

ISABELLA COUNTY
PLANNING COMMISSION

June 14, 2007

A Regular Meeting of the Isabella County Planning Commission was held on June 14, 2007 in Room 225 of the Isabella County Building, 200 North Main Street, Mt. Pleasant, Michigan.

MEMBERS PRESENT: Marilyn Fosburg, Craig Schripsema, Jerry Neyer, Gale Willoughby, Richard Recker, Christine Alwood, Vance Johnson, Dan Hess (7:17p.m.), Bob Thompson (7:04p.m.).

MEMBERS ABSENT: None.

SUPPORT STAFF PRESENT: Michael Zalewski, Planner/Zoning Administrator
Brandy Freed, Recording Secretary

The meeting was called to order by Vice Chairperson Willoughby at 7:00 p.m.

The Pledge of Allegiance was recited by the Commission.

APPROVAL OF AGENDA

The agenda was approved as submitted.

PREVIOUS MINUTES

Minutes of the May 10, 2007 regular meeting and the May 24, 2007 Special meeting were circulated to the Commission prior to the meeting for their review.

Ms. Alwood forwarded changes of the May 10, 2007 meeting to staff and noted that Mr. Willoughby had excused himself from special use permit #07-02 hearing, but was counted in the vote.

A motion was made by Ms. Fosburg, supported by Ms. Alwood, to approve the minutes of the May 10, 2007 meeting as amended.

Yes: Johnson, Fosburg, Schripsema, Willoughby, Neyer, Recker, Alwood.

No: None.

Motion carried.

Ms. Alwood stated that in the May 24, 2007 minutes Mr. Recker was counted in the vote for site plan review #07-02, but had excused himself prior. She also stated that a note should be included that Mr. Recker resumed his position on the board after the case was heard.

A motion was made by Ms. Alwood, supported by Mr. Neyer, to approve the minutes of the May 24, 2007 meeting as amended.

Yes: Johnson, Fosburg, Schripsema, Willoughby, Neyer, Recker, Alwood.
No: None.

Motion carried.

Mr. Thompson arrived at meeting and assumed the position of Chairperson.

PUBLIC COMMENT

None heard.

TOWNSHIP CONCERNS

None heard.

LIASON REPORTS

ZBA – Mr. Schripsema reported that the board heard two cases at their last months meeting. He also stated that it had been discussed that the required 100' setback language for proposed buildings versus existing buildings be reviewed for rural processing production facilities. It was also recommended that the language for accessory buildings around lake front lots be reviewed.

Parks & Recreation Commission – Ms. Alwood reported that use of County parks is down this year as compared with last year. She also explained that many of our parks are home to Ash trees and it is feared that the Emerald Ash Borer will infect them. It has been found that the wasp is a natural predator of the Emerald Ash Borer, but importing wasps could potentially cause a problem.

Board of Commissioners - Ms. Alwood reported that the Master Plan was adopted. She also explained that they have begun working on initiatives for the sesquicentennial celebration. Ms. Alwood explained that celebrations will be held throughout the County. The Commission on Aging facilities is moving ahead, they will be going before Union Township to acquire a site plan review. She also reported that staff has been working on a GIS project that will be launched free to the public July 1, 2007.

SITE PLAN REVIEW #07-04

The Commission received a site plan submitted by Blanchard Area Parks & Recreation for a 20'x 64' kitchen/restroom addition to an existing pavilion. The property is located at 11178 W. Blanchard Road in Section 7 of Rolland Township and is zoned Ag-3.
Parcel # 12-007-40-001-01

Mr. Zalewski explained that applicant was not at the meeting, but the board could still take action on the case, unless there are questions that need to be addressed by the applicant.

Mr. Hess arrived to the meeting at 7:17 p.m.

Ms. Alwood asked if the dumpster that was shown on the plan is screened.

Mr. Zalewski explained that he would look into that issue as that was a condition to the original special use permit.

Mr. Schripsema stated that the site plan has no setbacks requirements or right of ways shown on it.

Mr. Zalewski stated that the addition met the setback requirements and that the applicant used the same plan as before and just added the addition to it.

A motion was made by Ms. Alwood, supported by Mr. Hess, to approve Site Plan Review #07-04 as it meets the minimum requirements and to also have staff follow-up on the screening for the dumpster that was required in the original approval of the special use permit.

Yes: Johnson, Fosburg, Schripsema, Willoughby, Neyer, Recker, Alwood, Hess, Thompson.

No: None.

Motion carried.

REVIEW OF UNION TOWNSHIP REZONING REQUEST

The rezoning request is on Airway Drive north of Pickard and just west of the US 127 Interchange. The request is consistent with the Township Master Plan. The surrounding property is zoned B-7 and there is presently a non-conforming commercial use on the property.

Mr. Zalewski explained that staff had no concerns with the request.

The Planning Commission had no concerns with the request and directed staff to respond to Union Township accordingly.

MICHIGAN ZONING ENABLING ACT UPDATE

Mr. Zalewski explained that board members were provided with language for amending five sections of the zoning ordinance. These minor amendments would be the last changes that would need to be made to bring the zoning ordinance in line with the Michigan Zoning Enabling Act. Four of the amendments are simply removing reference to the old act and replacing it with Act 110 of 2006. The other change is to the special use permit section 19.02(7). We are now required to have language that includes 'findings and conclusions'. If the Planning Commission does not have concerns with the language, staff would request that the public hearing be set for the July meeting.

Ms. Alwood inquired as to what the definition of funneling was.

Mr. Zalewski stated that it is basically a term used when lots are split off in the back from one lot that has lake frontage and access to the lake is given to those back lots through the one lot.

Mr. Schripsema suggested that because this section was taken out of context, it was difficult to

understand. He also explained that there is a definition of funneling in the ordinance.

Mr. Zalewski stated that the amendment will state to change all references of P.A.183 of 1943 to P.A. 110 of 2006.

Consensus of the board was to set the public hearing for the July 12, 2007 meeting.

DISCUSSION ON FORMAT OF ZONING ORDINANCE

Mr. Thompson explained that they had discussed formatting the zoning ordinance at the February 27, 2007 meeting. He also stated that the current zoning ordinance should be easier to read and use, by formatting it this will be accomplished. No policy changes will be made at this time, only reformatting will be done.

Ms. Alwood clarified that they would be going to a tabular format that would be easier for the public to use. After the reformatting, the areas that need to be brought up-to-date would be completed.

Mr. Zalewski explained that thoughts were that they would change the format to that of the proposed zoning ordinance; there will be no regulation change at this point. For example definitions would be alphabetically arranged instead of numerically ordered.

Ms. Alwood stated that the same definitions would be used. She also asked if references to Ag-1, Ag-2, etc. will be used.

Mr. Zalewski stated that until the zoning ordinance is amended those references will still be used. Because the ordinance is essentially being changed by reformatting or rather reordering the text, another public hearing would have to be held and it will have to be approved by the Board of Commissioners.

Mr. Schripsema stated that when the time comes to do revisions the current and proposed ordinances can then be compared side-by-side.

Mr. Thompson stated that using a side-by-side comparison others will be able to see all the changes that were made. It will make it much clearer what was proposed and is current. He stressed that during the reformatting process the policy or regulation will not be changed.

It was a consensus of the board to go head with reformatting the current zoning ordinance.

ENFORCEMENT MECHANISM SUBCOMMITTEE UPDATE

Discussion was held about what the subcommittee has been working on.

Mr. Schripsema read a letter from Denver Township in support of Civil Infractions (See Attached). He also explained that the subcommittee has discussed bringing in an attorney for a round table discussion about civil infractions, to educate others. He also stated that the County as a whole would have to go to civil infractions. Mr. Nieporte has spoken to Mr. Dolehanty about getting support on this from the County as a whole.

Ms. Alwood questioned whether he was talking of County support as in support from the County Commissioners.

Mr. Schripsema further explained that he was talking of support from the County administration.

Ms. Alwood stated that she did not think it was right to ask administration to take a position like this.

Mr. Schripsema explained that moving to Civil Infractions is not a decision that is made by the Planning Commission, but a County decision.

Mr. Thompson stated that the Planning Commission is bringing it to the County because they want to see it implemented for zoning purposes.

Ms. Alwood stated that the policy of the County board is that any issue that is brought to the board is brought through a committee, so the Administrator would bring this issue through the Human Resource Committee.

Ms. Fosburg stated that the committee had talked about many of the department heads not knowing if they used civil infractions or misdemeanors. The first step is to get the County department heads to identify their infractions. Next they would have the attorney come in and explain the differences between civil infractions and misdemeanors.

Mr. Hess stated that attorneys would help to answer any legal questions that might arise.

Mr. Schripsema stated that the Planning Commission is in the forefront, and nothing is going to change the fact that they will be moving forward. He also stated that this would be an informational meeting. Many people are getting hung up on what was in the proposed zoning ordinance; that language can change.

Mr. Zalewski noted that it was important to note the difference between general civil infractions and the language in the zoning ordinance regarding civil infractions. The language in the zoning ordinance can be catered to our needs and amended accordingly.

Mr. Schripsema stated that having an attorney to discuss this with will be an opportunity to get an independent opinion.

Mr. Recker stated that he commends Denver Township for their response to this matter.

Mr. Thompson stated that having a meeting to discuss misdemeanors and civil infractions will allow people to make informed decisions.

Consensus of the board was to move forward.

PUBLIC COMMENT

Ms. Jackie Curtis, Denver township trustee, stated that the bridge located on Beal City Rd., just

East of Shepherd Rd., was dedicated to Joe Pedjac. Funding for this bridge was provided by state, federal, and township sources.

Mr. John Graham stated that when reformatting the Zoning Ordinance it should be denoted what is current and what is new, as well as what is mandated by the state.

Mr. Zalewski explained that this is the purpose of reformatting the ordinance.

Mr. Graham stated that he liked to go to the subcommittee meetings, but has not received notice of one for a while.

Mr. Zalewski stated they have only recently had one meeting and that was posted as usual.

Discussion was held on more townships being educated on civil infractions by attending more Planning Commission meetings.

STAFF COMMENTS

Mr. Zalewski explained that an applicant, from Vernon township, had called wanting to build a house. After researching the zoning it was found that the entire area was zoned industrial. The future land use map calls for this area to be zoned low density residential. The residents are taxed residential and the properties appear to be used as residential. He also stated that he emailed Mr. Jeff Bean, who said he would take a look at the information and get back with him. From a planning standpoint the 15 parcels should be rezoned to comply with the Master Plan and also because there are several nonconforming uses on the property.

Ms. Alwood asked if owners had to be notified when rezoning 10 or more parcels.

Mr. Zalewski stated that it is recommended that this area be rezoned to Ag-2.

Discussion was held on proper procedure.

Ms. Alwood requested that property owners be notified even though statute does not require it.

Mr. Zalewski explained that rezoning more than 10 adjacent parcels you are not required to notify property owners, but it does not prohibit you from notifying them. Further, he reminded the board about the recent rezoning in the Blanchard Area. The individual property owners were not notified as the Commission did not want to set a precedent. Rolland Township was notified and they were encouraged to notify the individual property owners.

Mr. Neyer stated that it should be left up to the discretion of the township on whether or not to notify the property owners.

Consensus of the board was to have a public hearing to rezone 15 parcels to Ag-2 at the July 12, 2007 Planning Commission meeting. As well, the township will be encouraged to notify the property owners of these parcels.

Mr. Zalewski stressed that the rezoning is the proper action to take, because that is what the

future land use map indicates for that area. Otherwise the Master Land Use Plan would have to be addressed and possibly amended.

PLANNING COMMISSIONER'S COMMENTS

Ms. Fosburg stated that she had attended a workshop on the economics of rural preservation. They talked about prospering in rural Michigan and rural preservation.

Mr. Recker stated that he had attended the Board of Commissioners meeting, getting more townships was brought up, it seemed to be a general consensus of the board that they wanted to head in this direction.

ADJOURNMENT

The meeting was adjourned by call of the Chair at 8:28 p.m.

Jerry Neyer, Secretary

Brandy Freed, Recording Secretary



**DENVER
TOWNSHIP**

**Isabella County
Michigan**

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June 14, 2007

Isabella County Planning Commission
200 N. Main St.
Mt. Pleasant, MI 48858

Dear Members of the Commission:

It was brought to our attention the Enforcement Mechanism topic was discussed recently at your May, 2007 meeting. In January of 2007, Denver Township was quoted as saying they would like to see the stepped approach, and are for civil infractions; however, Denver Township would also like the record to state on their behalf that they would like to see the civil infraction method used as a one year trial and then evaluate whether it was effective or not.

Reasons for suggesting the one year trial period is:

1. Isabella County currently is dealing with a minimal amount of complaints.
2. Isabella County currently is not in the position to monitor or enforce which ever method it chooses.
3. Denver Township feels a one year evaluation will help in creating a more effective plan that would best suit our counties need for a proper solution to this topic – due to the many variables.

Please feel free to contact our township if you have any questions. You may also direct any of your questions to our township representative, Jackie Curtis.

Thank you for your time.

Sincerely,

Handwritten signature of John Pedjac.
John Pedjac—Supervisor

Handwritten signature of Tammy Prout.
Tammy Prout—Clerk