



www.M119TunnelofTrees.org

M-119 TUNNEL OF TREES SCENIC HERITAGE ROUTE COMMITTEE AGENDA

Tuesday, September 10, 2024 at 9:30 AM

**West Traverse Township Hall
8001 M-119, Harbor Springs, MI 49740**

I. Welcome and Introductions

II. Review Minutes of August 13, 2024 Meeting (See attached Page 2-7)

III. Agenda Review

IV. Partner Reports (If Available)

- a. Emmet County Planning and Zoning
- b. Little Traverse Bay Bands of Odawa Indians
- c. Little Traverse Conservancy
- d. Michigan Department of Transportation (MDOT)
- e. Networks Northwest
- f. Committee Member comments – not otherwise on agenda.

V. On-going & Unfinished Business

- a. Adopt-a-highway program
- b. Review Fiscal Year 2024 Budget and Expenditures (Sign cleanup?)
- c. Review Fiscal Year 2025 Annual Work Plan & work on plans for accomplishing goals
- d. Presentation to Emmet County Commissioners 9/19/24
- e. MDOT – Byways Workshop in Gaylord 11/4/24 – Possible attendance?

VI. New Business

- a. **Review of setback rules for the TOT – see attached info from Emmet County (See attached Page 8-12)**
- b. **Review of Tree Survey Status – see info attached. (See attached Page 13)**
- c. **Review of Right-of-way maps – see info attached. (See attached Page 14)**

VII. Public Comment

VIII. Adjournment

Next meeting on Tuesday, October 8, 2024 – Readmond Township Hall at 9:30 AM



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M-119 TUNNEL OF TREES SCENIC HERITAGE ROUTE COMMITTEE

DRAFT Minutes

Tuesday, August 13th, 2024

Friendship Township Hall

3018 Beacon Hill, Harbor Springs, MI 49740

Committee Members Present

Dale Scott, Friendship Township (Chair)
Jerry Root, Readmond Township
Jim Anderson, Friendship Township
Joey Arbaugh, West Traverse Township
Don Schaplowsky, Readmond Township
Naomi Singer, Cross Village Township
Laurelynn Harris, Cross Village Township
Larry Wallen, Readmond Township
James Fisher, Friendship Township
Joe Tomlinson, Readmond Township
Garon Gopigian, West Traverse Township
Franz Neubrecht, Emmet County Lakeshore Association

Partners Present

Isha Pithwa, Networks Northwest
Jay Gailits, Gaylord TSC Manager MDOT

Others Present

Linda Rosalik, Cross Village Township Committee Member

Absent

Neil Ahrens, Emmet County Commissioner, District 2 Friendship Township & West Traverse Township)
Hillary Taylor, Emmet County
Sue Rentrop, Cross Village / Emmet County Lakeshore Association
Lisa Fineout, Readmond Township Supervisor
Tammy Doernenburg, Emmet County Planning and Zoning Director
Carolyn Sandford, West Traverse Township
Caitlin Donnelly, Little Traverse Conservancy

I. Welcome and Introductions

The meeting was called to order at 9:31 by Chair Dale Scott. Chair led attendance by introduction/roll call to note members' presence at the meeting.

II. Review and Adoption of Minutes from August 13th, 2024

Motion by Joe Arbaugh, supported by Dale Scott, to approve the meeting minutes for July with suggested corrections on attendance. All in favor. Motion passed unanimously.

III. Agenda Review

IV. Partner Reports

- a. **Emmet County Planning and Zoning (ECPZ)** – No report or updates.
- b. **LTBBOI** – No report or updates.
- c. **LTC** – No new updates.
- d. **MDOT** – Update from Jay Gailits – MDOT is going to do a new road project in future probably 2026 - Chip Seal the M119 corridor. They are working with the county to put gravel shoulders and a little pre work. Secondly, they sent communication on email regarding Forest Beach rd. There was a request for tree trimming. They don't have issues for tree trimming along any state highways but M119 is a different case and difficult to do so with critical slope and MDOT is very likely to disapprove. Also the right of way is very narrow and the requests are mostly outside of their authority or MDOT right of way. The discussion proceeded regarding the tree trimming. Dale suggested the group that if you see any critical tree needing trimming please contact Jay or pass the information. Majority of M119 would be 33 ft from the center line generally however, it does change on different locations depending on the Right of Way. Jay shared that there is a MDOT Right of Way Map on MDOT website with numbers and instructions look up. If it's difficult to find and navigate please contact MDOT.
- e. **Networks Northwest (NN)** – Isha updated the committee about the printed materials, the invoice copy has been given to Dale Scott. The invoice has been processed and submitted to MDOT for reimbursement. For the current FY2024 the group has \$522.3 spare to use before September 30th that has to be spent on printing purposes.
- f. **Committee Members Comment** –
 - Naomi updated the group about a letter from Harbor Inc. and gave the group an overview on Harbor Inc. works – **(See attached letter)**
 - Laurelynn Harris - conveyed the group's condolences to Larry Wallen
 - Dale Scott updated the group about the Good Hart Artist Residency Tunnel Of Trees Art Trail is happening on August 17th, 2024
 - Dale Scott informed the group about a special use permit approved by the County for a large accessory unit by Richard Wallace, located along the lake side of the Tunnel of Trees, approximately one mile south of Cross Village. The permit was approved – there were several buildings on the property. Further discussion followed regarding zoning, building heights, allowances, and approved permits impacting the character of M119.

V. Ongoing and Unfinished Business

a. Adopt-A-Highway Program – None

- b. Review Fiscal Year 2024 Budget and Expenditure** – The last billed invoice for the submitted prints was \$2,124.50, leaving a remaining balance of \$522.30 to be spent by September 30th. The group discussed the possibility of using the remaining funds for updates to current signs if necessary. No other items are planned for spending in FY2024. It was agreed to ask Clayton Sigmann whether the remaining funds could be used for signage and if it is still possible to resubmit the budget to request the use of these funds for signage. Isha requested specific details regarding the signs, including their locations.

Motion to use the remaining funds for signage cleaning and contract work, pending MDOT approval and possible request, was made by James Fisher and supported by Jim Anderson.

c. Review Fiscal Year 2025 Annual Work Plan Budget and Expenditure –

Isha informed the group that the FY2025 budget was revised after the initial submission. Clayton provided the revised budget (a copy was attached to the packet). The approved amount from MDOT is \$1,750, which includes \$500 for the Website Activity, \$250 for the Tree Study Activity, and \$1,000 for the Printing Activity. However, MDOT was unable to fund the \$1,000 Signage Improvement Activity and the \$250 Public Meeting Activity. The Public Meeting Activity may still be eligible for funding under the Byway Administration Work Element. The signage and public involvement items were not approved primarily due to their low scores in meeting the program's goals and objectives.

The group discussed whether to allocate funds for signage next year, but the current FY2025 budget does not include this item since it was not approved. The group agreed to leave the budget as is and, if necessary, resubmit the request. Isha suggested that future budget items should be well-planned and detailed before submission. If changes are needed in the future, the group can resubmit the budget request, but any requested changes should be clearly planned to avoid multiple submissions. While the total funding amount will remain unchanged, action items can be adjusted and resubmitted if necessary.

Tree Assessment – Isha inquired about the next tree assessment, its process, and potential contacts. The last tree assessment was conducted in 2021 during the preparation of the 2023 Management Plan. Jay informed the group that Tod Neiss assisted with the previous assessment and could be contacted for the next one. Contact information shared.

d. Review progress on educational materials printing, storage, and distribution plans –

Dale requested Isha to update the M119 website with the newly printed educational materials. Dale has all the boxes containing the new prints and asked for volunteers from the group to help distribute them. Dale will keep track of how many prints are given to each township, who receives them, and where they are distributed, and will share this information with Isha. Naomi suggested that copies also be shared with Harbor Inc. and the Chamber of Commerce.

- e. Presentation to Emmet County Commissioners** – Dale organized a presentation to Emmet County Commissioners to present and take a few handouts as well. Asked the group if they wanted to join.

- f. **Signage** – Dale discussed the issue regarding the sharp curve north of Horseshoe Bend and the request for possible signage for deer and 'Keep to Right' warnings. MDOT representatives, and NN met to review the crash report and map related to the area. Continuing from previous emails, the MDOT meeting for review of issue, and the group interest and discussion concluded that additional signage would not be the best solution.

Linda raised a separate issue about a group of teenagers vandalizing the Bear sign located at the corner of M-119, across from the post office. The sign was torn up, and no one has taken responsibility for its replacement or repair. Linda asked if anyone knew the origin of the sign and other helpful information. Discussion proceeded - the sign was not under MDOT jurisdiction or M-119, as it was located just past the end of the Tunnel of Trees. The group suggested checking with the fire department for more information.

- g. **MDOT Byways Workshop in Gaylord 11/4/24 – Possible attendance?** Dale asked the group who all are interested in going. Isha will share more information on the workshop details as it becomes available.

VI. New Business

Tree Trimming Proposals discussion & Shoreline Bluff Protection Ordinance discussion - Discussed in item IV d

VII. Comments from the public and the board.

- Linda shared that Cross Village Township is beginning work on their 10-year plan, which will include input on the future vision for the township. This planning process will involve stakeholders similar to those involved with the Tunnel of Trees, including County planning members and tribal representatives, to address community interests and concerns. Cross Village Township may request a member of this committee to represent the Tunnel of Trees' interests, possibly by creating a presentation and discussing issues that overlap with the township's 10-year plan.

VIII. Adjourn

Next meeting on September 10, 2024 West Traverse Township Hall – 8001 M-119 Harbor Springs, MI 49740 at 9:30 AM.

*Motion by Jim Anderson to adjourn the meeting at 10:49 AM. Supported by James Fisher.
Motion passes.*



August 1, 2024

Henry and Naomi Singer
2341 Tor Lane
Petoskey, MI 49770

Dear Henry and Naomi,

Harbor Inc. continues to partner with the city of Harbor Springs and the Top of Michigan Trails Council on the “Harbor Way” project – an extension of Little Traverse Wheel Way into downtown Harbor Springs. Permits are in place, designs have been finalized, and we are now focused on raising the funds to begin construction. For more information and to help support the project, please visit harborinc.org or the information sign at the current trail end in Kosequat Park and on both sides of the M-119 underpass entrances.

In addition to the “Harbor Way” project, Harbor Inc. is getting back to our roots of facilitating important conversations with our local units of government. Michigan Public Act 233 of 2023 will take effect on November 29, 2024. This act makes significant changes to the permitting process for large-scale renewable energy facilities including solar, wind, and battery energy storage systems. The law grants permitting authority to the Michigan Public Utilities Commission and options for retaining local regulatory control. Important stakeholders have shared that providing a space for questions and feedback is needed and would be beneficial to our Townships and Emmet County.

As part of Harbor Inc.’s Annual Meeting, we’ve invited Mary Reilly of Michigan State University Extension to speak about the key elements of Act 233 and the most up-to-date information available to assist with community planning and zoning decisions. Participants will have the opportunity to ask questions and share insights with colleagues. Mary Reilly is a land use educator and serves northwest lower Michigan. She travels statewide providing specialized training programs on wind and solar energy, emerging zoning issues, zoning administration, shoreline planning and zoning, zoning board of appeals and Open Meetings Act. Mary has over 20 years of experience in planning and zoning and is a member of the American Institute of Certified Planners.

As a key supporter of Harbor Inc. and our community, please join us for a critical discussion and learn more about what Harbor Inc. is doing to foster connections and collaborate with our community members to create cohesiveness in our area planning processes. The Annual Meeting will take place at Little Traverse Township Hall on August 15th, from 9:00-10:30 am.

As we continue to listen to community needs and provide spaces for conversations, our Loft Coworking Space is providing space for our area workers, both seasonal and year-round residents, and students. Please consider a gift to Harbor Inc. to provide continued space and support for the Loft and our mission of enhancing the community by building connections, fostering collaboration, and turning ideas into action.

Sincerely,



Caitlin Donnelly
Harbor Inc., Board Chair

www.harborinc.org
1(601)208-0745
director@harborinc.org

Board of Directors



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Bryan Leavitt, Vice Chair
Greg Bennett, Treasurer
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Jennifer Knapp

Article 7

SR

Scenic Resource District

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7.01	District Boundaries	7-1
7.02	Principal Uses & Special Uses Permitted	7-2
7.03	Required Conditions	7-3
7.04	District Development Standards	7-4

Section 7.00 Intent

Because there exists in Emmet County numerous and varied resources that should be protected for their scenic values, environmental stability and character, the SR Scenic Resource District are established to protect scenic resources along rivers, highways and streets, lake shores and impounding waters.

Section 7.01 District Boundaries

Unless otherwise illustrated or indicated on the Zoning Map, the SR-Scenic Resource District shall be considered to extend at right angles from the ordinary high water level of rivers, lakes, impoundments, etc., to a depth of four hundred (400) feet; and to a depth of four-hundred (400) feet from the nearest right-of-way line of any scenic highway, street or road, or to the depth of the abutting property, whichever is less.

Section 7.02 Principal Uses & Special Uses Permitted

No building or land shall be used and no building shall be erected except for one or more of the following specified uses (also shown in [Article 18: Land Use Matrix](#)):

P = Permitted by right S = Permitted with a Special Use Permit NP = No Permit Required *Uses with Supplemental Regulations	
AGRICULTURE & FORESTRY	
Accessory uses on commercial farms (§ 26.34)	S*
Farms, domestic (§ 26.12)	P*
Farms, commercial	P
Wineries and Hard Cider Operations on a farm (§ 26.35)	S*
ENTERTAINMENT & RECREATION	
Boat Launching Pads and Minor Accessory Facilities (other than marinas and enclosed storage buildings)	S
Campgrounds (§ 26.21)	S*
Country Clubs/Golf Courses/ Driving Ranges (§ 26.17)	S*
Recreation Areas/ private, nonprofit (§ 26.19)	S*
COMMERCIAL	

P = Permitted by right S = Permitted with a Special Use Permit NP = No Permit Required *Uses with Supplemental Regulations	
Convention Centers/Conference Centers/Banquet Halls/Assembly Halls/ Places of Worship Less than 4,000 square feet	P
Recreation Camps, Recreation Lodges, & Resorts (§ 26.04)	S*
COMMUNICATIONS	
Individual Television/Radio Reception Tower (§ 26.02)	P*
EDUCATIONAL SERVICES/PUBLIC/GOVERNMENT FACILITIES	
Educational Facilities (§ 26.16)	S*
HUMAN CARE & SOCIAL ASSISTANCE	
Child Care Services (see two following rows)	
Family Child Care Home (6 or fewer)	P
Group Child Care Home (7 -12)	P
Assisted Living Home/Nursing Home	S

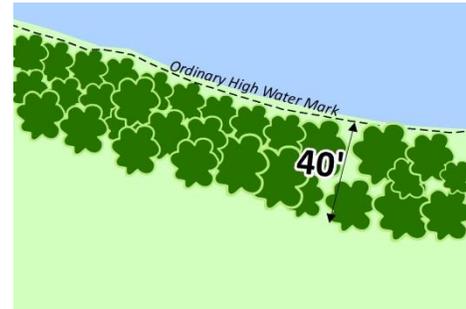
Scenic Resource District

P = Permitted by right S = Permitted with a Special Use Permit NP = No Permit Required *Uses with Supplemental Regulations State-Licensed Residential Facilities (Adult Foster Care Facility).	P
Adult foster care family home or small group home	P
Adult foster care group home	P
MISCELLANEOUS	
Accessory Buildings & Uses Incidental to Main Permitted Uses	P
RESIDENTIAL USES	
Accessory Dwelling Unit (§ 26.37)	P*
Customary Accessory Buildings (200 sq. ft. and over) without a Main Use (§ 26.13)	S*
Home Occupation (§ 26.09)	P*
Home Based Business (§ 26.09)	S*
One-Family Dwelling	P
Recreational Unit (§ 26.06)	P*
UTILITIES/ENERGY	
Solar installations, Roof Mounted (§ 26.36)	P*

P = Permitted by right S = Permitted with a Special Use Permit NP = No Permit Required *Uses with Supplemental Regulations	
ACCESSORY USES ALLOWED BY RIGHT WITHOUT A PERMIT (SEE DEFINITIONS SECTION 2.01)	
Home Office	NP
Essential Services & Public Utilities	NP
Voting Place	NP
Commercial farms	NP
Alterations	NP
Internal Relocations or Replacement	NP
Open Space	NP
Personal Recreation	NP
Plowing and planting	NP
Timber Harvesting	NP
Residential access	NP
Playhouses less than 200 sq. ft. in floor area	NP

Section 7.03 Required Conditions

Every use in the SR Districts shall establish and maintain a forty (40) foot yard or strip on the water side (or roadside if a scenic highway). The yard or strip to be maintained in its natural tree and shrub condition. Trees and shrubs may be trimmed and/or pruned through the native strip for a view of the fronting waters and for access to a boat dock and/or a driveway entrance. For the purposes of the SR-2 District, the front setback (roadside) and required greenbelt shall be measured from the road right-of-way line, or measured from a line that is thirty-three (33) feet from the road centerline, whichever is greater.



Nothing in these requirements shall be interpreted to prohibit selective tree cutting in the native strip space to remove dangerous trees (wind throw hazard) or other trees and shrubs that may prevent the native strip area from being kept in a healthful growth condition. Similar cutting shall be permissible where necessary for traffic safety reasons (air, rail or highway).

Any excavating, filling, grading or other on-site construction activity shall insure that no silting will impact adjacent waters and that all banks, slopes and hillsides are stabilized to prevent soil erosion.

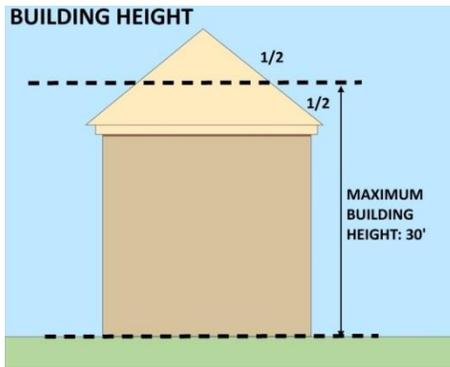
Nothing in this Section shall be interpreted to require the planting of vegetation on parcels, or parts thereof, where native vegetation does not exist on agricultural lands.

Example of Intent of SR Zone Section 7.03 Required Conditions as related to N. Lake Shore Drive (M-119)						
	SR Zone "Greenbelt"	MDOT Road Right-of-way	M-119 MDOT ROW	MDOT Road Right-of-way	SR Zone "Greenbelt"	
	40 feet	33 feet		33 feet	40 feet	
	SR Zoning District - A 40 foot yard or strip to be maintained in its natural tree and shrub condition.	MDOT Right-of-Way = 66 Feet Measured from the road right-of-way line or measured from a line that is 33 feet from the center line of the road, whichever is greater. (There are some ROW exceptions.)			SR Zoning District - A 40 foot yard or strip to be maintained in its natural tree and shrub condition.	

Section 7.04 District Development Standards

A. Lot & Structure Standards	
1. Minimum Lot Area	30,000 square feet
2. Minimum Lot Width	150 feet
3. Maximum Building Height	30 feet
	a. Structural appurtenances (architectural features) shall be permitted to exceed the building height limitations provided the structures are not used for human occupancy and can only be accessed for maintenance purposes – as follows: <ul style="list-style-type: none"> (1) Ornamental – Superstructures, e.g. church steeples, public monuments, belfries, cupolas, domes, ornamental towers, and spires if the structural elements do not exceed twenty (20) percent of the gross roof area. (2) Mechanical and Structural functions – Building elements, e.g., chimney and smoke stacks, water tanks, elevator and stairwell, ventilators, bulkheads, aerials, fire and hose towers, cooling towers, solar panels, utility screens, or farm silos.

Scenic Resource District



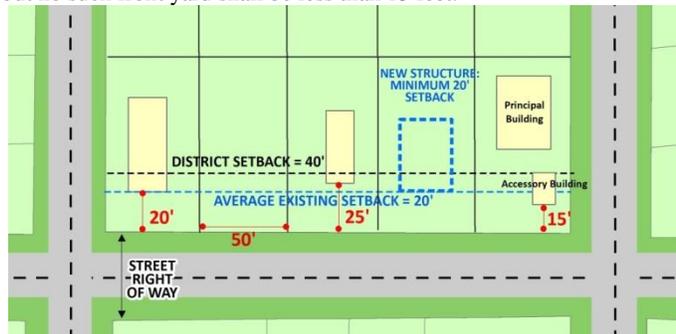
- b. Subject to a Public Hearing and the conditions outlined in this Note, the Zoning Board of Appeals may approve controlled height increases above the maximum in all districts. The conditions for approving taller structures are as follows:
- (1) It is determined by that the added height will not significantly interfere with line-of-sight views.
 - (2) The density of the use shall not exceed the maximum allowable density as stated in the Schedule of Regulations.
 - (3) The percent of lot coverage for all buildings, parking lots and other impervious surfaces shall not exceed fifty (50) percent.
 - (4) If applicable, the added height will keep or establish more open space areas for wildlife habitat, wetlands, woodlands, farmlands, shore lands and other resource features or will involve the reconstruction, duplication or restoration of historic buildings as so recognized by local historical authorities.
 - (5) The applicant can demonstrate that the added height will result in more ground level open space through the lot toward the scenic view to compensate for higher structures or otherwise demonstrate that the added height will result in a better use of the premises from the standpoint of the arrangement of parking areas, buildings, open spaces and relationship to adjacent buildings and uses.

4. Maximum Lot Coverage by the Area of all Buildings	30% This provision does not apply to structures four (4) feet in height or less.
5. Minimum Floor Area	720 feet
6. Minimum Building Width	20 feet for at least one-half its length This provision applies to permanent dwelling units and not accessory dwelling units.

B. Setbacks

1. Minimum Front Yard

- 40 feet**
- a. On nonconforming lots measuring 100 feet or less in width, where two or more primary residences or accessory buildings with more than 200 square feet of ground floor area, are on the same side of the road and located in the same block (or within 200 feet) and have less than the required front yard depth, then the front setback need not be greater than the average depth of the front yards of such buildings, but no such front yard shall be less than 15 feet.



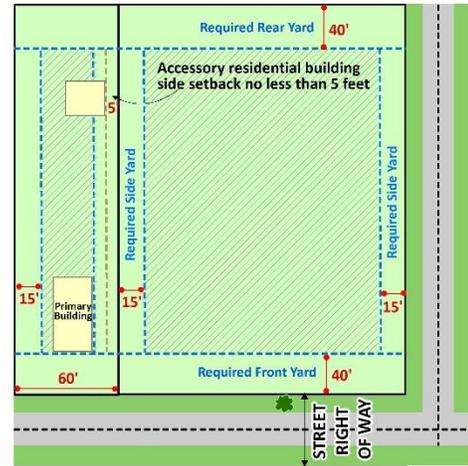
- b. For non-residential lots, parking may be permitted in the front yard, provided there is at least a ten (10) foot buffer area between the road right-of-way and the off-street parking lot.

2. Minimum Rear Yard

- 40 feet**
Refer to [Section 22.11.2](#) for Minimum Waterfront Setback.
(RESIDENCES ONLY: Setback sixty (60) feet from the high water mark.)

Scenic Resource District

3. Minimum Side Yard	15 feet
	a. On nonconforming lots measuring sixty (60) feet in width or less, one side yard setback may be reduced to five (5) feet for one accessory residential building.
	b. Side yards may be omitted for common walls which abut a side yard, provided the adjoining building is constructed at the same time. Pedestrian access-ways may pass through common walls if constructed to meet all codes.
	c. On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than twenty (20) feet on the side abutting the Residential District.



4. Other Regulations
a. For residential lots with less than 100 feet of width, architectural features such as, but not limited to window sills, cornices, eaves and bay windows may extend or project into a required side yard not more than four (4) inches for each one (1) foot of width of such side yard; and may project or extend into a required front yard or rear yard not more than three (3) feet. Architectural features shall not include those details which are normally de-mountable.
b. Unenclosed paved areas, patios, and other surfaced areas may occupy a required yard, if such surface is accessory to a residential use.
c. For non-residential uses - driveways, sidewalks, parking areas, and loading spaces shall not occupy required side yards and/or rear yards unless the Planning Commission approves a plan for shared parking, shared loading spaces, or shared access
d. Outside stairways, fire escapes, vestibules, balconies, bay windows, and similar projections from the face of a building extending more than four (4) feet above the established grade shall be considered part of the building and shall not extend into any required yard or open space.

Tree Survey

I spoke with Todd Neiss – MDOT Resource Analyst. He is the fellow that did the study in 2021 and did a presentation at the HS Museum back then. His work identified dead and dangerous trees for removal, as well as confirming the presence of the various diseases and pests in the trees along the corridor.

He believes that this survey took place as part of data collection for our periodic Management Plan update that was completed in 2023 and that it should be “good” for 3-5 years

It seems, then, that we should plan on doing the survey again in conjunction with our next Plan update.

It sounds to me like this could be initiated by the Committee.

Are we on a 5 year rotation for Plan updates?

Dale Scott – Committee Chair

9/4/2024

Right-of-way maps

Go to the link below,

<https://www.michigan.gov/mdot/travel/maps>

then to the Business section

then to the Right of Way Maps section

then to Emmet County