

ISABELLA COUNTY
PLANNING COMMISSION

January 10, 2008

A Regular Meeting of the Isabella County Planning Commission was held on January 10, 2008 in Room 225 of the Isabella County Building, 200 North Main Street, Mt. Pleasant, Michigan.

MEMBERS PRESENT: Marilyn Fosburg, Craig Schripsema, Bob Thompson, Jerry Neyer, Gale Willoughby, Christine Alwood, Vance Johnson, Richard Recker, Roger Trudell, John Benaske

MEMBERS ABSENT: None.

SUPPORT STAFF PRESENT: Tim Nieporte, Community Development Director
Michael Zalewski, Planner/Zoning Administrator
Brandy Freed, Recording Secretary

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

The Pledge of Allegiance was recited by the Commission.

ELECTION OF OFFICERS/ORGANIZATIONAL MEETING

Chairperson Thompson called for nominations for Chairperson.

Mr. Recker nominated Mr. Thompson for Chairperson, supported by Mr. Benaske.

Mr. Thompson called for any other nominations twice.

A motion was made by Ms. Alwood, supported by Mr. Neyer to close the nominations and a unanimous vote be cast for Mr. Thomspson.

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

No: None.

By a unanimous vote, Mr. Thompson was declared Chairperson.

Chairperson Thompson called for nominations for Vice-Chairperson.

Mr. Willoughby nominated Mr. Recker for Vice-Chairperson.

The Chair called for any other nominations twice.

A motion was made by Ms. Alwood, supported by Mr. Schripsema to close the nominations and a unanimous vote be cast for Mr. Recker.

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

No: None.

Mr. Recker was declared Vice-Chairperson by a unanimous vote.

Chairperson Thompson called for nominations for Secretary.

Ms. Alwood nominated Mr. Neyer, supported by Ms. Fosburg.

The Chair again called for other nominations twice.

A motion was made by Mr. Schripsema, supported by Mr. Recker to close the nominations and a unanimous vote be cast for Mr. Neyer.

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

No: None.

Mr. Neyer was declared Secretary by a unanimous vote.

Chairperson Thompson made the following appointments to Boards:

- Mr. Willoughby to the Parks and Recreation Board.
- Mr. Schripsema to the Zoning Board of Appeals.

Chairperson Thompson stated that the Board must set a time and date for their regular monthly meetings.

A motion was made by Mr. Willoughby, supported by Ms. Alwood to maintain the time and date as it is, on the second Thursday of the month at 7:00 p.m. in room 225 of the Isabella County Building.

Chairperson Thompson called for a vote.

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

No: None.

Motion carried.

Mr. Thompson stated that the by-laws section B the last paragraph states “2001 Isabella County Master Plan” this needs to be updated to 2007.

Mr. Zalewski suggested that language be added to the by-laws stating that, the Plan was last updated in 2007. In the future this date can be changed as the Plan is updated. Then under membership it states that “one member is to be appointed from the Board of Commissioners”,

and suggested this be changed to 'Up to three (3) members of the Board of Commissioners may be appointed to the Planning Commission.' On page 4 under quorum the by-laws state, "a quorum shall consist of 5 members" this should be changed to 6 for a ten member board.

Ms. Fosburg stated that it should be policy that members who make the motion to approve the minutes should be in attendance of the meeting that the minutes are from.

A motion was made by Mr. Willoughby, supported by Mr. Neyer to adopt the suggested amendments to the by-laws.

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

No: None.

Motion Carried.

APPROVAL OF AGENDA

The Chair requested if there were any additions or deletions to the agenda.

A motion was made by Mr. Schripsema, supported by Mr. Recker, to approve the agenda.

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

No: None.

Motion carried.

PREVIOUS MINUTES

Minutes of the December 13, 2007 regular meeting were circulated to the Commission prior to the meeting for their review.

Ms. Fosburg stated on page 6 it should say a clear example.

Mr. Willoughby stated that the minutes did not reference his discussion regarding the Asian Beetle and asked that it be included into the minutes.

A motion was made by Ms. Alwood, supported by Mr. Willoughby, to approve the minutes of the December 13, 2007 meeting as amended.

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

No: None.

Motion carried.

LIASON REPORTS

ZBA – Mr. Schripsema reported that the board heard one case last month, which was denied; it was for a front and side yard setback in the Lakes Residential district. The garage that the variance was being applied for was already built.

Mr. Nieporte further explained that the applicant started building prior to applying for any permits; staff contacted the property owner and tried to stop the building process, but they continued building. The building was built too close to the property lines and when brought before the Zoning Board of Appeals the board felt that a lesser variance than was being requested could be achieved.

Parks & Recreation Commission – Mr. Willoughby reported that Parks & Recreation had the biggest permit sale day on record. The first permit buyer was here at 2:00 a.m. They sold \$24,925.00 worth of permits, last year they only sold \$12,000.00 worth. Coldwater Park, in the past has had to purchase a ground water permit required by the DEQ if more than 6000 gallons of waste water flowage per day is produced. A monitor was put on the park and it was determined that the park doesn't even begin to use this amount, so they will be requesting from the DNR, the ability to not purchase this permit. The Pere Marquette will get new light covers and will hold a ribbon cutting during the Wednesday, June 4, 2008 board meeting. Bud Fischer approved the lease for Deerfield Park for one more year.

Board of Commissioners – Ms. Alwood reported that Commissioner Ling was re-elected to Chairperson and Commissioner Lichtman was reappointed to Vice-Chairperson. The main issue that was addressed was the cut back of 2 positions in the Sheriff Department based on a cut of 2% funding. The Sheriff felt that these cuts would have an impact on the area and his ability to protect the public in a timely manner. The board voted to provide funding for these positions for 1 year. She also reported that the Sesquicentennial committee has established the fourth Wednesday of the month at 5:30 p.m. in Room 225 of the Isabella County Building as their standard date, time, and place for meetings and encourage the townships to get involved.

Mr. Trudell stated that building is on schedule for the Commission on Aging building. He also stated that the Board of Commissioner's are now operating paperless at their meetings.

TOWNSHIP CONCERNS

These township representatives were present and expressed the following concerns:

Jackie Curtis, Denver Township, no concerns at this time.
John Graham, Gilmore Township, no concerns at this time.

PUBLIC COMMENT

None heard.

SITE PLAN REVIEW #08-01

Mr. Thompson stated that the Commission will consider taking action on a site plan submitted by Melvin Mast for a private road that will serve two properties. The property is located on the North Side of Fremont Road between Woodruff and Coldwater Roads in Section 24 of Rolland Township.

Mr. Zalewski explained that the property was originally an 80 acre parcel. The front 20 acres was split in 2002. The 60 acre parcel was accessed by a 66' wide easement. When the new private road standards came into effect, the 60 acre parcel became nonconforming as it did not have frontage on a county or private road. The applicant split the property earlier this year into two separate 30 acre parcels and then applied to build a house on the west 30 acre parcel. Our office could not issue that permit as that newly created 30 acre parcel did not have frontage on a county or private road. The Township rescinded the split and it reverted back to a 60 acre parcel, thus allowing the issuance of the permit for a house to be constructed on the property. The applicant was made well aware of the fact that if and when they decided to split the property and build on the other 30 acre parcel, a private road meeting the requirements of the zoning ordinance would have to be constructed. And further the address of the house that is being built would change from a Fremont Road address to an address on the private road.

He further explained that on December 12, 2007 the property owners submitted an application for a private road. As you are aware, this is our first private road application under the new requirements. The applicant has submitted a description of the private road, a copy of the proposed road maintenance agreement, a copy of the permit issued by the Road Commission and a survey of the right of way for the private road and a survey of the two parcels served by the private road. When he applied for the private road, the applicant also submitted an application for Road name approval. As of today, the name of the road has not been approved by the Road Commission. If the proposed road name of Pine River is not approved, the applicant will have to amend the proposed Road maintenance agreement accordingly. Also per Section 3.21(B)(4) the applicant, upon completion of the private road shall provide a sworn statement certifying that the private road has been constructed in accordance with the requirements of the zoning ordinance. The applicant has been provided this form and has agreed to sign the form. However, the applicant is Amish and as part of his beliefs, he does not swear. He has indicated that when completing this form, he will cross out any reference to swearing. Staff does not necessarily have a concern with this as the applicant will still be certifying by signature that he has constructed the road to those requirements. But the Planning Commission needs to be aware of this and it should be a condition of approval that this form be submitted to our office and signed and witnessed by the Zoning Administrator upon completion of the private road.

Discussion was held about the wording "sworn statement" and looking into changing it in the future.

Mr. Neyer asked if the board would need to make the permit contingent on the road name being approved by the Road Commission. He also asked if there is a reason that the Road Commission might not approve the selected road name.

Mr. Zalewski explained that if the road name is similar to road names in the County or it has too many characters the Road Commission might not approve it.

Mr. Thompson stated that Site Plan Review approval should be contingent on approval of the road name.

Mr. Nieporte stated that there will have to be amendments if the road name is not approved and the motion should be contingent on this.

Mr. Willoughby stated that if the site plan review is approved tonight it would not come back to this board if the Road Commission did not approved the name, it would be between the applicant and the Road Commission.

Mr. Nieporte explained that the Road Maintenance Agreement would have to be amended with the correct name so it can be recorded.

Ms. Alwood asked if the applicant purchases the sign for a private road, why is the Road Commission concerned with the number of characters in the road name.

Mr. Zalewski stated that he does not know why the Road Commission would be concerned with the number of characters if the applicant is purchasing the sign.

A motion was made by Mr. Neyer, supported by Mr. Willoughby to approve SPR#08-01 as submitted, contingent upon the road name being approved by the Road Commission. As well the property owner must provide the form certifying that the private road has been constructed to the standards of the zoning ordinance with the allowance for the property owner to cross out all references to swearing on said statement based on his religious beliefs.

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

No: None.

Motion carried.

REVIEW OF APPLICATION SUBMITTED BY JEROME OLEKSIK TO RELEASE A 60 ACRE PARCEL FROM THE PA 116 PROGRAM

Mr. Thompson stated that Mr. Oleksik has applied to release the 60 acre parcel from the PA 116 program.

Mr. Zalewski explained the application process is similar to the process for getting into the program. The application must be reviewed by the County Planning Commission as well as the Conservation District. Since Rolland Township has County Zoning, the application must be approved by the Isabella County Board of Commissioners. The Township approved the request on July 27, 2007. However, the application was supposed to be sent to the County Board of Commissioners and not Rolland Township. He spoke with Rich Harlow's office regarding this issue and they advised that they would contact Rolland Township and advise them to forward the application and information that they received to the Isabella County Clerks office.

Mr. Zalewski further explained that the property in question is the 60 acre parcel located directly

south of the large hog farm located on Sherman Road in Section 29 of Rolland Township. I have enclosed a map of the area for your reference. In September of 1999 Mr. Oleksik received a variance to construct the lagoon on this property 75 feet from the side property line as opposed to the required 300'. Part of the justification used to grant the variance was that the woodlot to the south is a natural buffer to contain odors. The concern our office would have would be if a new property owner comes in and removes the trees on this property. However, even if the property remained in the PA 116 program, it would not necessarily restrict them from removing the trees on the property. We believe it is important to note that even though this 60 acre woodlot is a separate piece of property that may not be economically viable for farming, it is still a vital component to managing the odor created from the sewage lagoon.

Mr. Willoughby stated that there was nothing in the original document that would stop the applicant from harvesting the trees. When a property is logged off, it is not clear cut. He also asked if the board could deny this application or if it was just notification to let them know it was happening.

Mr. Zalewski explained that in this case they would review it and make any recommendations to the Board of Commissioners, who will approve or deny the application.

Mr. Recker asked when the property was put into the PA 116 program.

Mr. Zalewski stated that it has been in the program for 9 years.

Mr. Thompson stated that the applicant states the farmland is no longer viable, but he also stated that he does not believe this, woodland is viable land. He further stated that through his office you can cut down all the trees that you want as long as it does not involve wetlands or erosion of land. He asked if the intent of the release was known.

Mr. Zalewski stated that he believes the land has been sold.

Mr. Johnson stated that for this use there is not much difference in 75' and 300'. He also stated that the township has already approved it, and he would support that.

Mr. Nieporte stated that he agreed that there is not much difference between 75' and 300' for this use. At the time the variance was granted, the applicant used that as justification for granting the variance. He also explained that when the variance was granted the Zoning Board of Appeals could have required buffers or the applicant could have proposed them, but didn't, so it is now buyer beware in that area.

Mr. Willoughby stated that when the lagoon was applied for, the 60 acres would have been the buffer, wouldn't the Zoning Board of Appeals be obligated to say that the applicant could never sell it or do anything to it as long as the lagoon is there.

Mr. Recker stated that this discussion is worthy of future reference if something of this nature comes up again.

Mr. Schripsema stated that each variance has to be looked at separately, not based on past

variances that were or were not granted.

Mr. Nieporte stated that it will be noted that the application was complete he would forward comments to the Board of Commissioners

STAFF COMMENTS

Mr. Nieporte stated that the County Administrator had forwarded him his thesis paper to pass along to the Planning Commission. The paper is titled Local Government Land Use Policy in Michigan, Reengineering for Improved Efficiency & Policy Coordination. The paper that is being handed out is only the summary from the thesis, if requested the entire paper can be given out. Any questions or comments regarding Mr. Dolehanty's paper can be directed to staff or to the Mr. Dolehanty directly. He also stated that the Rezoning in Vernon Township and the Reformatted Zoning Ordinance will be going in front of the Board of Commissioners at their Tuesday, January 15, 2008 Meeting at 3:00 p.m. Those who are available should come in case questions need to be answered.

Mr. Zalewski stated staff met with Chairperson Thompson earlier this week and talked about goals and discussion items of the Planning Commission for the upcoming year. At this meeting it was decided that staff will provide the Planning Commission some basic training which will provide the Commission with their responsibilities for site plan reviews, special land use permits and public hearings. Staff has also provided you with the brochure on the two training seminars that will be held at the County Building this year. The first seminar is on land division and the second seminar is on effective meetings, hearings and minutes. As well we are hosting the Citizen Planner Program here in Isabella County and have made that available to those members who have not yet completed the program.

Discussion was held about the Citizen Planner Program and other training opportunities.

Mr. Zalewski stated that in early 2008, possibly in March, the Planning Commission should consider having a joint meeting with the Board of Commissioners to discuss the goals of the PC. The PC should also consider having a representative with Staff attend an Agricultural Preservation Board meeting to discuss the direction of preservation, a Road Commission meeting to discuss capital plans for new roads or improvements and a Parks and Recreation Board meeting to discuss any possible plans for land purchases or discuss any possible new structures.

Ms. Alwood stated that a joint meeting between the Planning Commission, the Board of Commissioners, and the Zoning Board of Appeals would be beneficial.

Mr. Nieporte stated that if the Planning Commission decides that they would like to do this; staff will notify the Board of Commissioners and let them call a meeting of the three entities.

Mr. Zalewski stated that first the Planning Commission should annually review the goals and policies of the Master Plan. As you are well aware, in 2007 the Planning Commission updated the Master Plan. However, the Plan should not be placed on a shelf for five years. One of the

most important things that a PC can do is to continually review the Master Plan. The PC has also reformatted the present zoning ordinance. This will be before the Board of Commissioners at their next meeting on January 15, 2008. If adopted, the PC should review the reformatted ordinance and prioritize any necessary amendments. The PC should consider doing this by a three prong approach: Individual PC member suggestions; Staff suggestions (i.e., Accessory dwelling issue); and by forming subcommittees to perform a complete review of the ordinance.

Mr. Thompson stated that his idea for subcommittees was to assign out certain sections to 3 member committees, then they would bring changes back to the board and the board would prioritize this list of changes.

Mr. Zalewski stated that at the February meeting, staff will also present the PC with a report from the ZBA. The ZBA has requested that staff present the report to demonstrate the issues and possible concerns with the large amount of variance requests in the Lakes Residential District. After review of the report and information, the Commission may find it necessary to research the issue further and amend the requirements for accessory buildings in the L-R district. Finally, the Planning Commission should consider having a representative and staff visit the nine townships we have zoning jurisdiction over to discuss any changing conditions and to update them on what the PC has accomplished this past year and plans on accomplishing in the upcoming year. As well, the PC should consider having a representative and staff visit the seven other townships to discuss the role of the County Planning Commission and the importance of unified plans.

Mr. Thompson stated that for those townships that are not under County zoning, the Planning Commission should visit them and put a face to their names, because many have not met members from our board.

Mr. Schripsema stated since the board will be working on the Master Plan, now would be a good time because they should be Master Planning for the entire County.

Mr. Recker asked if staff could get a schedule together of all township meeting times.

Mr. Nieporte asked if the Commission would like to start forwarding hot topics from the Zoning Ordinance off to staff so a list can be compiled for next months meeting.

Mr. Willoughby stated that he would like to see a list of major changes that staff thinks should be made.

Mr. Neyer stated that he thinks it would also be a good idea to start with staff suggestions.

Mr. Thompson stated that he didn't want to leave it all up to staff. He also stated that he thinks individual members and staff should come back next month with a list of topics and those topics should be prioritized. Ag preservation is still the biggest issue, how do you control growth while preserving agriculture.

Mr. Schripsema stated that they should use the goals of the Master Plan to guide the board through this process.

Mr. Nieporte stated that it is not a bad idea; the first goal is to review the policies in the plan.

Mr. Recker stated that there should be better communication between the County and the Townships.

Ms. Fosburg stated that the townships also have a responsibility because our minutes are sent to them; as well we provide training sessions for them.

Mr. Recker stated that the board is trying to create awareness of what is already in place.

Mr. Schripsema stated that if the board is trying to unify the Master Plan for the entire County so it is better, the effects of CMU and Saginaw Chippewa Tribe should be brought in. The board needs to understand what they are doing and what their goals are also.

Mr. Nieporte explained that the board needs to be a bit reactive and proactive as well as aware of what is going on in their surroundings.

Mr. Neyer stated that the board should think about the discussion and define what needs to be focused on more next month.

Ms. Fosburg stated that there are a couple of topics that are new and already well written, for example wind towers.

Mr. Nieporte stated that there are issues like this, such as the wind towers example, that weren't controversial. It is good to have some of these policies in place in case the issue is brought here.

Mr. Schripsema stated that the ordinance will have to grow and change.

Ms. Fosburg stated that there are 3 or 4 other issues that are complete.

Mr. Thompson stated that this was the intent, for individual commissioners to bring these issues up and for them to be talked about.

PLANNING COMMISSIONER'S COMMENTS

Ms. Fosburg stated that the Proactive Planning article that Mr. Thompson talked about was outstanding.

Mr. Johnson asked if there was any follow up from the Auction issue that the board took action on last month.

Mr. Zalewski stated that a certified letter was sent to the owner and it was returned as unclaimed.

Mr. Nieporte stated that the next action would be to turn it over to the prosecuting attorney.

Mr. Zalewski further stated that the prosecutor will continue to pursue it.

Ms. Alwood stated that staff was asked by the Board of Commissioners to have a meeting with other departments about Civil Infractions Ordinance.

Mr. Nieporte explained that a meeting was held and will continue to follow through. Invitees of the meeting that was held included representatives from: The Road Commission, Parks and Recreation, Drain Commission, Animal Control, Community Development, County Administrator Tim Dolehanty, and Treasurer Steve Pickens and Larry Burdick.

Mr. Recker stated that he wanted to thank the board for the appointment of Vice-Chairperson.

ADJOURNMENT

A motion was made by Ms. Fosburg, supported by Mr. Recker, to adjourn at 8:27 p.m.

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

No: None.

Motion carried.

Jerry Neyer, Secretary

Brandy Freed, Recording Secretary