

Kearney Township Planning Commission  
Minutes  
October 10 18, 2021 Regular Meeting

- Call to Order: 5:36 EDT by Tim Murray
- Roll Call: Present: Alger, Jacques, Murray
- Pledge of Allegiance
- Conflict of Interest: None
- Approval Agenda: Motion to approve the agenda as printed Moved Jacques, Second Alger, Carried
- Approval of Minutes: Motion to approve minutes of the September 2021 meeting as distributed. Moved Alger  
Second: Murray, Carried
- Correspondence: Email from Michelle re Zoning Ordinance Table 1
- Public Comment: None
- Report from Zoning Administrator: None
- Old Business:                    **1. Master Plan**  
Motion to approve sections 2 and 4 of the Master Plan as changed on the shared drive – Jacques,  
Second Alger, Carried (Attachment A & B)
- Motion to approve section 5 of the master plan as changed on the shared drive – Alger, Second  
Murray, Carried (Attachment C)
- 2. Zoning Ordinance**  
Motion to recommend changes to the Zoning Ordinance as presented – Moved Jacques, Second  
Alger, Carried (Attachment D)
- New Business:                    **Attachments to minutes**  
Members like having details of items before the commission included with the minutes as  
attachments so everything is together for future reference. Per Michelle’s suggestion, approved  
meeting minutes will not be included as an attachment to the draft minutes so they can be  
published independently.
- Public Comment:                   None
- Commission Comment           Jacques to prepare full Master Plan draft for review next month.
- Adjourn:                            Motion to adjourn at 6:38 PM EDT Moved Jacques, Second Alger, Carried

Respectfully Submitted,



R E Jacques  
Secretary

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Attachment A

## SECTION II – EXISTING CONDITIONS

### The Regional Setting

Kearney Township is located in the central part of Antrim County. The County lies along the east shore of Grand Traverse Bay and contains several major lakes. The most notable of which are Torch Lake and an “upper and lower” Chain of Lakes which is well known throughout the Midwest for its scenic beauty. Torch Lake is noted as the third most beautiful lake in the world by National Geographic Magazine.

Both U.S. 31 and U.S. 131 cross the County in a north-south direction; U.S 31 along the Lake Michigan coast and U.S. 131 further inland. The Township lies between the two highways and has the Chain of Lakes as its western boundary. Ski and golf course complexes are located within the Township and are accessed primarily from U.S. 131 via M-88.

Therefore, the western, central and southern portions of the Township experience residential and resort development pressures, while the balance of the Township is made of rugged hills and wetland valley with low density residential living, farms and forestry uses.

### Existing Land Use

The predominate land use in the Township is forest. Sixty-seven percent of the Township is covered in vegetation. Of this, fully thirteen percent is also classified as wetland, primarily narrow lowlands along streams and at the base of hills and ridges. Agriculture uses account for approximately five percent of the land use, and is located in the central and northern portions of the Township.

Residential uses make up eleven percent of the land use although it is scattered generally throughout the township, the most concentration is in the Village of Bellaire and at the local golf and ski resorts.

The balance of the land use, made up of utilities such as the Antrim County Airport, Bellaire Wastewater Treatment Facility and commercial and industrial uses is about two percent.

#### A table of existing use:

Land Cover Type	Percent Coverage
Forest	60%
Wetlands	13%
Water	3%
Agriculture	5%
Grass and Shrub	7%
Residential (including resorts)	11%
Other (including utilities and industrial)	1%

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See map of existing land use accompanying this text.

**Kearney Township Natural Features:**

The Township enjoys the unique natural feature of the Chain of Lakes, having as part of its western boundary, Lake Bellaire and Intermediate Lake.

A large valley runs east and west through the south-central part of the Township, with drainage areas branching out from the valley and creating extremely broken terrain. The valley is made up of vast areas of wetlands and contains the Cedar River.

Most of the Township is forested, with the east portion containing parts of the Mackinaw State Forest. There are some Christmas tree plantations in this area also.

**Soils**

The Township is made up of four basic soil associations as follows:

**Emmet-Montcalm:** This soil group consists of well drained gently sloping to very steeply sloping loamy sands and sands. These soils occur mostly on knolls, ridges and hills. These soils offer few limitations to development where the slopes are gently except for some problems with frost heave for road and highways.

Where there are slopes involved, moderate to severe problems develop. These involve cave-in of excavations, some wetness in digging basements, and side hill seepage from septic tank tile fields.

**Tawas-Ensley-Roscommon:** These are very poorly drained soils consisting of mucks, loamy and sandy soil consisting of shallow depressions in level plains. These soils are essentially unsuitable for on-site septic systems due to the humus content of the soil and high-water table.

There are also frost heave problems and cave-in problems for excavations.

These soils are quite often subject to seasonal flooding.

**Kalkaska-Montcalm:** This soil association consists of well drained sands on level to very steep hills, ridges and knolls.

Due to the sandy content of these soils, cave-ins of excavations are a problem, but septic

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systems operate successfully of these soils except for the steep slope areas.

Kalkaska-East Lake-Karlin: Somewhat excessively drained level to very steep, sandy soils of plains.

#### Natural Gas Wells

Natural gas lies beneath most of Kearney Township trapped in what is known as Antrim Shale, which is about 2,000 feet below the surface.

#### Water Quality Assessment of Lake Bellaire, Intermediate Lake and the Cedar River

Assessing the water quality of Kearney Township's major waters requires the collaboration between several monitoring agencies. Consult the Three Lakes Association, the Tip of the Mitt Watershed Council, the Michigan Department of Environmental Quality, and the Friends of the Cedar River for the latest information on water quality.

#### Cedar River:

The Cedar River remains on the northwest Michigan's Class A trout stream. The water is cold, clear and richly oxygenated. High quality macro invertebrates found on the bottom of the river serves as the main food source for brook, brown and rainbow trout populations.

The major concern for the Cedar River water quality is the detection of TCE (trichloroethylene) from the Mancelona plume that is traveling at approximately 350 feet per year. While TCE concentrations entering the river are well below the EPA limits for surface waters, Three Lakes Association, in cooperation with the Bellaire Public Schools, will be monitoring macro invertebrate populations above and below the point of TCE entry the spring of 2005. Three Lakes Association is also active in the efforts to remove the toxic plume.

Is the Three Lakes Assc still around? Remove the 2005, kind of meaningless? The Three Lakes Association is alive and well per their website. I can't find any info in the Friends of the Cedar River.

#### Intermediate Lake:

Intermediate Lake is popular for all sorts of recreational activities including fishing, boating, and swimming. It is also popular because the lakes of the Upper Chain of Lakes, including Hanley, Ben-Way, Wilson, Ellsworth, St. Clair, and Six Mile, can be travelled to by boat using Intermediate Lake as a starting point. However, the Lower Chain of Lakes (Bellaire, Clam, Torch, Elk, and Skegemog) cannot be accessed by boat from Intermediate Lake because of the dam on the Intermediate River in Bellaire. Fish that have been reported through various Department of Natural Resources surveys include walleye, bluegill, logperch, yellow perch, large- and smallmouth bass, pumpkinseed, longnose gar, white sucker, rock bass, whitefish, cisco, muskellunge, northern pike, rainbow trout, lake trout, brown trout, and sunfish.

#### Known Aquatic Invasive Species:

Zebra mussels

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Purple Loosestrife  
Invasive Phragmites

**Lake Bellaire:**

Formerly known as Grass Lake, Lake Bellaire is located southwest of the town of Bellaire in Antrim County. Major inlet tributaries include the Intermediate River, which drains the upper Chain of Lakes through Bellaire, and Grass Creek, which flows into the north end of the North Arm. Water leaving Lake Bellaire flows through the Grass River into Clam Lake and eventually into Lake Michigan at the Village of Elk Rapids on East Grand Traverse Bay.

Lake Bellaire is a deep lake surrounded by extensive and ecologically important wetlands. These include conifer or mixed hardwood/conifer swamps on the north end, marshy areas west of the mouth of the Intermediate River, and marshy and swampy areas on the south end. Along with their ability to filter pollutants in the water, wetlands provide habitat to amphibians, mammals, birds, trees, flowers, and other forms of life.

There are virtually no natural rocky shorelines on Lake Bellaire, which is unusual for a lake of this size in the Elk River Watershed. This has been identified as a potential problem for successful spawning of some fish species. Most of the nearshore sediments in Lake Bellaire consist of sand or gravelly-sand. The remainder, largely in the north arm, consists of muck or marl-sand bottom.

Muskgrass (Charaspp) is a common 'plant' found in the nearshore areas of Lake Bellaire. Actually, a multicellular branching green algae, muskgrass gets its name from its "musky" smell.

Because the deep water of Lake Bellaire remains cold and oxygen-rich during summer months, the lake is able to support a cold water fishery. Warm water fish inhabit shallower areas. Fish that have been found in Lake Bellaire include whitefish, perch, herring, northern pike, rock bass, smallmouth bass, largemouth bass, bluegill, lake trout, longnose gar, white sucker, brook silverside, blunt nose minnow, walleye, brook trout, black crappie, yellow perch, white sucker, brown trout, splake, pumpkinseed, brown bullhead, cisco, smelt, rainbow trout, and brown trout.

Known Aquatic Invasive Species:  
Zebra mussels

**Man-made Features**

The transportation system is most complete on the western edge of the Township where M-88 runs along the eastern side of Lake Bellaire and through the Village of Bellaire and on to Central Lake. County Road 620 enters the Township from M-66 and runs through the Village of Bellaire and then west to Torch Lake.

The portion of the Village of Bellaire east of the Intermediate River lies within the Township.

**Community Facilities**

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Bellaire is the County Seat for Antrim County and additional governmental offices, the Courts and the Jail. The County operates Meadow Brook, and Meadow View Apartments just south of the Village along M-88. The Animal Control Building, the Ambulance Authority and the County Transportation Authority are also located in that area. The local Fire Department is also located in the township.

There are several golf and ski resorts in the Township. Extensive seasonal and permanent housing has been developed along Lake Bellaire and Intermediate Lake. A year-round hiking trail covering several miles along the Cedar River has also been established from Craven Park to Burrel Road.

The Antrim County Airport is located in the Township just north of the Village of Bellaire with access from County Road 620.

In the spring of 2011, Kearney Township built a new Township Hall located on Aero Park Drive. The new facility houses the township offices and a large hall that is rented out for functions.

In Spring 2015, Bellaire Family Health Center relocated to their new building located on M-88. The new facility has the ability to house 6 providers, along with a full drive thru pharmacy and laboratory. They also offer Mammogram and X-ray services. Downtown Bellaire is home to several local retail business and restraints. Anchor Lamina America is the townships largest manufacturing facility. Industrial parks are the home of several small service business. Captain's Choice Marine has just expanded to become the townships largest water recreation center.

### Population Trends

Township growth stabilized during the 2010 to 2020 decade. The 2020 census indicated the Township had 1780 permanent residents, a .8% increase since 2010.

### Economic Characteristics

Public sector, retail, manufacturing, resort, restaurant, construction, agriculture and forestry provide a wide range of employment opportunities for township residents.

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Attachment B



## SECTION IV - KEARNEY TOWNSHIP FUTURE LAND USE

A review of the existing conditions of the Township, together with a study of the unique natural features including the soils and surface water, and in relation to the goals that the Township Planning Commission wish to achieve, leads to a future land use plan made up of the following planning districts:

### Commercial:

Although commercial needs to the Township are limited in the future and most commercial growth will occur with the Village of Bellaire, this development is governed by the Village's Master Plan and Zoning Ordinance. It is recommended that an area along M-88 just south of the Village be designated for future commercial development outside the Village. The Village has limited capacity to add water and sewer customers to its system so development will likely require well and septic systems.

The area already has some commercial activities even though the soils are not particularly suited to development. Special care will be needed to ensure that waist and storm water run-off from commercial developments is retained on site and allowed to percolate slowly into the ground water to prevent sediments and pollution from entering LakeBellaire.

### Manufacturing:

An area for manufacturing development is located east of the Airport north to Eddy School Road. This district includes the existing industrial park. Care in the development of industrial sites will need to be taken for storm water run-off, sewage and handling of special wastes.

### Residential:

The primary area designated for residential growth is north of Schuss Mountain and east of the Village. Development will require well and septic systems due to limited capacity of existing facilities. Soil conditions are also fairly suitable for urban type development.

It is recommended that subdivision and cluster/open space type development be encouraged in this district as well as duplex, assisted living, and multiple family uses. It is expected that the full range of public services will eventually be available to this district and that these services will be provided by developers on a project basis as the need and desire for development projects take place.

A secondary residential district is recommended east of the manufacturing district along County Road 620. . The proximity of the manufacturing district was also considered and this area may serve as a housing area for future employees of businesses in the industrial districts.

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**Forestry, Agricultural and Low Density Residential:**

The vast majority of the Township is made up of this district. This is due to the following factors:

- Much of the Township is made up of very fragile soils with steep hills and wetlands and a lot of surface water.
- Water quality is very important to the quality of life of the Township and is at risk due to the fragile nature of the land and conventional development practices.

This district is designed to encourage forestry and agriculture as the primary uses, with low density residential allowed. The township does not expect to provide the full range of urban services to this area, and subdivision development should be discouraged.

Residential development will be permitted on an acreage basis, where there is sufficient space to ensure no degradation of groundwater and the need for road improvements, utility extensions and additional funds for emergency services will not be required.

**Resort Residential:**

This planning district is intended to provide for recreational facilities requiring large land area (such as golf courses and ski resorts), and associated residential development. This may include both short-term overnight rental accommodations and year-round residential structures ranging from detached single-family dwellings to attached multiple family structures. Retail and service businesses would be allowed to the extent that they are a usual and necessary part of the recreational and residential development. They exist for, and are of a scale appropriate to, the primary purpose of serving the resort.

Much of the Township is made up of steep hills, fragile soils and seeps from the hilly terrain to the valleys, which in many cases contain wetland areas.

Future development near these environmentally sensitive areas is best addressed on a case-by-case basis so that the development can be directed away from the fragile areas. Care needs to be taken to protect the water of the Township from insecticides, pesticides, fertilizers and septic waste pollution. Soil erosion can easily occur from both earth disturbance activities as well as storm water run-off.

The recreational and residential use areas that are expected to experience the highest growth are those having the greatest changes on elevation. These same areas will attract large numbers of people. Therefore, transportation both to the resort area from other areas of the state and township, as well as, movement of people within the resort itself, are of major concern. Both the pedestrian and vehicular traffic must be accommodated while ensuring that emergency vehicles have the ability to reach and service the development. Due to elevation changes, number of people attracted and the distance of this type of development from the Village of Bellaire, the potential exists for very high costs to service this type of development. A relatively small portion of the population of the township would benefit from these infrastructure improvements.

The necessary utilities and infrastructure shall be installed prior to, or in conjunction with, the

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proposed development with the cost to be borne by those proposing the development.

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Attachment C

## SECTION V – IMPLEMENTATION RECOMMENDATIONS

The implementation of a future growth plan for the Township can take many forms. The most common form is to use the Zoning Ordinance as a way to regulate and direct growth. In this way, decisions made on rezoning are guided by the Master Plan. The setting of lot sizes, density and permitted uses, all influence the direction that development will take. It is recommended that the Township use the Special Use Permit process and site plan review as a technique to guide development. The soil factor maps available from the Antrim County Soil and Water Conservation District should be used to ensure adequate protection of fragile soil conditions when proposed developments are reviewed.

A subdivision control ordinance will also help achieve goals. It is recommended that a township ordinance be written to include provision for erosion control that could create “green belts”. This will help retain the valuable natural character of the Township.

Do we need to state that the Township Ordinance must be met regardless of the subdivision ordinance. If the sub’s ordinance is stronger that is fine but the TWP’s is a minimum. Wouldn’t a subdivision control ordinance be a township ordinance? Individuals can’t create their own ordinances.

A wetland ordinance, following the guidelines of the State Wetlands Act, will help the Township protect water quality by recognizing these special areas and prescribing measure to insure their future.

The Township Board, in its capital improvements planning and budgeting, can influence implementation of the plan by budgeting funds to improve roads in portions of the township where growth is planned to occur.

There are also several state laws that the Township can utilize to help with implementation of the plan.

### Act 166-Farmland and Open Space Preservation Act

This Act requires a minimum of forty acres in size; a farm of five to forty acres with a gross annual income of two hundred dollars per cleared and tillable acre; or a specialty farm of at least fifteen acres designated as a specialty farm by the Michigan Department of Agriculture and with a gross annual income of two thousand dollars or more.

Beginning in the 2001 tax year, the state of Michigan began offering an enhanced benefit for landowners enrolled in PA-166 agreements which enable land owners to claim a tax credit for the amount by which their property tax exceeds 3.5 percent of their household income. (The previous threshold for eligibility was 7 percent of household income).

Another benefit of enrollment is that land covered by the agreement exempt from special assessments for sanitary sewer, water, lights and non-farm drainage, unless the assessments were imposed prior to the recording of the Farmland Development Rights Agreement. The purpose of the agreement is to ensure that land remains in agriculture use for a minimum of 10 years and is not developed for any non-agriculture use.

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Any questions about this Act should be addressed to the Division of Land Resource Program, Department of Natural Resources, Box 30028, Lansing, MI78909.

**Commercial Forest Act:**

This Act requires a minimum of forty acres of established trees to be open to hunting and fishing. The owner pays 30 cents per acre annual tax plus a 10 percent stumpage fee on any timber harvested.

**Natural Beauty Road:**

This Act allows citizens or governmental units to request the County Road Commission to designate a road or portion of road for non-development/improvement. This results in preserving the natural character of rural or forest setting.

**Lot Size and Density**

The stated goals of this plan are to guide growth near the Village and to preserve the rural and natural character of the Township so that water quality can be protected. Therefore, the lot size and overall density allowed through the zoning ordinance becomes a critical factor in plan implementation.

It is recommended that the current zoning map may be reviewed and, in the forestry, agriculture and low-density residential areas, as shown in the future land use plan, have a two-acre minimum lot size.

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Attachment D

Zoning ordinance updates:

Section 1.03 add “If requirements within this document conflict, the more restrictive shall prevail.”

Appendix Table 1

Parcel Requirements

- remove \*\*\*\*\* from PD row.

Structure Requirements

- Zone A
  - remove reference to footnote 5 in Max Height (addresses minimum area not height)
  - add reference to footnote 8 in Min. floor area.
- Zone R1
  - remove reference to footnote 5 in Max Height (addresses minimum area not height)
- Zone R2
  - remove reference to footnote 5 in Max Height (addresses minimum area not height)
  - add reference to footnotes 5 and 8 in Min Floor Area
- Zone R3
  - remove reference to footnote 3 and 5 in Max Height (do not apply)
- Zone RR
  - remove reference to footnote 5 in Max Height (addresses minimum area not height)

Footnotes

- 4
  - Remove “, and thirty-five (35) feet in the RR Zoning District” – it’s redundant with the table
- 8
  - Correct typo in square footage, should be 720



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Kearney Township Zoning Ordinance  
Appendix

**Table I  
Parcel  
Requirements**

Zone	Minimum Lot Area	Minimum Lot Width	Front Setbacks	Side Setbacks	Rear Setbacks
A	2 acres	200'	50'	15'	35'
R1	20,000 SF	100'	50'	15'	35'
R2	40,000 SF	200'	50'	15'	35'
R3	(1)		50'	15'	35'
C	15,000 SF	100'	50'	15'	30' (2)
M	1 acre	200'	50'	15'	30' (2)
PD		No minimum			
AP					
RR	15,000 SF	100'	50' (7)	15' (7)	35' (7)

Structure Requirements

Zone	Max. Height	Min. Floor Area	Min. Width
A	35' (3) (4)	720 SF (8)	20'
R1	35' (4)	720 SF (8)	20'
R2	35' (4)	720 SF (5) (6) (8)	20'
R3	35' (4)	720 SF (6) (7)	20'
C	35'	720 SF (9)	20'
M	35'	720 SF (9)	20'
AP	35' (10)	(10)	(10)
RR	35'	720 SF (6) (7) (8)	20'

Notes:

- (1) Density limited to 14 Units Per Acre.
- (2) Setback with alley is 25 feet.
- (3) Farm structures limited to 80 feet in height.
- (4) The height shall be no greater than thirty-five (35) feet or two and one half (2 ½) stories for

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dwelling in the A, R1, R2, and R3 Zoning Districts.

- (5) Two-family dwelling requires a minimum of 600 square feet (SF) per dwelling.
- (6) The minimum floor area for multiple-family dwellings shall be provided according to the following schedule:

Efficiency	350 SF
One Bedroom	550 SF
Two Bedroom	800 SF
Three Bedroom	1000 SF

- (7) Refer to Article IV, Section 4.09 C.

(8) The Minimum floor area for single family dwellings is 720 square feet on the primary living level and bounded by the permanent exterior walls of the structure. Dwellings shall be a minimum of 20 feet wide within the permanent exterior walls for the entire length of the structure. Exterior walls must be constructed over a basement, foundation or slab.

(9) Applies to the primary structure. Smaller ancillary buildings are permitted in this zone.

(10) Airport structures must comply with state and FAA area and width requirements. The maximum height limitation shall not apply to control towers

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