

ISABELLA COUNTY
PLANNING COMMISSION

January 8, 2009

A Regular Meeting of the Isabella County Planning Commission was held on January 8, 2009 in Room 225 of the Isabella County Building, 200 North Main Street, Mt. Pleasant, Michigan.

MEMBERS PRESENT: Vance Johnson, Bob Thompson, Jerry Neyer, Richard Recker, Roger Trudell

MEMBERS ABSENT: Craig Schripsema, John Benaske.

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 7:05 p.m.

The Pledge of Allegiance was recited by the Commission.

ELECTION OF OFFICERS/ORGANIZATIONAL MEETING

Mr. Nieporte called for nominations for Chairperson.

A motion was made by Mr. Johnson, supported by Mr. Trudell to maintain the current slate of officers.

Mr. Nieporte called for any other nominations twice.

Yes: Trudell, Thompson, Neyer, Johnson, Recker.
No: None.

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

Mr. Thompson stated that Mr. Schripsema declined to be appointed to the ZBA this year because of time constraints.

Mr. Recker asked if the appointments could be tabled until next month when there might be new members appointed to the board.

Mr. Nieporte explained that the ZBA is a 5 member board and it is beneficial to the applicant for a full board to be present.

Chairperson Thompson made the following appointments to Boards:

- Mr. Trudell to the Parks and Recreation Board.
- Mr. Thompson 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. Trudell, supported by Mr. Recker 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, Thompson, Neyer, Johnson, Recker.

No: None.

Motion carried.

BYLAWS UPDATES

Mr. Zalewski explained that the following changes need to be made to the Bylaws:

- Statutory Provisions based on MPEA
- Membership based on MPEA
- Master Plan based on MPEA
- Members for a quorum
- Zoning Administrator based on Zoning Amendment #08-09

Mr. Nieporte explained that the BOC enabled the Planning Commission by resolution. The planning act now requires that the Planning Commission be adopted by Ordinance. The Ordinance that staff has drafted was looked over by the Prosecutor. He also explained that the proposed Ordinance would be before the BOC at their next meeting.

A motion was made by Mr. Recker, supported by Mr. Trudell to make the cited changes to the current Bylaws.

Yes: Trudell, Thompson, Neyer, Johnson, Recker.

No: None.

Motion carried.

APPROVAL OF AGENDA

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

Mr. Nieporte stated that staff had some items that needed to be added to the agenda. The two items will be inserted after the special use permit request. The review of the Sherman Township Zoning Amendment will be inserted at #10 and the review of Fremont Township Farmland Agreement as #11.

A motion was made by Mr. Trudell, supported by Mr. Neyer, to approve the agenda as amended.

Yes: Trudell, Thompson, Neyer, Johnson, Recker.

No: None.

Motion carried.

PREVIOUS MINUTES

Minutes of the November 13, 2008 regular meeting were circulated to the Commission prior to the meeting for their review.

A motion was made by Mr. Trudell, supported by Mr. Neyer, to approve the minutes of November 13, 2008.

Yes: Trudell, Thompson, Neyer, Johnson, Recker.

No: None.

Motion carried.

LIASON REPORTS

Board of Commissioners – Mr. Trudell stated that at the last meeting Commissioner Ling was elected Chairperson and Commissioner Lichtman was elected Vice-Chairperson. Committees were elected as follows:

- Finance: Commissioner Lichtman (Chairperson), Commissioner Trudell
- Human Resources: Commissioner Dailey (Chairperson), Commissioner Moreno
- Criminal Justice: Commissioner Green (Chairperson), Commissioner Haupt
- Intergovernmental: Commissioner Trudell (Chairperson), Commissioner Lichtman

TOWNSHIP CONCERNS

These township representatives were present and expressed the following concerns:

Jackie Curtis, Denver Township, no concerns at this time.

County Commissioner George Green stated that Nottawa Township has concerns with being involved with the Joint Construction Code Authority because they have only had 8 permits pulled since November. They are thinking of pulling out and coming back to the County. Sherman Township is also having problems, so this would be an opportunity to send a liaison to

these boards, if the County can get these inspections back we may be able to acquire the Zoning as well.

Mr. Nieporte explained that this is something that the board will be discussing later in the meeting. He also explained that the board has been to several townships. Chippewa Township has expressed some interest in coming back to the County as well.

Mr. Zalewski read a letter from Vernon Township (see attached).

Mr. Thompson stated that it seems that Vernon Township is concerned that the original applicant was treated more harshly than need be. It would be appropriate to respond to the board and Mr. Bean with an explanation of the process that was gone through. At the December 13, 2007 Planning Commission the revocation of the Special Use Permit for the auction service was discussed, attached to those minutes is a timeline of what had taken place relating to this particular Special Use Permit.

Mr. Trudell stated this letter should go to the Administrator so he knows what is going on.

Mr. Nieporte explained that he had already reviewed it with the Administrator about it.

The consensus of the board was to send correspondence to Mr. Bean to explain the action taken by the board and staff is a matter of public record. Also to have Chairman Thompson and Staff schedule a meeting with Mr. Bean and the concerned board member to review the files of the case and to answer any questions that they may have.

PUBLIC COMMENT

None heard.

SPECIAL USE PERMIT #08-07

Mr. Thompson explained that the Commission will consider taking action on a Special Use Permit request submitted by Kathy Smith to establish a bed & breakfast in accordance with Article 12 of the Isabella County Zoning Ordinance. The property is located at 7287 W. Fremont Road in Section 26 of Rolland Township.

Ms. Smith stated that she would like to open a bed & breakfast. The bed & breakfast will have approximately 7 bedrooms. There is lodging in other areas around Blanchard, but Blanchard does bring in a lot of patrons and therefore we would like to open a bed & breakfast in Blanchard.

The public hearing was opened at 7:42 p.m.

Mr. Gene Bass, 7450 W. Fremont Rd., asked if opening a bed & breakfast would affect neighboring property taxes.

Mr. Nieporte explained that it would be best to talk about that with the assessor.

The public hearing was closed at 7:44 p.m.

Mr. Zalewski explained that the hours of operation would exceed 8:00 a.m. – 8:00 p.m., there will have to be modifications to the existing septic system that would require health department approval, and the applicant will have to screen the dumpster.

Mr. Trudell asked why the dumpster needs to be screened

Mr. Nieporte explained that they are typically larger than a normal dumpster and have residential neighbors.

A motion was made by Mr. Neyer, supported by Mr. Trudell to approve SUP #08-07 pending Health Department approval, the dumpster must be screened, and waive the hours of operation to allow operation for a 24 hour period.

Yes: Trudell, Thompson, Neyer, Johnson, Recker.

No: None.

Motion carried.

SHERMAN TOWNSHIP ZONING AMENDMENT

Mr. Zalewski explained that the amendment states that manufactured homes set in Sherman Township must meet the “Manufactured home construction and safety standards” dated April 25, 1996. Staff has no concerns with the amendment, but for point of discussion would note that the language in the County Zoning Ordinance references the 1976 standard. A few other townships have changed language to or have similar language to what Sherman Township has proposed. Should the County consider amending its ordinance to address possible safety issues and to not become a ‘dumping ground’ for older manufactured homes?

Mr. Nieporte stated that everything in the amendment looks good. The County standard is 32 years old. It is a concern that others will come into our jurisdiction and place these older homes because we allow them and other townships do not.

Mr. Thompson stated that this discussion has been on the table before and the board decided to go with the size of the home instead of the year.

Mr. Nieporte stated that the home currently has size requirements, but it also has to be a 1976 or newer as well as size requirements. Staff would suggest that the board take a look at other ordinances around the County and see if it is something worth taking a look at.

Mr. Thompson stated that Sherman Township did have a problem with older trailers coming into the township before because the County tightened up their policy.

Mr. Nieporte stated that staff would bring some information to the next Planning Commission meeting for review.

Mr. Neyer stated that the board should ask the townships opinions because people may not be able to afford newer housing

It was a consensus of the board that comment would be sent to Sherman Township stating they had no concerns with the amendment.

FREMONT TOWNSHIP FARMLAND AGREEMENT

Mr. Zalewski explained that this agreement is for a 38 acre parcel in Section 36 of Fremont Township. Staff would note that the application appears to be complete, however according to the application the property does not meet the definition of farmland. Since the property is less than 40 acres it must produce a gross annual income of \$200 or more per acre of cleared and tillable land. According to the application the gross income per acre is only \$50 per acre. Therefore this application should not be approved.

It was the consensus of the board to respond accordingly.

DISCUSSION ON AMENDING MASTER PLAN

Mr. Nieporte explained the timeline for amending the Master Plan to include Land Use Maps for all Townships.

Mr. Thompson stated that the lines of communication need to be open; the townships need to know that nothing will change as far as their current maps.

Mr. Nieporte stated that he has talked to the County Administrator and he has the same concerns. If the townships do not like the changes, if they come back to the County, they can have the Master Plan amended at that time. This amendment is meant to protect the community.

Mr. Recker asked what would happen if a township decided that they wanted to come back to the County tomorrow.

Mr. Nieporte stated that the township would have to rescind their current ordinance by way of a Public Hearing, but staff would have them make that effective later in the future so that we would have everything ready for them.

Mr. Thompson stated that they would not be able to do anything before the timeline permits.

A motion was made by Mr. Johnson, supported by Mr. Trudell to begin the process of amending the Master Plan Document by having staff send the notice of intent to the required entities.

Yes: Trudell, Thompson, Neyer, Johnson, Recker.

No: None.

Motion carried.

PUBLIC COMMENT

Ms. Jackie Curtiss asked what the JCCA was.

Mr. Nieporte explained that it is the Joint Construction Code Authority, a private company, which was formed in the mid 1990's and they took over some of the building jurisdiction.

STAFF COMMENTS

Mr. Nieporte stated that certificates of appreciation have been created for Ms. Fosburg and Ms. Alwood for their time on the board. He also explained that there is a Citizen Planner training course available for those who have not been completed the course. It is being offered at Mid Michigan Community College in Harrison or at the annual planning conference which will be held in Mt. Pleasant this year.

PLANNING COMMISSIONER'S COMMENTS

Mr. Johnson stated that he would not be at February's meeting.

Mr. Neyer stated that he is frustrated with the Vernon Township letter because if they were involved in the meetings they would have had their questions answered.

ADJOURNMENT

The meeting was adjourned by the call of the chair at 8:26 p.m.

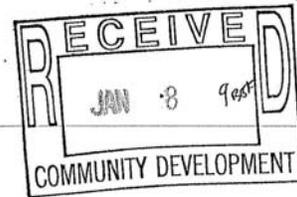
Jerry Neyer, Secretary

Brandy Freed, Recording Secretary

VERNON TOWNSHIP
Isabella County, Michigan

December 31, 2008

Isabella Planning Commission
Community Development Department
200 N. Main Street
Mt. Pleasant, MI 48858



RE: Planning Commission Action on Auction Facilities.

Ladies and Gentlemen of the Commission,

At the Vernon Township Board's December meeting, the recent actions by the Planning Commission as it relates to Auction Facilities was a topic of discussion raised by one of our members. More to the point, the discussion centered mainly on what appears on the surface to be a sequence of events that was cause for the following to occur:

1. An enforcement action taken against one of our township's commercial businesses that resulted in that business and the County expending what could possibly be tens of thousands of dollars in legal fees, costs, corrective actions and capital expenditures.
2. An Ordinance Review and Adoption of an ordinance specific to Auction Facilities, which if addressed prior to actions taken against the commercial business may have resulted in a much different approach which would have potentially saved the commercial business and the County tens of thousands of dollars.

So that our Board does not jump to conclusions regarding the nature of these events, we would respectfully request the following:

1. A detailed breakdown of the costs to Isabella County in its enforcement action against Northern Michigan Auction Service, since the first notice of a potential violation occurred.
2. A detailed breakdown of the costs to Isabella County in its development of the recent addition of an Auction Facility classification to the Isabella County Zoning Ordinance.
3. We would respectfully request that the Zoning Administrator and if available, representatives of the Isabella County Planning Commission notify us when the information is available and schedule a meeting to meet with our Board to review the findings.

Please understand that we do not have any preconceived notions in this matter, but are in search all the facts so that we may better understand the issue, what led to the actions taken on both sides and whether or not there are lessons that can be learned for future reference.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Jeffrey R. Bean". The signature is fluid and cursive, written over a faint, illegible background.

Jeffrey R. Bean
Vernon Township Supervisor