

ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
7:00 – 10:00 p.m. Monday, April 12, 2004

Meeting called to Order at 7:03 p.m.

Members present: H. Smith (Chair), B. Carstens, D. Hoxsie, D. Krause, P. Salathiel, O. Sherberneau

Members excused: M. Vermetten

Staff present: S. Corpe, Recording Secretary

Public present: Jo Collins, Shaw Road
Ken Engel, Saylor Road
Dan Hanna, Lautner Road
Noelle Knopf, Township Clerk/Willow Beach Cottages, US 31 North
Bill Kurtz, S. Lautner Road

1. Consent Calendar

Motion by Krause, support by Carstens to approve the Consent Calendar as amended to remove consideration of the minutes, including:

Action:

- a) ~~Approve minutes of the March 29, 2004 regular meeting~~
- b) **Review and approve agenda, inquiry as to conflicts of interest.**

Motion carried unanimously.

Smith outlined the procedure he will be following for study meetings. The Commission will come to order for roll call and the Consent Calendar. Afterwards, Smith will recess the meeting, and the full commission, along with citizen participants, will convene as a committee of the whole for the purpose of study and formulation of recommendations. No decisions will be made during this portion of the meeting. The study session will then be ended and the regular meeting reconvened for any decision-making and adjournment.

Regular Commission meeting recessed at 7:09 p.m.

Committee of the Whole meeting convened at 7:09 p.m.

2. Study Session Items:

a) **Discuss ranking of outstanding subcommittee item issues** (Attachment A included and incorporated by reference): It was decided that rather than dissolving the existing subcommittees and picking an order in which to consider them as a committee of the whole, the subcommittees would continue to meet in sessions advertised and conducted according to the requirements of the Open Meetings Act.

b) **Develop Plan for Master Plan Review Process (Attachment B included and incorporated by reference)**

- 1. **Discuss proposed citizen appointments to chapter discussions:** Corpe provided a memo outlining the sections of the Master Plan, the people who have volunteered to date, and potential assignments of those people to different chapters proposed by Smith. He is thinking that the committee of the whole, along with two citizens and a board member would be a manageable size for each group, and verbally outlined the proposed selections. Rick Saylor was added to the group regarding Agriculture and

Rural Preservation. Smith suggested adding Mark Lewis, who works for the Road Commission and lives in Scenic Hills to the Transportation, Public Facilities and Regional Relations section. Jim Goss has requested appointment to the Town Center section review committee. Smith noted that the general public will have plenty of opportunity to participate in the process, and that as a committee of the whole recommendations will be made but decisions will not – those will be made when the group is in session as the Planning Commission.

Knopf said that if it is possible for her to have two assignments, she would also like to work on the Culture, Community and Conviviality and Regional Relations. Kurtz expressed concern that the Board has ultimate say over the plan and wondered if the Board should participate prior to the final approval level. Corpe stated at the current time, the Planning Commission has sole adoption authority over the Master Plan as she understands the situation. Prior to the required distribution to surrounding municipalities the Board has to review the draft and approve distribution. The Board also has the ability to pass a resolution removing final approval authority from the Commission and vesting it in themselves, but have not done so to date. Kurtz expressed his feeling that Hoxsie is the Board's representative to the Planning Commission and vice versa, and that in his opinion it might be better to make more room for general public participation rather than adding additional Board members. Knopf supported the idea that Board participation is desirable and vital. Despite the fact that minutes are kept and reports can be given, sometimes there are things that get lost in translation when one is not present. Board members are still residents with personal concerns and interests for their community. Salathiel looked at the list of original Master Plan steering committee members. Mark Ritter and Noelle Knopf were all both Board members and in that group. Smith expressed comfort with including Board members in the committee mix, and the rest of the commission concurred. Smith noted that any recommendations from the committee of the whole can be accepted, rejected or modified by the Planning Commission.

Engle and Hanna asked that Kurtz restate his position. He stated that his reading of planning books suggests that there should be a certain amount of separation between the Planning Commission and the Board. The latter has the power of appointment and removal over the members of the former. Knopf stated her belief that the threat of removal should not be daunting to any commissioner who is exercising their best judgment in good faith. Salathiel recalls the 1999 process as being one of very open discussion and free flow of ideas, and favors any approach that fosters that kind of communication. Carstens echoed the sentiment that all points of view are welcome.

Engle asked for clarification of the procedure: that the committee of the whole will include the commission, appointed members of the public and possibly a board member. He asked when public input will come into play. Smith responded that for the most part discussion will occur amongst the committee, with public input called for at certain points.

Collins asked how the different sections will be addressed. Smith proposed that there would be two topics discussed at each meeting for one and a half

hours each. Members of the committee will be expected to come prepared, having read materials, ready for discussion. Salathiel expressed concern that this might not leave enough time for public input, but Smith is concerned that at one topic per month work will progress too slowly.

2. **Discuss order in which to review chapters:** Krause suggested combining a heavy and a light topic on each agenda. Because the agenda for the meeting in two weeks is light, the Commission would like to address one topic at the end of month meeting. By consensus they decided to start with Visions & Goals to “ease” into the process. This section comes first in the list and is likely to generate little discussion. Engle asked when the Agriculture section is likely to come up, as he is concerned with conflicts with the farming season. June would work best for him, and it seems likely to be the time this question will come up if we take the topics in order. It was decided that the chapters in the Master Plan will be reviewed in the order in which they occur in the document.
3. **Discuss how and when additional consulting assistance may be desirable:** Corpe recommends that professional assistance be sought for development of a future land use map and to potentially refine the sewer district future study area map. Salathiel expressed confidence in Corpe’s abilities to add new text as directed to the document, but was concerned about the addition to her workload. Hoxsie felt that until we get into more in-depth discussion we won’t really know if we need writing help.

c) **Discuss Background and State of the Land Sections of the Acme Township Master Plan:**

Salathiel asked about how the page in the current Master Plan listing the individuals who worked on the existing plan will be adjusted. Smith replied that we can amend new information about the current process to it.

The committee generally agreed that a very brief update to the history section of the document regarding the past five years would be appropriate. One additional paragraph should do. Information to add might include development of Lochenheath Golf Course, preservation of the YCNA and Maple Bay Farms and sale of the Resort to the Grand Traverse Band of Ottawa and Chippewa Indians. Salathiel suggested that some of the information about new development could be added to the statement regarding Existing Land Cover and Uses on page 26, an idea that was well-received. Ken Engle, Saylor Road, suggested that some information about perpetual conservation easements that have been put in place would also be desirable. These easements, along with areas now owned by a sovereign nation, are areas the township needs to plan around.

Sherberneau noted that there are some population figures on page 9, which generally deals with geography that should be amended. He and Salathiel also felt it would be valuable to see if the figures for growing season, rainfall and temperatures. The committee expressed concern over how map and data updates will be obtained. Corpe stated that most of these items contain attributions, and it shouldn’t be difficult to obtain updates from the original sources for the maps. Weather-related data can be obtained from the National Weather Service. 2000 Census Data is already on file in the township offices.

Mr. Engle asked if the background section data would be completed quickly and

uploaded to the website for ready public access. Corpe indicated that this would be the most immediate objective.

Hoxsie referred to the statistics on page 16 from the Focus 2020 sessions regarding projected population growth. It would be worthwhile to check with the Northwest Michigan Council of Governments (NWMCOG) and the Chamber of Commerce.

The group felt that some more information regarding the meanings of the categories in the Household Segmentation Analysis on page 19 would be helpful. The footnote states that the definitions can be found in "The Acme Township Economic Review." The committee discussed the concept of keeping the old statistics and adding columns for the new statistics so that change trends over time can be established.

On page 20, the building permits issued are organized into three sets of columns. Hoxsie's copy says that they should represent "new residence", "mobile home," and "new commercial." The group discovered that some peoples' copies have the headers and some do not. The group recognized the difference between "modular" or "manufactured" homes and "mobile" homes, the latter remaining moveable while the former is permanently tethered to a foundation.

On page 21, Hoxsie suggested eliminating the reference to the Bertha Vos school district, which no longer exists. Carstens asked if families have a choice of whether to send their children to the Traverse City or Elk Rapids school districts. Hoxsie responded that tax payments are based on residency, although each family may opt to send their children to an "out of district" school if they wish. The dividing line between school districts is not a straight line, but weaves around a bit. The committee didn't feel that a school district tax map would be a valuable insertion into the Master Plan, but it might be a nice thing to have to hand out to new residents at some point.

Mr. Hanna asked about the map on page 25. He noted that there is a county map that shows his property at the corner of Lautner and Brackett as being urban, but the map has changed. This map shows him as rural. Why? CORPE RESPONDED. Hoxsie felt that if an update is available, doing it as a mylar overlay to the old map would be a valuable tool, again so people can evaluate the change in conditions from the 1999 document to 2004.

The committee sees a need for a fair amount of change to page 26 regarding Existing Land Cover and Uses. They would like mention of the following to be added: Lochenheath, the change between having a dairy farm in 1999 and the Maple Bay Farms preserve today. Mr. Engel suggested leaving the existing language totally intact with a heading "Summer 1999" and adding a new section headed "Summer 2004." Mr. Engle also asked if there were data regarding the total number of farming operations in 1999. Hoxsie stated it could be found on page 17. Mr. Engle also asked what types of information might be more difficult to gather today with enhanced privacy laws in effect, and how we can evaluate how much land previously classed as being in agricultural production is actually currently vacant because the owner does not desire to farm it and/or cannot afford to farm it. Whether or not agriculture is economically viable in this area may have a significant impact on how we plan for the township. For instance, there has been much discussion about how to institute a viable PDR/TDR program. Without this type of information, how can an effective plan be put in place?

Regarding the township buildout statistics on page 28, Mr. Engle suggested that

when these statistics are amended, newer perpetual conservation easements should be taken into account. He also asked if we should relabel “prime farmland” as “unique farmland.” The designation comes directly from existing county maps and probably shouldn’t be changed. Corpe suggested that this question be dealt with later in the agricultural section narrative, where we can state that while some of our lands are classified as “prime” farmland, we actually view them as “unique” farmlands for certain reasons, and these reasons will affect our decision-making accordingly. Carstens also noted that if we looked at a statewide farmland classification map, we would probably have comparatively little prime farmland at all – scale makes a difference.

There is a 1998 plat map in the document. A newer plat map from last year will be added. Hoxsie may also bring in a plat map from 1976, again for trend depiction purposes.

Mr. Engle stated that on page 37 there is narrative about wellhead protection. Hoxsie stated that there has been a movement over the past several years to close unused wells. There is a cost-sharing program in place to help seal abandoned wells to prevent contamination from entering wellheads. Dan Busby at the County Conservation District would be a good resource for this information. The state headquarters for the program, funded by settlement money from the Exxon Valdez disaster, are in Traverse City. It should be possible to find out how many wells in Acme Township have been sealed as required by a recent law stating that if new wells are dug, an existing old well must be sealed. Mr. Engle stated that wells drawing over 70 gpm (high capacity wells) must be reported starting this year. When data becomes available about the numbers of such wells, it would be interesting to insert it in the document. Mr. Engle believes this information is being reported to the DEQ, and that the requirement was triggered by the Nestle well for bottled water downstate. Mr. Engle stated that there was a well on his property that he researched for two months trying to find out who the owner was. By chance he found out that the well was part of a 1980’s era USGS groundwater study. Many such wells still exist, capped but not sealed. Some could be valuable for the future for measuring water quality. He found that these wells had never been recorded as existing, and a theory says that they were placed after the petroleum and natural gas well blowout that Corpe mentioned Tom Henkel stated occurred 31 years ago today.

On page 39 the subject turns to water resources. Salathiel felt it might be well to include a mention of zebra mussel infestation in the lakes, and the fact that there is a water clarity study being performed on Grand Traverse Bay. Carstens stated that we should mention our water quality monitoring program on Acme and Yuba Creeks and mention our cooperation with Whitewater Township to test Petobego Creek. Krause wondered aloud if the DNR still designated the Acme Creek system as being a “cold water trout stream.” Carstens has seen some trout during water quality sampling outings. Salathiel recommended working with John Nelson regarding this section of the master plan. There was also some discussion about a number of recent concerns about emergency overflows from septic systems on S. Lautner Road being directed into Acme Creek or other surface waterway. Jo Collins mentioned that she is having an algae problem on her beach and on some surrounding beaches near the mouth of Yuba Creek that she feels started when the golf courses were built. The problem isn’t as bad in the creek itself where the water flows, but is worse at the mouth where the water eddies and is effected by wind on the bay. Dan Hanna feels that the problem is less chemicals from the golf course and more from the gas blowout that emanated from the swamp and has released a lot of nitrogen into the creek.

On page 41 there is mention in the last paragraph of a beaver dam that has been partially or totally destroyed or at least opened up. Salathiel noted that on page 42 there is mention of “relatively high concentrations and loadings of phosphorus and nitrate” compared to other local streams. She would like to know if these conditions are better or worse. These items are not among the things we test for monthly with our equipment. Hoxsie believes that the presence of weedbeds was determined by aerial observation. This is another area where John Nelson and the Watershed Council may be of assistance. Salathiel suggested that perhaps we should test for phosphorus and nitrates. Collins and Carstens reported that John Nelson does test for invertebrates. Dan Hanna believes that the size of weedbeds in terms of acres and from DNR studies may be available from Bob Garvey.

On page 44 there is a list of known special plants and animals and champion trees. Carstens feels that the list of animals is incorrect and has a list he would like to provide for consideration. He also has information particularly about birds. He stated that the “Laggerhead Shrike” should be the “Loggerhead Shrike.” Some are listed as “unlikely” that Carstens feel should not be. He would like to amplify our list of threatened and endangered species. Mr. Engle asked about species of concern that migrate through here without necessarily staying for a significant period. Corpe suggested asking Ron Reinhold to review the special plants lists. Krause had no comment regarding the tree list.

Airsheds are discussed on page 45. Salathiel wondered if the comments in the first paragraph regarding pollution from Gary and other points south still applies. Carstens noted that there may be additional concerns if a proposed new coal-fired plant comes on line in Manistee.

On page 46 there is a map of scenic viewsheds. Carstens noted that one view from US 31 is generating negative comments: Kirk Moll’s new house at the north end of Bayridge is generally deemed to be unattractive.

**Committee of the Whole adjourned at 9:20 p.m.
Planning Commission regular meeting reconvened at 9:20 p.m.**

Motion by Sherberneau, support by Hoxsie to confirm public citizen members on Master Plan chapter review committees as presented and amended through prior discussion.

Carstens asked if approval of the motion would preclude addition of new members to the review committees in the future. Smith responded that new appointments may be later on as conditions dictate.

The Chair cast an unanimous ballot, there being no objection.

Corpe asked for clarification on whether Jim Goss was officially added to the Town Center Ordinance Group. Kurtz felt that this would be a conflict of interest, and Carstens was inclined to agree. As a “devil’s advocate,” Corpe asked if this would mean excluding CCAT members from this group as well, as they brought the lawsuit regarding this issue against the township. Hanna expressed the point of view that to exclude individuals with a vested interest in specific topics from those discussions would then exclude Engle from discussing farmland, and himself from discussing high density issues. He maintained that the best individuals to make a decision for the future of the township are those with a vested interest and not the disinterested. Salathiel views this situation as an opportunity to bring the two opposing sides of the town center debate together for meaningful and productive

interaction. Smith reiterated that the committee will not make the decisions, but the Planning Commission will. Carstens mentioned his confusion because we always ask for people with conflicts of interest to recuse themselves.

3. Other Business:

Salathiel mentioned that people will be gathering for an annual post-winter TART cleanup day from 9:00 – 12 noon on April 24. She also noted that John Norquist, Mayor of Milwaukee and President of The Congress for New Urbanism will be giving free public addresses on May 18-19 in Traverse City. The meeting on May 18 will be at Mountain Jack's. Also, William McDonough will be speaking at the Maritime Academy on May 26, but she doesn't have any additional information about this event right now. Salathiel also provided a videotape she received from Mark Nixon, "The Next Industrial Revolution" including Andres Duany. It will be available in the township hall lending library.

4. Any other business that may come before the Commission:

Meeting adjourned 9:58 p.m.