

**BENZIE-LEELANAU DISTRICT HEALTH DEPARTMENT  
PUBLIC HEARING MINUTES  
Monday, November 21, 2022 7:00 p.m.  
Benzie Resource Center – Ingemar Johansson Conference Room  
6051 Frankfort Hwy. Ste. 101  
Benzonia, MI 49616**

Chairperson Dr. Barbara Conley called the meeting to order at 7:05 pm.

**Members Present:**

Gary Sauer - Benzie County Board of Commissioners  
Ty Wessell – Leelanau County Board of Commissioners -at Leelanau Governmental Center  
Dr. Barbara Conley – Leelanau County Member at Large  
Rhonda Nye – Benzie County Board of Commissioners

**Members Absent:** Dr. Mark Kuiper – Benzie County Member at Large

**Members Excused:** Patricia Soutas-Little – Leelanau County Board of Commissioners

**Staff Present:**

Dodie Putney – Director of Administrative Services – at Leelanau Governmental Center  
Eric Johnston – Director of Environmental Health  
Dan Thorell – Interim Health Officer

**Staff Excused:** None

**Guests Present:** None

**Pledge of Allegiance**

**Introductions**

**Summary of Proposed Amendments to the District Sanitary Code – Eric Johnston**  
A slide show presentation was presented to the public. Please refer to it for details.

**Public Comment – Sanitary Code**

**Individuals who provided input:**

Karen Cunningham  
Tassie Boshier  
Jane Wilde  
Valerie Gerhart  
Bruce Gerhart  
Steve Stepus  
Susan Weedon  
Lois Bahle

- Is the revised Sanitary Ordinance more or less stringent than the Federal standards?
  - Some parts of the ordinance are the same as the Federal regulations and other parts are stricter.
- How can BLDHD have stricter regulations than the Federal Government? A set of laws that were passed in 2018 prohibited this.

- The 2018 law is for wetlands, BLDHD does not regulate wetlands. BLDHD's ordinances are only for septic systems, which the Federal Government does not have any regulation stating that State or Local Governments cannot have stricter regulations.
- Could the ordinance list a better definition of wetlands and be mentioned throughout the revised ordinance?
  - The State of Michigan controls the definition of wetlands. BLDHD has no jurisdiction over wetlands but can control how close in proximity septic systems can be to standing water.
- Should the isolation distance be greater than 50 feet?
  - 50 feet is the State of Michigan standard for an isolation distance of a septic system and it is a suitable distance for the majority of the soils found in the State. If it is noted that the soil is not suitable for 50 feet then a further distance will be required.
    - This was followed up with the comment, BLDHD should really consider moving the isolation distance to 100 feet. Most environmental ordinances should be changed to help mitigate climate change.
- Could local townships have stricter requirements for septic systems than what the Health Department's ordinance list?
  - Yes, townships can have a stricter requirement for any septic systems being installed in their area.
- Will the current septic systems be grandfathered in?
  - Any septic system that is in place now will be grandfathered in as long as it is in good working condition. If one fails, the replacement will have to conform to the new ordinance.
- Could there be clarification of what property transfers would be exempt from the ordinance?
  - Currently there are no exemptions in Benzie County's current ordinance for inspections upon transfer. The current practice has been to allow an exemption for when property transferred to a spouse but not necessarily a child. The revised ordinance will clarify how this will work. A term called the Lady Bird Deed was brought up. It was suggested that before any answers or opinions are publicly given on this to have legal consultation. This would ensure that the true legal definition of this could be given and a proper interpretation of it.
- Why is the definition that was used in the ordinance for a bedroom different than one that is common in real estate?
  - The ordinance stated that a bedroom could be any place where a bed could be reasonably placed. The definition used is from the International Residential Code. The prerequisite of having a closet in a room is no longer a requirement to determine if an area could be used as a bedroom or not.
- How does the Health Department enforce an ordinance if someone is potentially violating it?
  - If a person is applying for a permit and it is discovered that their system is not up to code then it will be mandated to be fixed. If a complaint is filed, the property owner would have to allow a representative from the BLDHD to inspect their property/system. If they refuse to allow a staff member on the property then an administrative search warrant needs to be obtained.
- Are composting toilets a form of an ATS system?
  - Composting toilets are not a part of an ATS septic system.
- What is a disinfection system? Is it really the use of a cleaning solution such as bleach?
  - The disinfection process is the use of a chemical disinfectant or UV light. Currently someone can do this but once the revised ordinance becomes effective these types of septic systems can not be used. Two feet of suitable soil will need to be used instead of one foot of soil with a disinfection process.
- When building a new home how is the septic designed?
  - The decision of how big a septic system needs to be is determined by the potential of how many users there will be to a system and the type of soil that is available for the installation.

- How does the Health Department regulate septic systems for multiple house use?
  - The septic system will need to be large enough to be able to handle the estimated number of occupants for each one of the dwellings that it will be servicing. When a permit is being requested this information is gathered at the time to determine how large the system needs to be. Once a septic needs to be over 10,000 gallons it will be regulated by the State of Michigan. If a property has the opportunity to connect to a public sewage system it is highly encouraged.
    - There were public concerns about building projects that start before the septic systems are designed and approved. It was discussed that these projects should not start but sometimes do. At that point the Department will assist the individuals in getting their project compliant with code. BLDHD works with many County and Township Building Departments to keep all area projects in compliance with all the various permits and ordinances that would apply to the projects.
- At what point of a slope does the measurement begin for a septic system?
  - The measurements for how far a system need to be from a slope starts at the top of the slope.

**Public Comment** – General - None

**Board Comments** – It was brought up that the time limit should be monitored more closely for the next public hearing. It is also a good idea to allow Johnston and Thorell answer questions as they are presented instead of waiting until later in the Public Comment section. Conley thanked everyone in the audience for taking time out of the schedules to come and present their questions and comments.

**Adjourned at 8:12p.m.**

*Barbara Conley M.D.*

Dr. Barbara Conley, Chair

*Shelley*

Shelley Jablon, Recording Secretary