

ISABELLA COUNTY
PLANNING COMMISSION

June 10, 2010

A Regular Meeting of the Isabella County Planning Commission was held on June 10, 2010 in Room 225 of the Isabella County Building, 200 North Main Street, Mt. Pleasant, Michigan.

MEMBERS PRESENT: Evelyn Kent, Bob Thompson, Jim Kreamsreiter, Gordon Gilchrist, Vance Johnson, Roger Trudell.

MEMBERS ABSENT: Jerry Neyer, Alger Smock.

SUPPORT STAFF PRESENT: Tim Nieporte, Community Development Director
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 two more farmland agreements added to the agenda as the new number 13 & 14. 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 Mr. Kreamsreiter, supported by Mr. Trudell, to approve the agenda as amended.

Yes: Kent, Thompson, Kreamsreiter, Gilchrist, Johnson, Trudell.
No: None.

Motion carried.

PREVIOUS MINUTES

Minutes of the April 8, 2010 regular meeting were circulated to the Commission prior to the meeting for their review.

A motion was made by Mr. Gilchrist, supported by Mr. Johnson, to approve the minutes of the April 8, 2010 meeting.

Yes: Kent, Thompson, Kreamsreiter, Gilchrist, Johnson, Trudell.
No: None.

Motion carried.

LIAISON REPORTS

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

Parks and Recreation and Board of Commissioners – Mr. Trudell stated that the budgeting process is almost over for next budget year. The County will have a budget of about \$16,500,000, which is a bit lower than last year. There have been some recent changes at the Recycling Center, which included layoffs.

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.

John Graham, Gilmore Township, no concerns at this time.

PUBLIC COMMENT

None heard.

PUBLIC HEARING ON ZONING AMENDMENT #10-01

Mr. Nieporte stated that this amendment proposes to amend the Isabella County Zoning Ordinance by inserting language that establishes the process for conditional rezoning requests and further establishes amendment guidelines for the Planning Commission. As you recall, this language was reviewed at the February meeting and at the April meeting following a review by the Prosecutor. At the April meeting, the Commission set the language for public hearing at the June meeting. After the Public Hearing, if the Commission still approves of the language, the next step would be to make a motion recommending approval of the language to the Board of Commissioners.

The public hearing was opened at 7:08 p.m.

None heard.

The public hearing was closed at 7:08 p.m.

A motion was made by Mr. Johnson, supported by Mr. Trudell, to recommend to the Board of Commissioners approval of Amendment #10-01 at their next board meeting.

Yes: Kent, Thompson, Kreamsreiter, Gilchrist, Johnson, Trudell.
No: None.
Motion Carried

PUBLIC HEARING ON ZONING AMENDMENT #10-02

Mr. Nieporte stated that this amendment proposes to amend the Isabella County Zoning Ordinance by defining and regulating Septage Waste Storage Facilities. As you recall, this language was reviewed at the April meeting. It was decided to send the language to the Prosecutor's office for review and to set the public hearing for the June meeting. After that meeting, staff sent the language to the Prosecutor for his review. We have received his comments regarding the language. As you will note he recommended a couple minor changes to the language. The public hearing is on the original language. If the Commission decides to add the changes, it can do so during the public hearing and then recommend approval of the language to the Board of Commissioners.

The public hearing was opened at 7:15 p.m.

Mr. Zalewski reviewed the changes to the amendment recommended by the prosecutor in his memo dated May 4, 2010. (See attached memo).

No other public comment heard.

The public hearing was closed at 7:15 p.m.

A motion was made by Ms. Kent, supported by Mr. Kreamsreiter, to recommend to the Board of Commissioners approval of Amendment #10-02, with the recommended changes, at their next board meeting.

Yes: Kent, Thompson, Kreamsreiter, Gilchrist, Johnson, Trudell.
No: None.

Motion Carried.

REVIEW OF UNION TOWNSHIP ZONING AMENDMENT

Mr. Zalewski explained that this amendment was received by our office in early May and would have been reviewed at the May meeting. However, since the Commission did not meet you were unable to review within the 30 day time frame allowed by the Michigan Zoning Enabling Act. Since it wasn't reviewed during that time, the PC essentially waived the right to review and comment on the amendment. However, I sent notice to Union Township that although the PC waived their right to review, as a formality you would still review and comment on the amendment at your June meeting. The proposed rezoning is on Broadway just west of Summerton. The property is presently zoned I2 General Business and the request is to rezone it to B4 General Business. The reason for the rezoning is for a new Michigan Works office. Even though the rezoning does not exactly fit the Master Plan, it is consistent with the surrounding

zoning as this property abuts B4 on three sides. Those properties that are already B4 are designated in the Master Plan as B4, so this rezoning is not necessarily inconsistent with the Plan. 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 staff forward the comments to Union Township.

REVIEW OF NOTTAWA TOWNSHIP FARMLAND AGREEMENT

Mr. Zalewski stated that this application is for a 40 acre parcel in Section 4 of Nottawa Township. The property is zoned AG-1 and the Future Land Use Map has the property designated as Agricultural Conservation. 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.

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 COE TOWNSHIP FARMLAND AGREEMENTS

Mr. Zalewski stated that the first application is for a 36.44 acre parcel in Section 35 of Coe Township. Coe Township has this property zoned Agricultural and designated as Agricultural in their Master Plan. There are several properties in the surrounding area that is in the PA 116 program. Staff has no concerns with the request. However, the application is not complete. Since the property is less than 40 acres the land must meet certain minimum income requirements to be eligible for the program. Since this part of application is not complete, the Township will be unable to determine if the property is 'farmland' and approve the application. However, our office has phoned and left message with the Township Supervisor regarding this and have since received the completed portion from the applicant. The second application is for a 54.55 acre parcel in Section 14 of Coe Township. Coe Township has this property zoned Agricultural and designated as Agricultural in their Master Plan. There are also 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.

It was the consensus of the board that they had no concerns with the request and to have staff forward the comments to Coe Township.

REVIEW OF COE TOWNSHIP FARMLAND AGREEMENT

Mr. Zalewski stated that this agreement is another request in Coe Township. It is for a 100 acre parcel in Section 21 of Coe Township. Coe Township has this property zoned Agricultural and designated as Agricultural in their Master Plan. There are other properties in the immediate surrounding area that are 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 to forward the

comments to Coe Township.

REVIEW OF LINCOLN TOWNSHIP FARMLAND AGREEMENT

Mr. Zalewski stated that this agreement is in Lincoln Township. The application is for a 40 acre parcel in Section 14 of Lincoln Township. The property is zoned AG-2 and the Future Land Use Map has the property designated as Agricultural Conservation. The request is for 50 years. 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.

PUBLIC COMMENT

None heard.

STAFF COMMENTS

Mr. Zalewski stated that staff has received a Notice of Intent from Chippewa Township to update their Master Plan.

Mr. Thompson asked if anything has been received from Mecosta County stating that they will be updating their Master Plan.

Mr. Zalewski stated that he has not received anything from Mecosta County.

Mr. Nieporte stated that staff has been working to get a newer version of our map viewer online. We have been also working with Midland County on economic development tools that would be available to the public.

PLANNING COMMISSIONER'S COMMENTS

Mr. Gilchrist suggested that the board start looking at items in the Zoning Ordinance that might need revision. He also suggested they add language for Urban Agriculture, as some communities have added it already.

Mr. Nieporte stated that staff has a list of items from the Zoning Ordinance which they have been bringing to the board for revision. Staff can present this list at the next meeting.

Mr. Thompson asked what the status was on the Capital Improvement Plan.

Mr. Nieporte stated that there have been some Title issues with properties that the County owns, but it is still being worked on.

Mr. Thompson stated that he thinks that staff should represent to the board what cluster development and civil infractions could do for the County. In the '05 proposed ordinance,

cluster development was an issue that had been discussed and never resolved. Because the board is made up of mostly new members these concepts should be discussed again. Cluster developments are a reasonable way to handle future development. He also stated that the ordinance should be enforced using civil infractions.

ADJOURNMENT

The meeting was adjourned by the call of the Chair at 7:49 p.m.

Vance Johnson, Secretary

Brandy Harger, Recording Secretary



OFFICE OF THE
PROSECUTING ATTORNEY

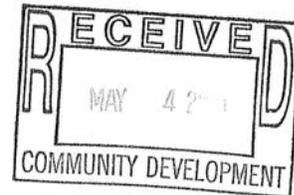
LARRY J. BURDICK
Prosecuting Attorney
County of Isabella

200 North Main Street
Mt. Pleasant, Michigan 48858
Telephone: (989) 772-0911, Ext. 311
Facsimile: (989) 775-8413

Risa N. Scully
Chief Assistant Prosecutor
Robert A. Holmes, Jr.
Mark G. Kowalczyk
Principal Trial Attorneys
Stuart M. Black
Senior Assistant Prosecutor
Christine E. Hickman
Sarah E. Huyser
Assistant Prosecutors
Donna Fox
Debbie Robb
Victim Rights Services

2010-05

MEMO



TO: Mike Zalewski
Planner/Zoning Administrator

FROM: Larry J. Burdick
Prosecuting Attorney

RE: SWSF Amendment

DATE: May 4, 2010

Dear Mr. Zalewski,

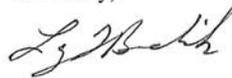
You have asked my office to review a proposed amendment to the Zoning Ordinance, to regulate the creation of septage waste storage facilities ("SWSF") in the County. I have reviewed the proposed changes, offer the following comments:

1. Under the definition language, "septage waste" includes limiting language, indicating that septage waste "consists only of food establishment septage, domestic septage . . ." Are those identified *types* of septage adequately clear? For example, is it clear what constitutes "domestic septage?" Since it appears that these types of septages are identified and defined in MCL 324.11701, perhaps the County's definition can reference that statute to clarify any ambiguity.
2. Assuming this is the intent, you may wish to consider amending 12.05(2) to read: "The minimum lot size *upon which a SWSF may be located* shall be 10 acres in Ag-1 and Ag-2 Districts."
3. Sections 12.05(5) and (6) provide minimum setback requirements, and specify that if Federal, State or Local regulations require larger setbacks, they will control. Is it contemplated that in certain circumstances, Isabella County may require larger setbacks than those specifically identified in subparagraph (5) and (6)? If so, I would recommend the language of these sections specifically provide language to the effect that the Planning Commission (or the applicable local

official/body) may require additional setback requirements if deemed necessary for the general health and welfare of the public. There is language to this effect in subparagraph (11).

Other than the aforementioned suggestions, I find the proposed amendments to the Zoning Ordinance acceptable. Should you have any questions, please feel free to contact me.

Sincerely,



Larry J. Burdick
Prosecuting Attorney