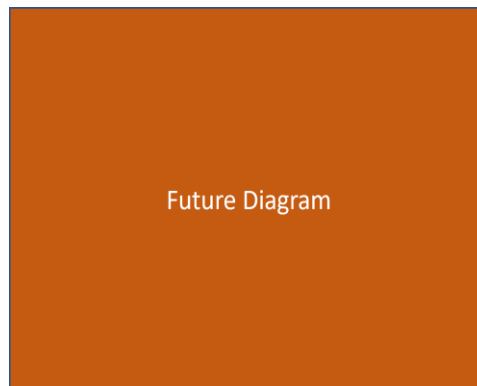
- (A) Except as otherwise specifically provided in this Ordinance, no structure shall be erected or maintained between any lot line and the pertinent setback distance in Table 6.1.
- (B) Except as otherwise specifically provided in this Ordinance, no structure, regardless of size, can encroach on the setbacks established for a zoning district without approval from the Zoning Board of Appeals.
- (C) Except as otherwise specifically provided in this Ordinance, no structure shall be erected or maintained which exceeds the height limit specified in **Table 6.1**.
- (D) Lot width shall be measured at the location of the front setback line.
- (E) If a parcel is considered a corner lot, the parcel will have two front and two side setbacks (see *Diagram 6.1*)

Diagram 6.1 Corner Lot



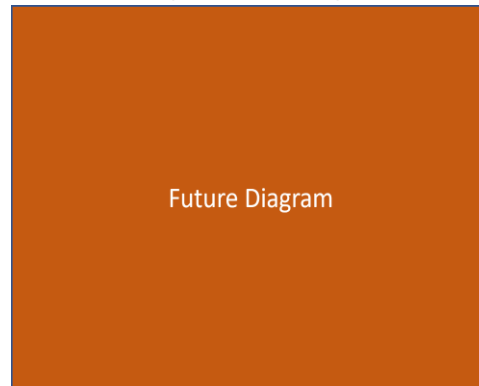
- (F) All distances are measured in feet from the longest extension of a structure (see *Diagram 6.2*).

Diagram 6.2 Lot Measurement From A Structure



- (G) If a parcel is in the RP (Resource Production) zoning district, height at any point on a structure shall not exceed the horizontal distance to any lot line (see *Diagram 6.3*).

Diagram 6.3 RP Zoning District Height Determination



- (H) If a parcel is served by public sewer and /or public water, the minimum lot size requirement will be reduced by 25 percent.
- (I) For proposed Planned Unit Developments in any zoning district, setbacks and height limits are to be determined as required by the original zoning district. Any modifications are subject to the final approval of the Final Development Plan as detailed in Section 999 of this Ordinance.
- (J) In any zoning district, the minimum lot size and lot width regulations do not apply to any parcel of land shown as lot in a recorded plat or described in a deed or land contract executed and delivered prior to the effective date of this Ordinance.
- (K) In zoning districts C (Commercial) and I (Industrial) there shall be:
- a. No structure erected or maintained within 30 feet of the boundary line of any MFR, MP, RI, R2, RP, RR or SR zoning districts.
 - b. A maximum floor area ratio of 80 percent.
 - c. A maximum ground cover ratio of 40 percent.
 - d. A minimum landscaped open space of 10 percent.
 - e. A minimum of 2.5% landscaped open space within the front yard setback.
- (L) In zoning district MFR there shall be:
- a. A maximum floor area ratio of 25 percent.
 - b. A maximum ground cover ratio of 30 percent.
 - c. A minimum landscaped open space of 30 percent.
 - d. A minimum of 2.5% landscaped open space within the front yard setback.
- (M) Where a district boundary line divides a lot into two districts, the district boundary shall be treated as a lot line for purposes of the setback provisions of this Ordinance.

Proposed Regulations Table

Table 6.1 Schedule of Regulations

District	Front	Side	Rear	Height	Minimum Lot Size (Square Feet)	Minimum Lot Size (Acres)	Minimum Lot Width
C	30	5	20	30	25,000	0.57	125
I	30	5	20	30	43,560	1	150
MFR	30	30	30	30	871,200	20	none
MP	30	20	30	30	none		none
PUD	TBD	TBD	TBD	30	217,800	5	300
RP	30	10	30	²	871,200	20	none
R1	30	10 2	30	30	25,000	0.57	100
R2	25	5	25	30	10,500	0.24	50
RR	30	10	30	30	87,120	2	100
SR	30	10	30	30	25,000	0.57	100

Proposed Zoning District Change Description

Note: This section is for information purposes only. It is not intended to be included in the new ordinance language.

Current Zoning District	Proposed Zoning District	Description
AF Agriculture / Forestry	RP Resource Production	Set side setbacks to 10 feet to be consistent with other residential use districts; this also reduces current non-conformities
C Commercial	C Commercial	No change
I Industrial	I Industrial	Change front setback from 40 feet to 30 feet to align with all other zoning districts
MFR Multi-Family Residential	MFR Multi-Family Residential	No change
MP Municipal Properties	MP Municipal Properties	Change front setback from 40 feet to 30 feet to align with all other zoning districts
PUD Planned Unit Development	PUD Planned Unit Development	Remove footnote and add to language above the table; easier to see in the total regulations than looking for a footnote.
R-1 Single-Family Residential	R1 Residential	Change rear setback from 35 feet to 30 feet to align with all other zoning districts Change minimum lot width from 125 feet to 100 feet to reduce current non-conformities Remove acreage size footnote and add to language above the table; easier to see in the total regulations
R-2 High Density Residential	R2 High Density Residential	Remove acreage size footnote and add to language above the table; easier to see in the total regulations
	RR Rural Residential	Add this zoning district Set minimum acreage for the district to 2 acres to reduce

Current Zoning District	Proposed Zoning District	Description
		<p>current non-conformities found in the current AF (Agriculture / Forestry) district</p> <p>Set the lot frontage to 100 feet to be consistent with other residential districts</p>
<p>WFR Waterfront Residential</p>	<p>SR Shoreline Residential</p>	<p>Change side setback to 10 feet with no allowances for shorter distances for structures less than or equal to 720 square feet</p> <p>Change minimum lot width from 125 feet to 100 feet to reduce current non-conformities</p>

**Chocolay Township
Non-Conforming Parcels**

Reduction Analysis						
Lot Size						
Zoning District	Minimum Lot Size	Parcels	Parcels Counted	Percentage Not Counted	Remaining Non-Conforming Parcels	Percentage Remaining Non-Conforming Parcels
AF	20 acres	867	862	0.58%	528	61.25%
	10 acres	867	862	0.58%	390	45.24%
	5 acres	867	862	0.58%	265	30.74%
	2 acres	867	862	0.58%	166	19.26%
	1 acre	867	862	0.58%	68	7.89%
Notes	Parcels counted are parcels that contain a lot width greater than 0 in the Assessing database					
	Percentage of non-conforming lot width is based on value in <i>Parcels Counted</i>					
	Data listed is as of November, 2022					

VIII.A.5

Proposed AF Districts

Zoning District	District Acreage	Frontage	Setbacks	District Use	District Prohibition	Regulatory Control
AF 1	0.5 acres – 3 acres	75 ft min	30 feet front 10 feet side 30 feet rear	Residential / PUD / cluster Chickens, hoop houses, small grow sales, bee keeping, green house residential	animal farming/riding activity	Michigan Right to Farm Generally Accepted Agricultural and Management Practices (enforced by MDARD)
AF 2	Between 3 acres and 10 acres	150 ft min	30 feet front 30 feet side 30 feet rear	Residential / cluster One domestic animal per acre Chickens / fowl Hobby farm / Upick farm / herb farm Green house commercial, Private riding stable, Community gardens, AG retail store Rural Residential Cluster with 50% or more open space and detailed in the master deed	PUD	Michigan Right to Farm Generally Accepted Agricultural and Management Practices (enforced by MDARD)
AF 3	≥ 10 acres	200 ft min	30 feet front 30 feet side 30 feet rear	Residential Unlimited agriculture Unlimited forestry Commercial riding stable Rural Residential Cluster with 50% or more open space and detailed in the master deed	PUD No divisions allowed under PA116 or Qualified Forestry Program Property No land divisions beyond the Michigan Land Division Act for parent parcels.	Michigan Right to Farm Generally Accepted Agricultural and Management Practices (enforced by MDARD) Michigan Land Division Act Michigan PA 116

1977 Zoning Ordinance Extract

Zoning District	District Acreage	Frontage	Setbacks	District Use	District Prohibition	Zoning Intent
RR-1	2 acres	200	30 feet front 30 feet side 30 feet rear	Single-family dwellings Churches Schools Parks	Trails Accessory housing units for the elderly parent(s) or grandparent(s) of the owner-occupiers of a single-family dwelling as permitted under Section 107 (C)	To establish and maintain an alternative residential environment in accessible rural areas at very low densities. (Section 207)
RR-2	5 acres	300	30 feet front 30 feet side 30 feet rear	The growing and harvesting of timber and the raising of livestock Agricultural produce, trees, shrubbery, flowers, etc. which are grown on the premises may also be marketed on the premises Detached single family dwellings are permitted on lots of five acres or more with 300 feet of lot width Boarding stables on lots of 20 acres or more	Resorts, bed & breakfast, riding stables, parks, trails, campgrounds, kennels, and day camps on lots of 20 acres or more Hunting and shooting preserves, winter sports facilities, and trails on lots of 20 acres or more Recreational structures on lots of 40 acres or more Unlighted golf courses on lots of 60 acres or more Accessory housing units for the elderly parent(s) or grandparent(s) of the owner-occupiers of a single-family dwelling as permitted under Section 107 (C)	To establish and maintain for low intensity use those areas which, because of their location and accessibility to existing utilities, paved public roads, community facilities, and public services, are suitable for wide range of very low density residential and recreational activities. (Section 208)

1977 Zoning Ordinance Extract (continued)

RP	20 acres	None	30 feet front 30 feet side 30 feet rear	The growing and harvesting of timber, livestock, riding or boarding stables, winter sports facilities, parks, agricultural produce, trees, shrubbery, flowers, etc., which are grown on the premises may also be marketed on the premises. Detached single-family dwellings are permitted on tracts of 20 acres or more	Resorts, Bed & Breakfast, lodges, Campground and Day Camps on lots of 20 acres or more. And trails. Hunting and shooting preserves on lots of 20 acres or more . Kennels on 20 acres or more . Recreational structures on lots of 20 acres or more . Unlighted golf courses on lots of 60 acres or more . Accessory Housing Units for the elderly parent(s) or grandparent(s) of the owner-occupiers of a single-family dwelling as permitted under Section 107 (C). (34-99-4) Wireless Communication Facilities subject to the conditions of Section 527.	To establish and maintain for low intensity use those areas which because of their location, accessibility and natural characteristics are suitable for a wide range of agricultural, forestry, and recreational uses. (Section 212)
OS	20 acres	None	30 feet front 30 feet side 30 feet rear	Growing and harvesting of timber and bush fruit, and agricultural produce, livestock, and wildlife management.	Single-family residences, resorts, Bed & Breakfast, trails, and other recreational uses, on lots of 20 acres or more, where such development can be accomplished without significant adverse environmental impact. Recreational structures on lots of 20 acres or more. Accessory Housing Units for the elderly parent(s) or grandparent(s) of the owner-occupiers of a single-family dwelling as permitted under Section 107 (C). (34-99-4)	To preserve as open space those lands which because of their soil, drainage or topographic characteristics, are unsuitable for development. (Section 213)

2008 Zoning Ordinance Extract

Zoning District	District Acreage	Frontage	Setbacks	District Use	District Prohibition s	Zoning Intent
AF	20 acres	None	30 feet front 30 feet side 30 feet rear	<ol style="list-style-type: none"> 1. Growing and harvesting of timber and bush fruit 2. Agricultural 3. Wildlife management 4. Outdoor wood boilers (see Section 6.5) (#34-13-05) 5. Single-family residences 6. Registered Rental Dwellings (#34-19-04) 7. Accessory structures (#34-21-02) 	<ol style="list-style-type: none"> 1. WECS 2. Resorts 3. Bed & Breakfast 4. Trails 5. Recreational uses/structures, on lots of 20 acres or more, where such development can be accomplished without significant adverse environmental impact 6. Racetracks 7. Hunting and shooting preserves on lots of 40 acres or more 8. Accessory Housing Units 9. Rural Cluster Development Subdivisions (see Section 6.12) 10. Contractor yards and shops 11. Parks (#34-09-02) 12. Kennels on lots 20 acres or more (#34-09-03) 13. Schools and Churches (#34-10-04) 14. Campgrounds on parcels 20 acres or more (#34-16-02) 	To establish and maintain for low intensity use those areas which because of their location, accessibility and natural characteristics are suitable for a wide range of agricultural, forestry, and recreational uses. (Section 4.7)

(e) The impact on other identifiable health, safety, and welfare interests in the local unit of government.

(f) The overall public interest in the extraction of the specific natural resources on the property.

(6) Subsections (3) to (5) do not limit a local unit of government's reasonable regulation of hours of operation, blasting hours, noise levels, dust control measures, and traffic, not preempted by part 632 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.63201 to 324.63223. However, such regulation shall be reasonable in accommodating customary mining operations.

(7) This act does not limit state regulatory authority under other statutes or rules.

History: 2006, Act 110, Eff. July 1, 2006;—Am. 2011, Act 113, Imd. Eff. July 20, 2011;—Am. 2012, Act 389, Eff. Mar. 28, 2013;—Am. 2018, Act 366, Eff. Mar. 12, 2019.

125.3205a Amateur radio service station antenna structures.

Sec. 205a. (1) 47 CFR 97.15 provides that owners of certain amateur radio service station antenna structures more than 60.96 meters (200 feet) above ground level at the site or located near or at a public use airport must notify the federal aviation administration and register with the federal communications commission as required by 47 CFR part 17.

(2) An amateur radio service station antenna structure may be erected at heights and dimensions sufficient to accommodate amateur radio service communications. Regulation of an amateur radio service station antenna structure by a local unit of government must not preclude amateur radio service communications. Rather, it must reasonably accommodate those communications and must constitute the minimum practicable regulation to accomplish the local unit of government's legitimate purpose.

(3) To obtain information about the regulation of amateur radio service station antenna structures, a person may contact any advisory board that is jointly established by the Michigan section of the American radio relay league and 1 or more state organizations representing local units of government.

History: Add. 2014, Act 556, Imd. Eff. Jan. 15, 2014.

125.3205d Zoning ordinance; prohibition or regulation of commemorative signs.

Sec. 205d. (1) A zoning ordinance shall not regulate or prohibit a sign that is located on or within a building and that commemorates any of the following:

(a) Any of the following who die in the line of duty:

(i) Police officers.

(ii) Firefighters.

(iii) Medical first responders.

(iv) Members of the United States Armed Forces.

(v) Corrections officers.

(b) Veterans of the United States Armed Forces.

(2) As used in this section, "medical first responder" means that term as defined in section 20906 of the public health code, 1978 PA 368, MCL 333.20906.

History: Add. 2018, Act 506, Eff. Mar. 28, 2019.

125.3206 Residential use of property; adult foster care facilities; family, group child care homes, or qualified residential treatment programs.

Sec. 206. (1) Except as provided in subsection (2), each of the following is a residential use of property for the purposes of zoning and a permitted use in all residential zones and is not subject to a special use or conditional use permit or procedure different from those required for other dwellings of similar density in the same zone:

(a) A state licensed residential facility.

(b) A facility in use as described in section 3(4)(k) of the adult foster care facility licensing act, 1979 PA 218, MCL 400.703.

(c) A qualified residential treatment program that provides services for 10 or fewer individuals.

(2) Subsection (1) does not apply to adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.

(3) For a county or township, a family child care home is a residential use of property for the purposes of zoning and a permitted use in all residential zones and is not subject to a special use or conditional use permit or procedure different from those required for other dwellings of similar density in the same zone.

(4) For a county or township, a group child care home shall be issued a special use permit, conditional use permit, or other similar permit if the group child care home meets all of the following standards:

(a) Is located not closer than 1,500 feet to any of the following:

(i) Another licensed group child care home.

(ii) An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.

(iii) A facility offering substance use disorder services to 7 or more people that is licensed under part 62 of the public health code, 1978 PA 368, MCL 333.6230 to 333.6251.

(iv) A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the department of corrections.

(b) Has appropriate fencing for the safety of the children in the group child care home as determined by the local unit of government.

(c) Maintains the property consistent with the visible characteristics of the neighborhood.

(d) Does not exceed 16 hours of operation during a 24-hour period. The local unit of government may limit but not prohibit the operation of a group child care home between the hours of 10 p.m. and 6 a.m.

(e) Meets regulations, if any, governing signs used by a group child care home to identify itself.

(f) Meets regulations, if any, requiring a group child care home operator to provide off-street parking accommodations for his or her employees.

(5) For a city or village, a group child care home may be issued a special use permit, conditional use permit, or other similar permit.

(6) A licensed or registered family or group child care home that operated before March 30, 1989 is not required to comply with this section.

(7) This section does not prohibit a local unit of government from inspecting a family or group child care home for the home's compliance with and enforcing the local unit of government's zoning ordinance. For a county or township, an ordinance shall not be more restrictive for a family or group child care home than 1973 PA 116, MCL 722.111 to 722.128.

(8) The establishment of any of the facilities listed under subsection (4)(a) after issuance of a special use permit, conditional use permit, or other similar permit pertaining to the group child care home does not affect renewal of that permit.

(9) This section does not prohibit a local unit of government from issuing a special use permit, conditional use permit, or other similar permit to a licensed group child care home that does not meet the standards listed under subsection (4).

(10) The distances required under subsection (4)(a) shall be measured along a road, street, or place maintained by this state or a local unit of government and generally open to the public as a matter of right for the purpose of vehicular traffic, not including an alley.

History: 2006, Act 110, Eff. July 1, 2006;—Am. 2007, Act 219, Imd. Eff. Dec. 28, 2007;—Am. 2018, Act 513, Eff. Mar. 28, 2019;—Am. 2022, Act 206, Imd. Eff. Oct. 7, 2022.

125.3207 Zoning ordinance or decision; effect as prohibiting establishment of land use.

Sec. 207. A zoning ordinance or zoning decision shall not have the effect of totally prohibiting the establishment of a land use within a local unit of government in the presence of a demonstrated need for that land use within either that local unit of government or the surrounding area within the state, unless a location within the local unit of government does not exist where the use may be appropriately located or the use is unlawful.

History: 2006, Act 110, Eff. July 1, 2006.

125.3208 Nonconforming uses or structures.

Sec. 208. (1) If the use of a dwelling, building, or structure or of the land is lawful at the time of enactment of a zoning ordinance or an amendment to a zoning ordinance, then that use may be continued although the use does not conform to the zoning ordinance or amendment. This subsection is intended to codify the law as it existed before July 1, 2006 in section 16(1) of the former county zoning act, 1943 PA 183, section 16(1) of the former township zoning act, 1943 PA 184, and section 3a(1) of the former city and village zoning act, 1921 PA 207, as they applied to counties, townships, and cities and villages, respectively, and shall be construed as a continuation of those laws and not as a new enactment.

(2) The legislative body may provide in a zoning ordinance for the completion, resumption, restoration, reconstruction, extension, or substitution of nonconforming uses or structures upon terms and conditions provided in the zoning ordinance. In establishing terms for the completion, resumption, restoration, reconstruction, extension, or substitution of nonconforming uses or structures, different classes of nonconforming uses may be established in the zoning ordinance with different requirements applicable to each class.

(3) The legislative body may acquire, by purchase, condemnation, or otherwise, private property or an interest in private property for the removal of nonconforming uses and structures. The legislative body may

Proposed Agriculture Zoning Districts – Comparisons

Intent Comparison

District	Intent
AG 1	The intent of this district is to accommodate low-density residential and agriculture-related development.
AG 2	The intent of this district is to accommodate low-density residential and agriculture-related development.
AG 3	The intent of this district is to establish and maintain areas suitable for a wide range of agricultural uses.

Acreege and Setback Requirements Comparison

District	District Acreege	Frontage Minimum	Setbacks (in feet)		
			Front	Side	Rear
AG 1	3 acres or less	75 feet	30	10	30
AG 2	3 acres to 15 acres	150 feet	30	30	30
AG 3	15 acres or more	200 feet	30	30	30

District Uses Comparison

Note

The following uses are mandated under the Michigan *Zoning Enabling Act*, section 125.3206:

- Adult foster care facility
- Child care center
- Family child care home
- Group child care home
- Qualified residential treatment program
- State licensed residential facility

Legend

Zoning District

AG 1 Agriculture – 0.5 to 3 acres **AG 2** Agriculture – 3 to 10 acres **AG 3** Agriculture – 15 acres or more

Use

C	conditional use	C ***	conditional use – 60 acres or more
C *	conditional use – 20 acres or more	P	permitted use
C **	conditional use – 40 acres or more	P *	permitted use – 20 acres or more

Proposed Use	2008 Ordinance	Proposed AG 1	Proposed AG 2	Proposed AG 3
Accessory dwelling unit	C	P	P	P
Accessory residential home occupation - tier 1 <i>Examples</i> computer programming consulting service fine arts and writing home office mail order business massage therapy medical records processing phone answering / solicitation service web design	P	P	P	P
Accessory residential home occupation - tier 2 <i>Examples</i> assembly operation catering or food preparation daycare electronic or equipment repair hair stylist nail or personal care salon pet grooming	P	P	P	P
Accessory structure <i>Examples</i> garage pole barn shed storage container	P	P	P	P
Adult foster care facility		P	P	P
Agriculture – commercial <i>Examples</i> agriculture equipment repair bee keeping cold frame greenhouse garden greenhouse herb farm hobby farm hoop house	C	C	P	P
Agricultural - commercial product sales <i>Examples</i> agriculture / farm equipment sales animal feed garden center plant nursery rental and small equipment repair		C	P	P
Agricultural - commercial soil modifications sales <i>Examples</i> fertilizer herbicide pesticide		C	C	C

Proposed Use	2008 Ordinance	Proposed AG 1	Proposed AG 2	Proposed AG 3
Agriculture – on-premise sales <i>Examples</i> Christmas trees creamery dairy flower, herb, and spice store food truck maple syrup on-premise bakery on- premise restaurant or café produce, flowers, syrups, honey, etc. grown / harvested on the premises winery	P	C	P	P
Agriculture - on-site agritourism <i>Examples</i> agriculture-related event cider mill corn maze farm museum farmer's market farm-stay farm visits library museum petting farm pumpkin patch roadside market or stand U-pick operation wedding barn		C	C	P
Agriculture – residential <i>Examples</i> bee keeping cold frame greenhouse garden greenhouse hoop house small grow sales	P	P	P	P
Animal services – indoor facility <i>Examples</i> animal hospital animal shelter veterinary services		C	C	P
Animal services – outdoor facility <i>Examples</i> animal hospital animal shelter veterinary services		C	C	C
Boarding stable <i>Example</i> horse boarding		P *	P *	P *

Proposed Use	2008 Ordinance	Proposed AG 1	Proposed AG 2	Proposed AG 3
Campground	C *	C *	C *	C *
Cemetery		C	C	C
Child care center		P	P	P
Commercial recreation - outdoor <i>Examples</i> amusement park batting cage golf driving range miniature golf course zoo	C			C *
Community garden as a principal use on a lot		P	P	P
Contractor shop	C	C	C	C
Contractor yard	C	C	C	C
Craft brewery / micro-brewery / nano-brewery sales		C	C	C
Electric vehicle charging station for private use		P	P	P
Electric vehicle charging station for public use		C	C	C
Family child care home		P	P	P
Farmer's market as the accessory use of a lot		P	P	P
Farmer's market as the principal use of a lot		C	P	P
Food packaging and bottling works			C	C
Food truck or other mobile vendor as principal use of a lot		C		
Group child care home		C	C	C
Hunting or shooting preserve	C **	C **	C **	C **
Indoor sport shooting range		C	C	C
Kennel – indoor	C *	C *	C *	C *
Kennel – outdoor	C *	C *	C *	C *
Large housing Note Does not include: adult foster care facility child care center correctional facility family child care home hotel, motel, or similar lodging facility group child care home medical or social care multifamily residential qualified residential treatment program state licensed residential facility <i>Examples</i> co-op convent fraternity or sorority monastery seminary				C

Proposed Use	2008 Ordinance	Proposed AG 1	Proposed AG 2	Proposed AG 3
Light intensity processing with accessory storage <i>Examples</i> commercial kitchen kitchen incubator small craft bottling facility		C	C	C
Light use structure <i>Examples</i> communication tower recycling collection center satellite antennae larger than ten feet in diameter				C
Medical or social care <i>Examples</i> assisted living facility halfway house homeless shelter home for the aged nursing or convalescent home orphanage sanitarium spouse abuse shelter		C	C	C
Medical clinic		C	C	C
Medical hospital				C
Medium manufacturing, including some outdoor operations or storage of materials or vehicles <i>Examples</i> Exterminator landscape supply machine shop recycling operation other than vehicles small vehicle, body, and frame repair towing with temporary outdoor storage welding shop wholesale lawn and garden services				C
Mining and / or mineral extraction and the incidental activities associated with such use	C	C	C	C
Mobile processing facility <i>Examples</i> food game processing meat processing		P	P	P
Multi-family residential		C	C	
On-site composting accessory to a non-residential use		C	P	P
Outdoor drive-in theatre		C	C	C
Outdoor flea market				C
Outdoor food preparation		C	C	C
Outdoor storage – not accessory to a business		C	C	
Outdoor wood boiler	P	P	P	P

Proposed Use	2008 Ordinance	Proposed AG 1	Proposed AG 2	Proposed AG 3
Place of worship <i>Examples</i> church mosque synagogue temple	C	C	C	C
Planned Unit Development (PUD)	C	C		
Private park	C	C	C	C
Private school <i>Examples</i> art associated education research dance driver's training K-20 music vocational	C	C	C	C
Public park <i>Examples</i> neighborhood park public garden		C	C	C
Public offices and related buildings <i>Examples</i> government office and service publicly owned tourist information center		C	C	C
Public school <i>Examples</i> art associated education research dance driver's training K-20 music vocational	C	C	C	C
Public utility <i>Examples</i> gas and water line Internet service sanitary sewer telephone, cable, and electrical lines		P	P	P
Qualified residential treatment program, 10 or fewer individuals		P	P	P
Recycling drop off site		C	C	C
Registered rental dwelling <i>Examples</i> bed and breakfast – single rental single family rental tourist home vacation rental similar rental with four units or less	P	P	P	P

Proposed Use	2008 Ordinance	Proposed AG 1	Proposed AG 2	Proposed AG 3
Resort	C	C	C	C
Riding stable or animal breeding facility accessory to a residence		C	C*	C*
Rural Cluster Development	C	C	C	
Sawmill		C	P	P
Single family residential	P	P	P	P
Site condominiums		P	C	C
Solar energy system (SES) - roof mounted		P	P	P
Solar energy system (SES) - accessory ground mounted		P	P	P
Solar energy system (SES) - large commercial arrays		C	C	C
State licensed residential facility		P	P	P
Temporary street / road sale <i>Examples</i> garage sale lemonade stand yard sale		P	P	P
Trail <i>Examples</i> non-motorized trail snowmobile trail trail easement	C	C	C	C
Wind energy conservation system (WECS), ground mounted	C	C	C	C
Wind energy conservation system (WECS), roof mounted	C	C	C	C
Wildlife management	P	P	P	P
Wireless communication facility	C	C	C	C

District Restrictions and Prohibitions Comparison

District	Restrictions and Prohibitions
AG 1	1. Rural Residential Cluster permitted with 50% or more open space and detailed in the master deed.
AG 2	1. Rural Residential Cluster permitted with 50% or more open space and detailed in the master deed. 2. No Planned Unit Development (PUD) permitted.
AG 3	1. No Planned Unit Development (PUD) permitted. 2. No divisions allowed under PA116 or Qualified Forestry Program Property 3. No land divisions beyond the Michigan Land Division Act for parent parcels.

District Regulatory Control Comparison

District	District Regulatory Control
AG 1	<ol style="list-style-type: none"> 1. Michigan Right to Farm Act 2. Generally Accepted Agricultural and Management Practices (enforced by MDARD)
AG 2	<ol style="list-style-type: none"> 1. Michigan Right to Farm Act 2. Generally Accepted Agricultural and Management Practices (enforced by MDARD)
AG 3	<ol style="list-style-type: none"> 1. Michigan Right to Farm Act 2. Generally Accepted Agricultural and Management Practices (enforced by MDARD) 3. Michigan Land Division Act 4. Michigan PA 116

From: Bill Sanders [REDACTED]
Sent: Monday, July 17, 2023 1:41 PM
To: [REDACTED]
Throenle
Cc: Bill Degroot
Subject: Proposed Rezoning - Agriculture/Forestry District
Attachments: Kittredge_NorthernJAppForestry_1996.pdf

Mr. Ryan Soucy
Chair Chocolay Township Planning Commission.
July 17, 2023

I am sending this note in follow-up to the last planning commission meeting where the re-zoning of the Agriculture/Forestry District was on the agenda. I remain firmly convinced that the proposed rezoning would have long term negative effect on the future of not only agriculture but also logging in Chocolay Township. Without the same level of public involvement that was a part of your master planning process it would be contrary to the will of the public to ignore the intent of the Agriculture/Forestry district to take the actions proposed. The action proposed is in direct conflict with the master plan; ("Agriculture and forestry areas are intended to allow resource production to take priority over other land uses by protecting these areas from the encroachment of residential and commercial development.", from page 81 of Master Plan).

It would be a violation of the public trust to make this change exclusive of concerted effort to engage and involve the public.

I have attached a link below that provides some perspective on the threats to Michigan Agriculture compiled by the American Farmland Trust and have also attached an article from the Northern Journal of Applied Forestry that also indicates the 20 acre parcel size as a practical minimum for forest harvest activity.

<https://farmland.org/fut-michigan-pr/>

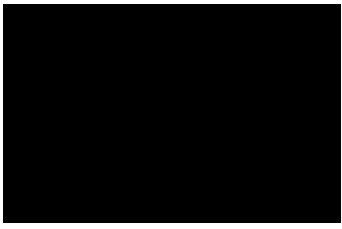
The act of zoning developed land (as the township was in 1976 when the first township ordinance was enacted) by its nature creates non-conformity. Perhaps there is another way to deal with non-conformity across the township as a whole other than the proposed rezoning.

Thank you for your consideration in this matter Ryan. I also copied the other members of the Planning Commission and your zoning administrator with this message. I also copied your township manager and ask that this message be shared with the Township Board.

Take care

Bill Sanders, ASLA
Landscape Architect / Principal

Sanders & Czapski Associates, PLLC
109 South Front Street, Suite 210
Marquette, MI 49855



Decreasing Woodlot Size and the Future of Timber Sales in Massachusetts: When Is an Operation Too Small?

David B. Kittredge, Jr., Michael J. Mauri, and Edward J. McGuire,
Department of Forestry & Wildlife Management, Holdsworth Hall,
University of Massachusetts, Amherst, MA 01003.

ABSTRACT. *The heavily forested landscape of Massachusetts is dominated by nonindustrial private ownerships. Statistics indicate that parcel size has decreased to a most recent average of 10.6 ac. Professional loggers were queried to determine if there was a timber sale size (expressed in either volume or area) below which they would not bid. Respondents indicated that they had operated on a timber sale as small as an average of 7.8 ac and 20.4 mbf, and would purchase one as small as an average of 5.3 ac and 17.1 mbf. The single most important factor in deciding to bid on a small sale was the quality and value of the timber. In the future, small parcels with a preponderance of low-quality timber resulting from high-grading may be deemed inoperable by loggers. The importance of high quality timber on small parcels emphasizes the need for stand improvement measures to ensure small parcels are feasible to commercially operate in the future. North. J. Appl. For. 13(2):00-00.*

Massachusetts is the third most densely populated state in the United States. In spite of this, it is roughly 65% forested. The vast majority of forestland (85%) is in nonindustrial private (NIPF) ownership (Birch 1989). There are over 100 sawmills and between 500 and 600 licensed timber harvesters in Massachusetts, with approximately 200 professional foresters working in both the public and private sectors (Bond and Loud 1992). Approximately 55 mmbf are harvested annually from Massachusetts forests (Dep. Environ. Manage., Mass; unpubl. data). Although its forests are relatively small in area and sometimes urban or suburban in nature, Massachusetts has a modest but active primary forest products industry.

The nature of the predominantly forested Massachusetts landscape is changing, however. USDA Forest Service statistics for 1972 and 1985 indicate that while the percent of forestland did not change significantly, the number of owners of forestland jumped from 103,900 in 1976 (Kingsley 1976) to 235,000 (Brooks et al. 1993). The result is that the average NIPF ownership in Massachusetts fell during this time from 23.4 ac to 10.6 ac (minimum forest size = 1 ac; Birch 1989).

NOTE: Partial funding for this study was provided by the University of Massachusetts Cooperative Extension System. Analysis and preparation of the manuscript were conducted while Kittredge was on leave as a Charles Bullard Fellow in Forest Research at Harvard University. Helpful comments on the manuscript were provided by M.J. Kely.

The increase in the number of owners is the result of real estate development and subdivision spurred on by upwardly spiraling land values, high rates of taxation, and the frequent need of heirs to liquidate property to meet inheritance tax obligations (Broderick et al. 1994, Small 1990).

Forest Service statistics are not the only data indicating change in the forested landscape of Massachusetts. Aerial photo interpretation of the entire state for 1971 and 1984/85 indicated a 2.9% loss in forestland (MacConnell et al. 1991). Over the same period of time, agricultural land declined by only 0.5%. In the meantime, all forms of residential, commercial, and industrial land increased by 3.2%. Similarly, the Massachusetts Audubon Society studied changes in land use and found that between 1981 and 1987, 103,000 ac of "open space" were converted to commercial or residential use. In 1986 alone, over 30,000 ac were converted (Greenbaum and O'Donnell 1987). By several indications, forestland in Massachusetts is being lost, and that which remains is becoming parcelized into smaller ownerships.

This trend toward smaller parcels may have important effects on harvesting. Smaller parcels potentially mean lower volumes per timber sale. By the same token, loggers may need to negotiate with more consulting foresters and landowners to access the same volume of wood. Dennis (1992) suggested that such parcelization in New Hampshire might limit the availability of timber to harvesters, since owners of small properties seemed less inclined to harvest. This disin-

interest of owners of small parcels to harvest has also been reported by Sutherland and Tubbs (1959) and Thompson and Jones (1981). Other business-related factors may exacerbate these effects of parcelization. Machinery costs and insurance rates have increased drastically (Rizzo and Kittredge 1992, Hoffman 1991). Howard (1987) studied logging costs and profits in Connecticut using detailed production studies and accounting-based cost analysis. He reported submarginal profits in four out of seven cases, due to the harvest of unprofitable trees. Rising costs and a lack of markets put loggers in an economic squeeze. The overall trend of parcelization and its effect on harvesting warrant investigation.

We wanted to investigate the possible effect of a parcelizing forest land base in a rapidly suburbanizing state on timber harvesting. The specific questions asked were: (1) Is there a size of timber sale (estimated either by volume or area) below which loggers would not operate? (2) Does the trend of forest parcelization represent a problem for loggers, and incidentally for foresters interested in implementing silvicultural prescriptions?

Background

There is little information in the literature on the effect of parcel size on harvesting. Cabbage and Harris (1986) provided a comprehensive overview of the issue of parcel size and forest management practices in general. They reported on Swedish studies indicating that tract size and the degree of mechanization are the most important factors controlling harvesting costs. Most economies of scale were achieved on parcels ranging from 20 to 40 ac, with larger logging costs being incurred on smaller parcels. Likewise, in modeling studies conducted with southern pine, Cabbage (1982) estimated harvesting cost curves by parcel size for eight different systems ranging in degree of complexity and mechanization. Tree-length and more mechanized systems required harvest areas of 40 to 60 ac in order to operate at minimum cost levels. Harvesting costs were much higher on smaller areas.

The notion of harvest profitability is very complex. A wide variety of factors such as terrain, skid distance, mechanization, labor cost, productivity, tree size, and log value all combine to determine the degree to which a particular timber sale is profitable (Hoffman 1991). Likewise, interactions among these factors play a role in determining how small a parcel might be profitably logged. Rather than study logging profitability using cost analysis techniques, we decided to study preferences and perceptions held by loggers themselves, by asking them to determine what the most important factors were, and indeed, to tell us how small a timber harvest they would consider.

Methods

We designed a three-page survey to query Massachusetts loggers about harvest size feasibility. The draft survey was tested with six loggers, and modified slightly. Respondents were queried in three ways:

1. Specific questions such as counties in which they operate, equipment mix, whether or not they had purchased stumpage in the last 18 months, and both the smallest timber sale they had ever purchased (in terms of absolute volume and area) and the smallest timber sale they would consider purchasing.
2. Questions concerning hypothetical timber sales that varied incrementally by area, volume, distance from home, and the proportion of high-quality timber.
3. An open-ended question requesting the factors considered most important when deciding to purchase a small timber sale.

The survey was first sent to 522 loggers in April 1994, along with a cover letter and a postage-paid return envelope. A second mailing was made 4 weeks later to the same audience. Responses were anonymous in all cases. No test for nonresponse bias was made.

Results

Response

We received 195 responses after the two mailings, representing a return of 37%. Of those, 137 (70%) reported to have purchased stumpage in the last 18 months. Those who had not purchased stumpage more recently than that were excluded from further analysis, as it was felt that their views would not accurately represent those currently bidding on timber sales.

Equipment Mix

The vast majority of respondents use rubber-tired cable skidders, while fewer reported using grapple skidders, forwarders, or crawlers to skid wood (Table 1). Only nine respondents had mechanized their operation to the point of using a feller buncher. Likewise, chippers and slashers were uncommon. The typical mix of equipment used by respondents seemed to be fairly conventional for the region.

Timber Sale Size

The mean smallest timber sale area that the respondents had ever purchased was 7.8 ac (Table 2). The mean smallest volume that they had ever purchased was 20.4 mbf.

Response to the query of the smallest timber sale up for bid did not differ substantially. Respondents reported that they would purchase a timber sale averaging as small as 5.3 ac or 17.1 mbf.

Hypothetical Timber Sales

The hypothetical sale described in the survey had the following characteristics:

Table 1. Equipment mix of respondents (absolute number of responses, out of a total of 137).

Rubber-tired cable skidder: 106	Feller-buncher: 9
Rubber-tired grapple skidder: 18	Chipper: 13
Crawler tractor: 20	Loader: 16
Forwarder: 17	Slasher: 2
Farm tractor: 16	Log truck: 52
Horse/oxen: 2	

Table 2. Size of the smallest timber sale ever purchased and would ever purchase (n = 137 respondents).

	Had ever purchased	Would purchase
Area (ac)		
Mean	7.8	5.3
Standard error	0.8	0.7
Median	5.0	5.0
Maximum	70.0	70.0
Minimum	0.3	0.1
Volume (mbf)		
Mean	20.4	17.1
Standard error	1.5	1.3
Median	15.0	15.0
Maximum	110.0	100.0
Minimum	2.0	1.0

- Volume: 50% red oak, 25% white pine, 25% other hardwoods
- Terrain: level, dry, easily accessible
- No stream or wetland crossings
- Average skid distance = 2000 ft; larger timber sales have multiple accessible landings
- Average tree diameter = 18 in., ranging from 14 to 24 in.
- A consulting forester is managing the sale and has marked the trees for removal

Respondents were asked to indicate whether or not (i.e., yes or no) they would bid on the hypothetical sale, as it varied by two parameters (e.g., area and density of timber to be harvested). It was hoped that this type of questioning would reveal thresholds below which loggers would lose interest in a potential timber sale.

Volume

At the 20-ac level, most respondents reported that they would purchase the sale, regardless of the total volume or volume per acre (Figure 1). Respondents show much more sensitivity to volume at the 5 ac level. Roughly half the respondents reported that they would not purchase the sale if it had fewer than 15 mbf (i.e., 3 mbf/ac). A hypothetical timber sale of 1 ac was very unattractive to respondents. Only roughly a third (35.3%) reported that they would purchase the sale even if it had as much as 6 mbf/ac. This is in contrast to the 20 ac hypothetical sale, which more than 75% of the respondents reported that they would bid on even if it only had 40 mbf (i.e., 2 mbf/ac).

Distance

Respondents were sensitive to the distance from home in all cases (Figure 2). Even for a 20 ac sale, only a third of respondents were willing to travel 50 miles. In contrast, fewer than half of the respondents (48.9%) would be willing to purchase a 1 ac sale 5 miles from home. Roughly half of the respondents (53.4%) would be willing to travel 25 miles from home for a 5 ac sale.

Timber Quality

Respondents showed sensitivity to the area of the hypothetical sale (Figure 3) when timber quality varied. Fewer than half of the respondents (48.9 %) would bid on the hypothetical 20 ac timber sale if only 10% of the volume was high quality. Most respondents (75.9%) would bid on the 5 ac sale if as much as 50% of the timber was high quality. The 1 ac timber was found unattractive again by respondents—

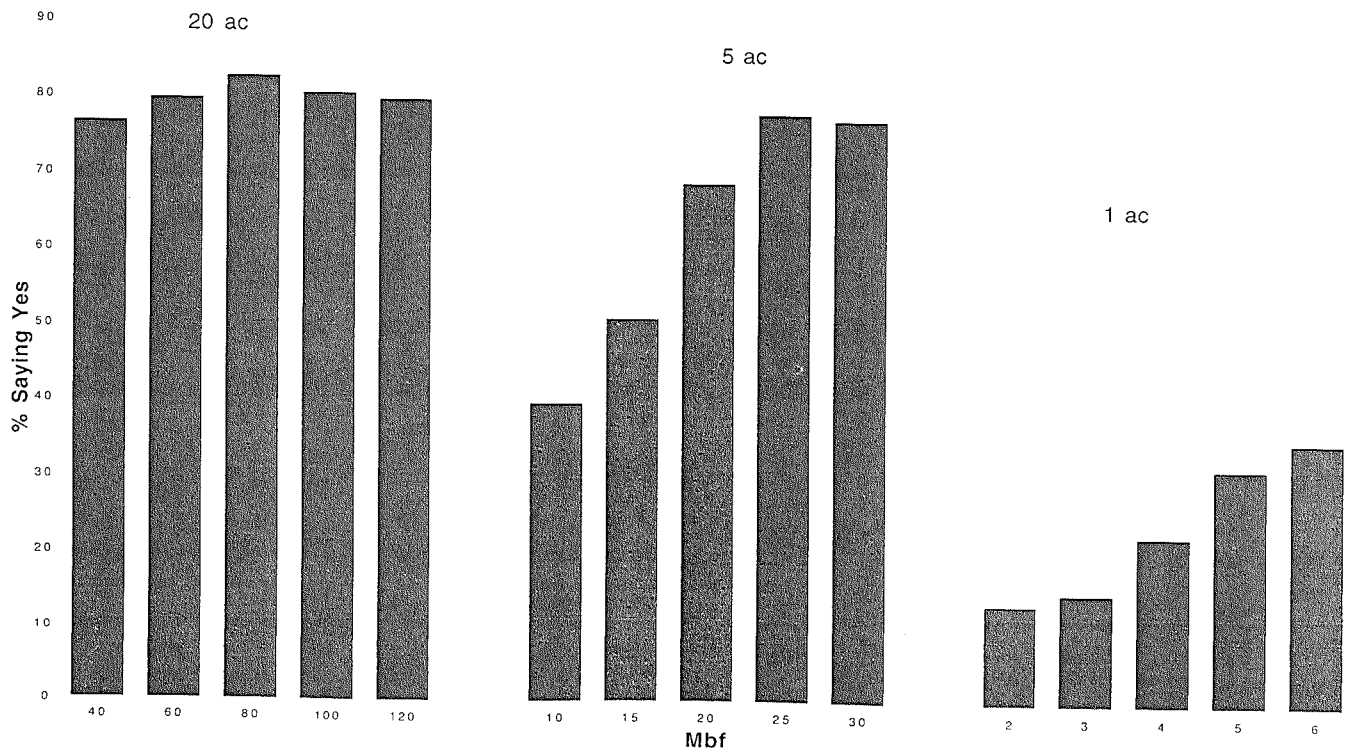


Figure 1. Percent of respondents indicating a willingness to purchase a hypothetical timber sale that varied in area and total volume.

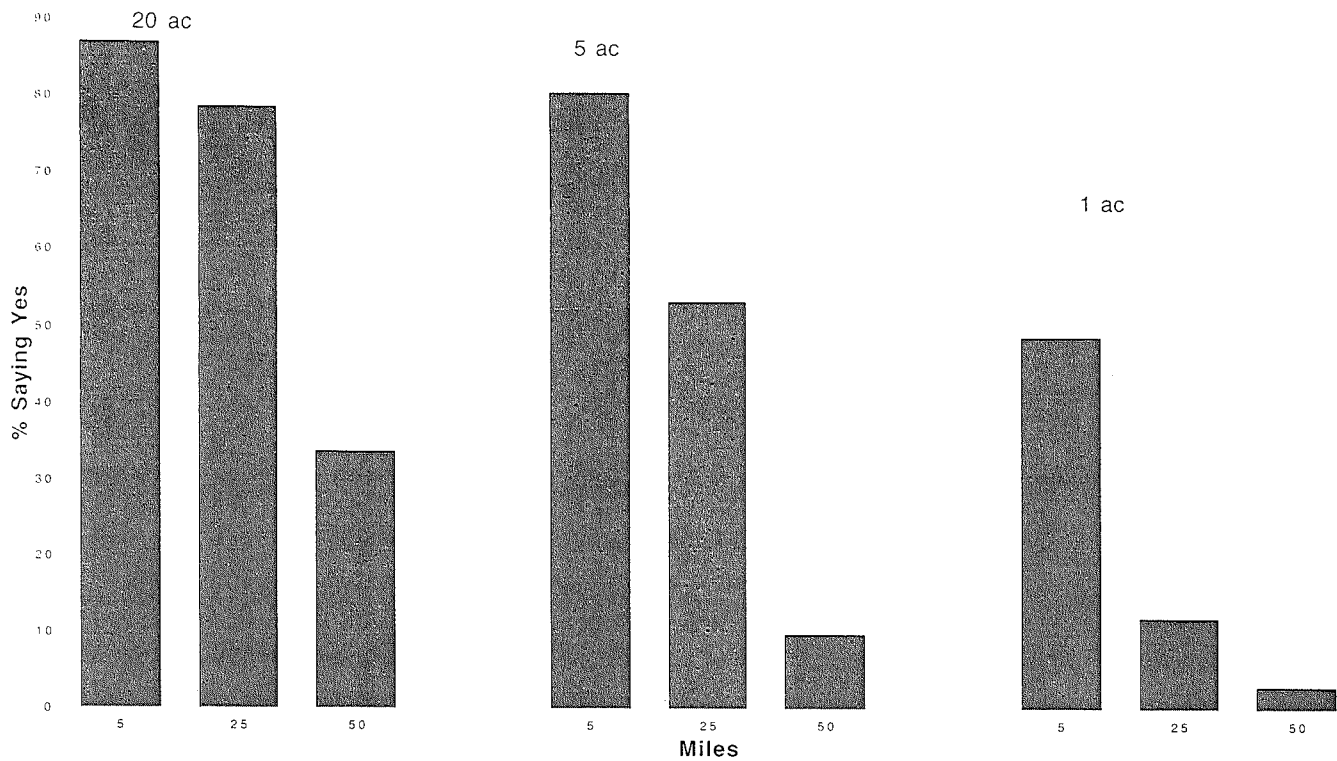


Figure 2. Percent of respondents indicating a willingness to purchase a hypothetical timber sale that varied in area and distance from home.

fewer than half (45.7%) would bid on the sale even if 50% of the timber was high quality.

Factors Considered Most Important

The open-ended question resulted in a wide variety of responses that could be grouped into 10 general categories

(Table 3). Most important, understandably, was the relative value of the wood. This is consistent with the sensitivity to quality (Figure 3) that respondents indicated in the "hypothetical-sale" part of the survey. All other factors were not nearly as important (i.e., they were not listed nearly as often by respondents). Perhaps more interesting than the factors

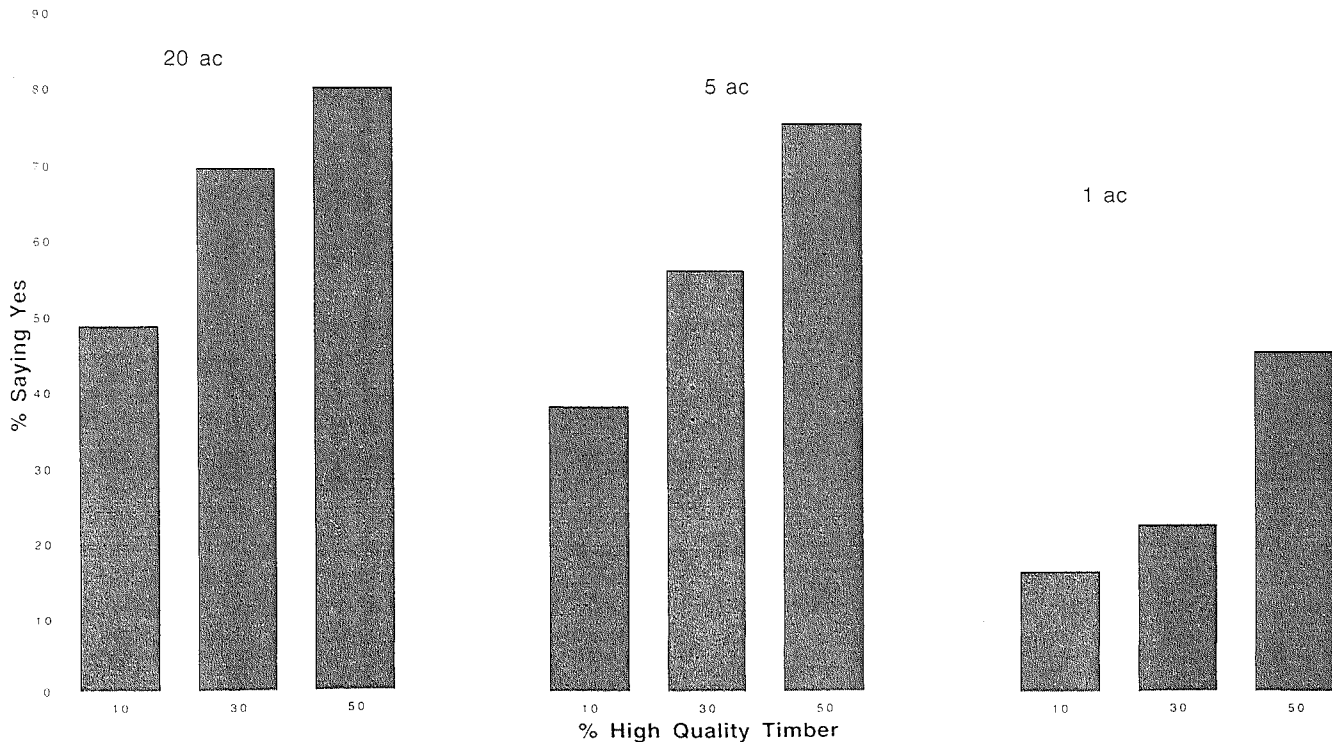


Figure 3. Percent of respondents indicating a willingness to purchase a hypothetical timber sale that varied in area and percent of high quality timber.

Table 3. The most important factors to consider when bidding on a small timber sale (percent of respondents mentioning the category in their open-ended response).

1. Relative value of the wood/quality/species	61.3
2. Landing location and size/access to sale	24.8
3. Proximity to another job in the area/cost of moving the machinery/travel distance	23.5
4. Presence of steep slopes/skidding difficulty	17.5
5. Wetlands	10.9
6. Problems with neighbors or local regulations	6.6
7. Size of the average tree	5.8
8. Proximity to mill	5.8
9. Well-drained site that could be operated during mud season	2.2
10. Job extras—e.g., remove all slash, junk cars, etc.	0.7

that are most important are the ones that are considered relatively unimportant by most respondents. Factors such as the presence of wetlands (listed 10.9% of the time), problems with neighbors or local regulations (6.6%), or "job extras" (0.7%) were apparently unimportant.

Conclusions

Response

The survey used in this study was completed by 26% of the licensed timber harvesters in Massachusetts. This response does not necessarily represent a statistical sample from which conclusions can be drawn about the entire harvester population. Based on the reported equipment mix, however, we feel that the respondents are fairly typical of conventional operators.

Preferences Concerning Size of Sales

Respondents reported that they have harvested sales as small as 7.8 ac and 20.4 mbf, and they would bid on sales as small as 5.3 ac and 17.1 mbf. Small standard errors around these means and the similarity of means and medians indicate that in spite of a wide range in responses, participants in the survey were generally quite consistent. Also, it is worth noting that these averages are well below the current average woodlot size of 10.6 ac.

Sensitivity

More than three-fourths of the respondents would purchase the hypothetical 20 ac sale, even if it had only 2 mbf/ac. Likewise, more than three-fourths would purchase it if it was 25 miles from home. Almost half of the respondents (48.9%) would purchase the 20 ac hypothetical sale even if only 10% of the timber was of high quality. Respondents were willing to travel farther and put up with low harvest volumes per acre and low quality if they could operate on an area of 20 ac. Respondents were sensitive to distance in all hypothetical cases. Fifty miles was too far to travel.

Timber sales of only 1 ac were unpopular with respondents. Even with a density as high as 6 mbf/ac of harvestable wood, roughly two-thirds of the respondents would not bid on the smallest hypothetical sale. This is in direct contrast to the harvestable density of 2 mbf/ac that the majority of respondents (76.7%) found acceptable on the 20 ac sale. Also, fewer than half of the respondents (48.9%) would bid on a 1 ac sale even if it was only 5 miles from home. Finally, even though timber quality and value was the most frequently cited factor to consider, fewer than half of the respondents (45.7%) would

bid on a 1 ac sale even if 50% of the timber was high quality. Sales of only 1 ac were unpopular regardless of proximity, density of harvestable trees, or timber quality.

Finally, respondents reported that the single most important factor in deciding to bid on a small sale was quality and value of the timber. All other factors paled in comparison. Remarkably low in importance were factors such as local regulation, problematic neighbors, and additional tasks to perform for the landowner.

The 5 ac Sale

Respondents indicated that they would bid on a timber sale as small as 5 ac. For sales of that size, harvestable volume density is moderately important. Half the respondents (51.1%) would need at least 3 mbf/ac in order to bid, and most (78.2%) would need 5 mbf/ac. As forest ownerships become smaller through the trend of parcelization, the desire of harvesters to cut greater volumes per acre may conflict with the attitudes of landowners, neighbors, and society about aesthetics and the appearance of harvesting (Birch 1989, Brush 1979).

Most respondents (80.5%) would travel 5 miles from home for a 5 ac timber sale, and over half would travel 25 miles. Hardly any respondents would be willing to travel 50 miles for such a sale. As the forested landscape is increasingly parcelized, harvesters may have to travel greater distances and search among a larger pool of landowners to find those willing to have timber sold from their property. Although the number of potential owners that may arrange for a harvest increases due to parcelization, studies have shown that these new owners of smaller parcels may be less inclined to harvest (Dennis 1992).

Finally, roughly half of the respondents required at least 30% of the timber on the hypothetical 5 ac sale to be of high quality. Few were willing to bid on the 5 ac sale with only 10% high quality timber. In the future, small woodlots that are victimized by high grading may be "stranded" without the ability to implement an improvement cutting if they do not have a minimum of high-quality timber for sale. Conversely, woodlots of 5 ac or more in which the timber quality has been enhanced by silvicultural practices such as TSI and improvement treatments should readily find willing loggers.

Application

Although the average forested parcel size is declining in Massachusetts, responding timber harvesters report that it has not reached the point where sales are so small that they cannot be profitably harvested by local loggers, at least with their current level of technology and mechanization. Participants in this study are currently willing to harvest as little as 5 ac and 17 mbf in a timber sale, but generally are not willing to drive more than 25 miles to reach it, and at least 30% of the timber should be high quality. This suggests the importance of silviculturally improving even large stands to ensure their feasible harvest in the future should they become part of a smaller property. It is especially important to improve the timber quality of small parcels if owners hope to maintain timber income as a future possibility. These relationships may change if timber prices increase. More valuable timber

or the total cash value of the sale may offset some of the negative effects of parcelization.

Literature Cited

- BIRCH, T.W. 1989. Forest landowners of southern New England. USDA For. Serv. Resour. Bull. (unpubl.)
- BOND, R.S., AND A.M. LOUD. 1992. Lumber production and marketing changes by sawmills in Massachusetts, 1957-1989. *North. J. Appl. For.* 9:67-69.
- BRODERICK, S.H., K.P. HADDEN, AND B. HENINGER. 1994. The next generation's forest: Woodland owner's attitudes toward estate planning and land preservation in Connecticut. *North. J. Appl. For.* 11:4752.
- BROOKS, R.T., D.B. KITTREDGE, AND C.L. ALERICH. 1993. Forest resources of southern New England. USDA For. Serv. Resour. Bull. NE-127. 71 p.
- BRUSH, R.O. 1979. The attractiveness of woodlands: Perceptions of forest landowners in Massachusetts. *For. Sci.* 25:495-506.
- CEBBAGE, F.W. 1982. Economies of forest tract size in southern pine harvesting. USDA For. Serv. Res. Pap. SO-184. 27 p.
- CEBBAGE, F.W., AND T.G. HARRIS, JR. 1986. Tract size and forest management practices: Issues, literature, and implications. *Georgia Agric. Exp. Sta. Res. Rep.* 511. 29 p.
- DENNIS, D.F. 1992. Parcelization and affluence: Implications for nonindustrial private forests. *North. J. Appl. For.* 9:33-35.
- GREENBAUM, D.S., AND A. O'DONNELL. 1987. Losing ground: The case for land conservation in Massachusetts. *Massachusetts Audubon Soc. Lincoln, MA.* 34 p.
- HOFFMAN, B.F. 1991. How to improve logging profits. *Northeast. Loggers Assoc. Old Forge, NY.* 60 p.
- HOWARD, A.F. 1987. Modeling the cost and profitability of timber harvesting with cable skidders. *North. J. Appl. For.* 4:87-92.
- KINGSLEY, N.P. 1976. The forestland owners of southern New England. USDA For. Serv. Resour. Bull. NE-41. 27 p.
- MACCONNELL, W.P., D.W. GOODWIN, AND K.M.L. JONES. 1991. Land-use update for Massachusetts with area statistics for 1971 and 1984/85. *Mass. Agric. Exp. Sta. Res. Bull.* 740. 97 p.
- RIZZO, R., AND D.B. KITTREDGE. 1992. Insurance the killer for Massachusetts logging contractors. *The North. Logger* 40 (11):18. 24-25.
- SMALL, S.J. 1990. Preserving family lands: A landowner's introduction to tax issues and other considerations. *Powers & Hall Prof. Corp., Boston.* 47 p.
- SUTHERLAND, C.F., AND C.H. TUBBS. 1959. Influence of ownership on forestry in small woodlands. USDA For. Serv. Lake States Sta. Pap. 77. 21 p.
- THOMPSON, R.P., AND J.G. JONES. 1981. Classifying nonindustrial private forestland by tract size. *J. For.* 79:288-291.
-

From: [REDACTED]
Sent: Thursday, August 10, 2023 1:56 PM
To: Dale Throenle
Subject: Message from directory page on Chocolay Township Web site

You have received an e-mail message from the Township directory page.

Sender name: Mark E. James
Email address: [REDACTED]

Contact Number: [REDACTED]

Message: Dear Mr. Throenle,
Per our conversation on 8-10-23, I would like you to present my concerns and petitions to the zoning board of appeals at the next meeting on Aug. 21. My goal is to obtain changes in zoning rules that will allow me to have an ADU(accessory dwelling unit) on my property located at 1805 E. Hwy. M28 in Chocolay township. I am currently disallowed to install an ADU because a dwelling unit is already on my property. Also, I cannot split the the land to allow another home because of and out of date rule from 1977 that blocks that land division because the width is 100 ft.; short of the 120 ft. requirement. 3rd, I cannot expand my existing home because it is 744 sq. ft., short of the 800 sq. ft. rule. So, 3 problems exist that prevent me from improving my camp property. Because of this, I now realize that my property is devalued and I cannot improve the comfort for my family or realize a maximum sale value in the future!
I recommend the Board update the zoning rules to allow APU structures.
Sincerely, Mark James, OD

TO: Chocoday Township Planning Commissioners and Board of Trustees, for the 21 August 2023 meetings

FROM: Deborah Mulcahey

DATE: 16 August 2023

SUBJECT: Chocoday Townships (CT) failure to Produce minutes which accurately reflect what was stated in meetings.

Anyone who either attends the Chocoday Township Board meetings or listens to the recordings of those meetings knows that the minutes are a brief summary of what transpires at the board meetings. Historically anyone who either attended the Chocoday Township Planning Commission (PC) meetings or listened to the recordings of those meetings could rely on the minutes being very detailed including an accurate representation of comments made by the public. In the last few years the Planning Commission minutes no longer contain an accurate summary or detailed specifics of what the public states during public comment. Minutes are to reflect what is stated, they should not be someone's perspective of what someone states. I suggest that the PC minutes for both the June and July 2023 meetings be revised to reflect what was actually stated.

The specific examples I give you in regard to this issue are in the draft minutes of the 19 June 2023 and 17 July 2023 PC meetings:

1. In regard to Bill Sanders 19 June 2023 public comment, the original draft minutes indicated that he,

"Spoke on his concerns with the proposals related to the proposed changes to the parcel sizes in the agriculture zoning district."

While the statement in the draft minutes is an accurate reflection of what Mr. Sanders stated the minutes fail to include the specifics. And as a prior CT Planning Commissioner Mr. Sanders has a perspective and history that the Board and PC needs to listen to. The following information is a more accurate representation of what he shared and should be included in the minutes.

Mr. Sanders specifically stated that he served on the PC for 14 years.

That open space and Ag land has always been a big part of CT. What is proposed here is way past what you would normally do as a zoning change.

What is proposed is more of a master plan change where the Ag community could be part of that & he thought that not to many had been. He read a paragraph from the master plan, "Agriculture and forestry areas are intended to allow resource production to take priority over other land uses by protecting these areas from the encroachment of residential and commercial development, and it goes on to say that parcel sizes should be reduced to 10 acres. But historically it was increased to 20 acres from 5, to satisfy the actual intent of the master plan. Even at 10 acres it is not sustainable for agriculture and you will end up with a bunch of small parcels and it will not satisfy the intent of the master plan. Maybe it is good, I have not seen all your research but I think it is way to big to just crank it through, and he would caution moving forward at this time until the public could be more involved.

2. In regard to my 19 June 2023 public comments, the draft minutes indicated that I,

" Spoke about the size of acreage in the agriculture zoning district and the uses within the district, the conditional use agenda item, and the rezoning agenda item."

Because the draft PC minutes for the 19 June 2023 meeting did not accurately include all that I had stated during public comment I advised CT Manager DeGroot, Supervisor Bohjanen, & PC Chair Soucy that, "My comments ... are not reflected in the minutes."

At the 17 July 2023 PC meeting a motion was passed to change the minutes to correctly or at least add to the minutes as to what I had said last meeting, in June.

CT Planning Administrator Dale Throenle stated that several staff listened {to the recording} & they are fine.

The revised draft minutes for the PC 19 June 2023 meeting now read that I,

"Spoke about the size of acreage in the agriculture zoning district and the uses within the district. Mulcahey stated her opposition to the concept as well as the Page 2 of 8 need for more public review and comment, referencing FlashVote. Additionally, Mulcahey spoke on the conditional use agenda item, and the rezoning agenda item."

Some of what is presented is correct but NOT all of it. I have no idea what is meant by "page 2 of 8." Further, the details of my public comments have not been included. The following information is a more accurate representation of what I shared and should be included in the minutes.

My public comments for this meeting included:

- a thank you to the commissioners for the work they do, -that I did not understand how the PC had gone from looking at a minimum of 10 acres for Ag to 3 groups of 1/2 an acre to 3 acres, 3-10 and greater than 10 acres, That this agenda was the 1st time I learned that less than 10 acres was being considered.

-Again as Mr. Sanders said this is not consistent with the Master Plan.

-So I asked the PC to STOP. STOP the process because when there had been discussion for the need for Flash Vote Mr. Rhein had stated many meetings ago that it was needed to get community input into the Ag needs and what was wanted. Ten months later we still do not have the Flash Vote so we don't have the input as to what is needed.

-In reference to Agricultural the PC is looking at definitions.

-I asked the PC why they were doing definitions for what would be allowed in the agricultural areas if there had not been consensus from the community as to what the community wanted for agricultural.

-You have heard me speak & put my comments in writing numerous times against this. I am opposed to this.

-So I asked that the PC STOP the process of what they are doing because I think this is ridiculous. You are the planning commission, you are the ones that drive the ship nobody else, you are suppose to drive the ship.

-I stated concerns as to what would be allowed in the shore line residential zoning being a bar, financial, or a medical clinic, but a day care or a group home would not be allowed.

-In reference to the Conditional use agenda item I did share my frustration with how the township handled the application.

-In reference to the rezoning agenda item I advised that I was a little confused because I thought I knew where the property was, but in the application the property is listed at another location-on M-28 N of

the Moyle retail center. I further stated that the info indicating that the State sold the property in 2022 was incorrect. The State sold the property to a different party than the applicant in 2021.

3. In regard to the Bill Sanders public comment the 17 July 2023 PC draft minutes indicate that he,

"Read his email sent to the Commissioners on his concerns with the proposals related to the proposed changes to the parcel sizes in the agriculture zoning district in relation to the master plan."

Yes, he read his email, but why did the minutes not reflect what Mr Bill Sanders specifically stated? He had already given the comments in an email to the PC members- & his comments were not included in the draft.

Mr Sanders specifically spoke of the agenda item for the proposed rezoning of agriculture and forestry and he remains firmly convinced that the rezoning would have a long term negative effect on the future of agriculture and logging and ChocodayTownship. Contrary to the will of the public to ignore the intent of the Ag forestry district to take the actions proposed. The action proposed is in direct conflict with the master plan. He addressed the priority of these areas to be protected for resource production over other land areas. He spoke of a violation of the public trust to make the changes as proposed. 20 acre size is a practical minimum for forest activity. Discussed 1976 historical zoning establishment in CT and that by it's nature created nonconforming properties. He suggested that perhaps there is another way to address nonconformity across the Township as a whole other than the proposed rezoning.

4. In regard to my public comment the 17 July 2023 PC draft minutes indicate that I,

"Agreed with Sander's comments, spoke on missing comments in minutes, the Page 2 of 7 importance of minutes, and the gathering of information from the public in regards to the agriculture discussion."

My July 17 comments were not accurately reported. I have no idea what is meant by "page 2 of 8." The following information is a more accurate representation of what I shared and should be included in the minutes. At this meeting my public comments included:

- that i agreed with Mr. Sanders' s comments, and thanked the PC for the work they do.
- I spoke of having watched this board and others struggle in the past when information was not available. Missing info from minutes. Minutes are part of the actual Township record.
My specific comments and concerns are not included in your draft minutes.
- I said STOP. STOP looking to define the definitions for your different agricultural zoning ABC, 123, or whatever you want to call them until you have the input from the Citizenry.
As Mr Zappa, the Township Atty, told you, you need input.
- You're making work for citizens and yourselves when you don't have citizen buy in to this process.
- I look at you the planning commissioners to direct the township, it is not the other way around as prviously shared with you.
- When you as commissioners are looking at minutes make sure that the public input you receive is acurately reported so that you comply with the requirements of what should be in the minutes. Specifically, that the information is correct so that the township and citizens will have an accurate reporting for historical use.

As planning commissioners you have worked hard on finalizing definitions for the zoning changes that you are looking to proceed with. However, some of you have publicly stated that the Township needs

community in put in regard to changing the agricultural forestry zoning. Why create work for yourselves, and the citizens if the community has not bought into this proposed agricultural forestry zoning change? Commissioners have also acknowledged that there will still be nonconforming properties if they were to implement what was last proposed for the Ag Forestry zoning changes.

If the issue of nonconforming properties is of such significant concern in the Township, why has the Zoning Board of Appeals only had one scheduled meeting for a year being from 22 September 2022 to 24 August 2023. As Mr. Sanders suggested in the July 2023 PC meeting perhaps there is another way to address nonconformity across the Township as a whole other than the proposed rezoning.