

ISABELLA COUNTY
PLANNING COMMISSION

April 8, 2010

A Regular Meeting of the Isabella County Planning Commission was held on April 8, 2010 in Room 225 of the Isabella County Building, 200 North Main Street, Mt. Pleasant, Michigan.

MEMBERS PRESENT: Evelyn Kent, Bob Thompson, Jim Kremsreiter, Jerry Neyer, Alger Smock, Gordon Gilchrist.

MEMBERS ABSENT: Vance Johnson, Roger Trudell, Craig Schripsema.

SUPPORT STAFF PRESENT: Mike Zalewski, Planner/Zoning Administrator
Brandy Harger, 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.

APPROVAL OF AGENDA

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

Mr. Zalewski stated that there would be a review of a farmland agreement added to the agenda as the new number 9. He further stated that copies of the farmland agreement application and a memo from staff were distributed to the commission just prior to the meeting.

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

Yes: Kent, Thompson, Kremsreiter, Neyer, Smock, Gilchrist.
No: None.

Motion carried.

PREVIOUS MINUTES

Minutes of the February 11, 2010 regular meeting were circulated to the Commission prior to the meeting for their review.

A motion was made by Mr. Kremsreiter, supported by Mr. Gilchrist, to approve the minutes of the February 11, 2010 meeting.

Yes: Kent, Thompson, Kremsreiter, Neyer, Smock, Gilchrist.
No: None.

Motion carried.

LIAISON REPORTS

Zoning Board of Appeals – Mr. Gilchrist stated that there was no meeting last month.

TOWNSHIP CONCERNS

These township representatives were present and expressed the following concerns:

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

Bob Neeland, Isabella Township, no concerns at this time.

PUBLIC COMMENT

None heard.

REVIEW OF VERNON TOWNSHIP FARMLAND AGREEMENTS

Mr. Zalewski stated that the applications are for 3 separate adjacent parcels totaling 198.79 acres in section 25 of Vernon Township. The properties are zoned AG-1. The Future Land Use Map has the properties designated as Agricultural Conservation. The properties are presently in the PA 116 program and the applications would renew the agreement for 10 years. As well, there are several properties in the area already in the PA 116 program. The application appears to be complete and staff has no concerns with the request.

Mr. Gilchrist inquired as to why the City of Clare is a reviewing agency.

Mr. Zalewski explained that if the City of Clare is within 3 miles of the properties, they are defined by the State as a reviewing agency.

It was the consensus of the board that they had no concerns with the request and they recommend that the Board of Commissioners approve the agreement.

REVIEW WILSON FARMLAND AGREEMENT

Mr. Zalewski explained that On April 7th they received a copy of a farmland agreement application to be reviewed by the Planning Commission. Prior to the meeting, staff provided the Commission with copies of the application and it was agreed to add the item to this month's agenda. The request is for 194 acres in Section 12 of Lincoln Township. The properties are Zoned Ag-1 and the future land use map has the properties designated as Agricultural Conservation. As well, the properties are comprised 100% of the major agricultural soils as defined in the zoning ordinance. There are several properties in the area in the PA 116 program. The application appears to be complete and staff has no concerns with the request.

It was the consensus of the board that they had no concerns with the request and they recommend that the Board of Commissioners approve the agreement.

REVIEW OF CONDITIONAL REZONING DRAFT LANGUAGE

Mr. Zalewski stated that as you recall, you reviewed this language at the February 11, 2010 meeting. The commission requested that staff forward the language to the Prosecutor's office for review. The Prosecutor has reviewed the language and he stated that the language is thorough and acceptable. He further suggested reducing the time period in which commencement of the changes must begin. This was just a suggestion for the commission to consider. The language states that the development 'must commence upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion'. The reason for 18 months is that after the rezoning takes effect, it is possible that the owner may still need to apply for and obtain other approvals such as a special use permit, site plan review, other zoning permit and/or a variance. These permits could potentially take a few months to obtain and once they are issued are valid for a year. So the 18 months is probably a reasonable time frame to allow for the project to develop. The time frame could be shortened but that may result in more extension requests from the property owners. If the commission is ok with the language, the next step would be schedule a public hearing.

Mr. Thompson stated that the language has been previously reviewed and the board has received a favorable opinion of the language from the prosecutor, so we should set a public hearing.

Mr. Zalewski stated that if the board decides to set a public hearing he would recommend setting it for the June 10, 2010 meeting so that it could possibly be set for the same date as the amendment for Septage Waste Storage Facilities and save on publishing costs.

REVIEW OF SEPTAGE WASTE STORAGE FACILITIES DRAFT LANGUAGE

Mr. Zalewski explained that staff has prepared language for Septage Waste Storage Facilities (SWSF). As some commission members may recall, back in 2006 the State banned the practice of applying septage waste to frozen ground. Therefore, septage waste haulers were required to either take the waste to a wastewater treatment plant that could receive the waste for treatment, store the waste at a septage waste storage facility until the waste could be applied to the land or simply not haul septage waste at times of the year that the ground is frozen. Presently our ordinance does not have specific language for this type of business. In 2006 we received an application for a SWSF and it was at the time applied for as an excavation transportation service business. The actual SWSF was an accessory to the use. That request was denied. However, through that process it was determined that the ordinance should be amended to specifically address SWSF. Staff has taken time to research the issue and has prepared language for the Commission's review. Staff reviewed Part 117 of Public Act 451 of 1994 (which address septage waste servicers), SWSF Management Practices prepared by the MDEQ, the outline of the Septic Storage Zoning Program prepared by MSU Extension and Emmett County's SWSF zoning ordinance. The next step in the process is for the commission to review the proposed language. Once the language is finalized, the commission can set the public hearing.

Mr. Neyer stated that the previous septage waste facility that came before the board was for seasonal storage. Is there any difference between temporary or permanent storage in this

language?

Mr. Zalewski stated that by definition a septage waste facility is temporary.

Mr. Thompson inquired as to who insures that the storage is temporary.

Mr. Zalewski stated that it would be the Health Department or the State of Michigan.

Mr. Gilchrist asked if the language should state a specific kind of engineer.

Mr. Kremsreiter stated that he doesn't believe just any engineer would stamp a set of plans for something they are not licensed to designed or know how to construct.

Mr. Zalewski stated that according to the SWSF management practices, the engineer that designs the facility must be a 'Michigan registered professional engineer'.

It was the consensus of the Commission to change the language to read 'Michigan Registered Professional Engineer'.

A motion was made by Mr. Neyer, supported by Mr. Gilchrist to forward this language to the prosecutors' office for review and to set a public hearing for the June 10, 2010 Planning Commission Meeting in room 225 of the Isabella County Building at 7:00 p.m., for both the conditional rezoning and septage waste storage facilities amendments.

Yes: Kent, Thompson, Kremsreiter, Neyer, Smock, Gilchrist.

No: None.

Motion Carried.

PUBLIC COMMENT

Ms. Jackie Curtis of Denver Township, asked if this language for septage waste storage facilities would protect the county from what happened with the facility that was previously proposed when it became known that there was another special land use permit on the property, will there be a back up plan to check these out when they apply for them?

Mr. Zalewski stated that when they received the application the office was aware of a previous special use permit. However, we were advised by the property owner that the operation had been abandoned. When our office had contact with the gravel pit owner that is when we became aware that indeed the gravel pit was still active and therefore the special use permit was still valid.

STAFF COMMENTS

None heard.

PLANNING COMMISSIONER'S COMMENTS

Mr. Gilchrist asked what the proper procedure is to bring language that needs to be change to the board's attention.

Mr. Zalewski stated that it can be brought to staff's attention or it can be talked about at this time, during planning commissioners comment time.

Mr. Thompson stated that commissioner Schripsema has been absent for several months and according to the bylaws, staff should go to the Board of Commissioners and ask that they appoint someone to replace him. He has stated on several occasions that he is planning to resign, but has not yet submitted a letter of resignation.

ADJOURNMENT

The meeting was adjourned by the call of the Chair at 8:01 p.m.

Vance Johnson, Secretary

Brandy Harger, Recording Secretary