

ISABELLA COUNTY  
PLANNING COMMISSION

June 9, 2011

A Regular Meeting of the Isabella County Planning Commission was held on June 9, 2011 in Room 225 of the Isabella County Building, 200 North Main Street, Mt. Pleasant, Michigan.

MEMBERS PRESENT: William Dailey, Christine Alwood, Bob Thompson, Evelyn Kent, Cheryl Jindeel, Kelly Bean

MEMBERS ABSENT: Gordon Gilchrist, Jerry Neyer, Jim Kremsreiter

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

Chairperson Thompson stated that farmland agreements from Wise Township will need to be added to the agenda between items nine and ten.

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

Yes: Dailey, Alwood, Thompson, Kent, Jindeel, Bean.  
No: None.

Motion carried.

PREVIOUS MINUTES

Minutes of the May 12, 2011 regular meeting were circulated to the Commission prior to the meeting for their review.

A motion was made by Ms. Alwood, supported by Mr. Dailey, to approve the minutes as submitted.

Yes: Dailey, Alwood, Thompson, Kent, Jindeel, Bean.  
No: None.

Motion carried.

LIAISON REPORTS

Parks and Recreation – Ms. Alwood stated that there was a tour of the parks last week and that park usage is down by 7-17% this year.

Board of Commissioners – Mr. Dailey stated that the ad hoc committee on Zoning met earlier

tonight. The committee received a lot of information including information on the departmental costs and fund balance. The next step will be to meet with the townships that do not currently have County zoning and find out why.

### TOWNSHIP CONCERNS

Mr. John Graham, Gilmore Township, stated that the property on Grass Lake Road that has been in violation of the zoning ordinance is set for auction tomorrow.

Bob Neeland, Isabella Township, stated that the township discussed the Medical Marihuana issue.

Jackie Curtis, Denver Township, stated that the township also discussed the Medical Marihuana issue and also talked about a moratorium.

### PUBLIC COMMENT

None heard.

### SITE PLAN REVIEW #11-06

Mr. Thompson stated that the Planning Commission will consider taking action on a site plan submitted by Charles Ulmer to construct a 42' high Wind Energy Conversion System (WECS). The property is located at 4160 E. Blanchard Road in Section 14 of Lincoln Township and is zoned General Agricultural (AG-2).

Mr. Zalewski explained that Charles Ulmer is requesting site plan approval for a 42' high WECS per Section 3.19 of the Zoning Ordinance. On site WECS up to 66 feet in height are permitted in the AG-2 District and shall be approved by the Planning Commission through the site plan review process. He stated the applicant has submitted a complete application and site plan of the property and that he did not have any concerns with the request.

Ms. Alwood stated that the ordinance talks about unauthorized access to the site, is that something the applicant would need to address.

Mr. Zalewski stated that it would need to be addressed if this was going to be a larger Wind Energy Conversion System or if the tower was designed where it could be climbed, such as a lattice type tower.

Ms. Alwood asked if this system would exceed the 55 decibel requirement.

Mr. Ulmer stated that it is inaudible.

Mr. Nieporte stated that if it becomes too nosy it would have to be corrected. The ordinance states that it must be under 55 decibels.

Ms. Alwood asked how close the nearest neighbor is.

Mr. Ulmer stated that it is 188' to his garage.

A motion was made by Ms. Kent, supported by Ms. Alwood, to approve Site Plan Review #11-06 as submitted.

Yes: Dailey, Alwood, Thompson, Kent, Jindeel, Bean.

No: None.

Motion carried.

### REVIEW OF SHERMAN TOWNSHIP ZONING AMENDMENTS

Mr. Zalewski explained that Sherman Township has been in the process of reviewing their Zoning Amendments that have been done over the last several years. In this process, they have learned that several amendments were not adopted properly. As you know, the Michigan Zoning Enabling Act requires a Township to send their Zoning Amendments to the County Planning Commission for review and comment. Staff has confirmed with Sherman Township that the County PC has not reviewed these amendments. Therefore, they are forwarding them for your review so that they can properly adopt the amendments. The first three are amendments to their Zoning Map. The first amendment in January 2004 was to adopt the 'Official Zoning Map' for Sherman Township. In May 2007, the zoning map was amended to rezone property along Weidman Road from Residential to Commercial. The third map amendment was done back in July 1997. This rezoned a portion of the Ojibwa Recreation area from L-R to L-R/2. In speaking with Tony Kulick, Sherman Township Zoning Administrator, this amendment will not proceed further since the zoning map adopted in 2004 supersedes this amendment. The next three amendments are text amendments to their zoning ordinance. The first of these amended the ordinance by adding the L-R/2 Zoning District. The rest of the amendment made minor modifications to various sections of the ordinance. The second text amendment added 'borrow pits' as a permitted use in the Agricultural District. The last amendment changed 'Zoning Board' to 'Planning Commission' in several sections of the ordinance. In 2006 the Township transferred the powers of the 'Zoning Board' to the 'Planning Commission' in compliance with the Michigan Zoning Enabling Act. Staff has no concerns with any of the amendments.

Mr. Thompson stated that he did not see any issues with the zoning amendments that were submitted by Sherman Township.

It was the consensus of the board to forward the information to Sherman Township.

### REVIEW OF WISE TOWNSHIP FARMLAND AGREEMENTS

Mr. Zalewski explained that David and Gretchen Clarke have submitted applications for farmland agreements in Wise Township. The requests are for a 40 acre parcel in section 26 and a 39 acre parcel in section 27. 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 applications and requested staff to forward the information to the Wise Township Board.

### REVIEW OF UNION TOWNSHIP ZONING AMENDMENT

Mr. Zalewski stated that Union Township is in the process of amending their ordinance to address the Medical Marihuana issue. The language was prepared by their legal counsel and recommended for approval by their Planning Commission. Again with any Township Zoning Amendment, the County Planning Commission is required to review and comment. Staff has no concerns with the proposed language.

Mr. Nieporte stated that staff has met with our legal counsel concerning their document. At this point since we are not sure which way is best for Isabella County to go, staff has no comment at this time regarding their ordinance.

Ms. Alwood stated that The City of Mount Pleasant may be going in a different direction than Union Township. Because they border one another it would make sense to try and have a meeting with both Union Township and the City. For instance if the case that Judge Chamberlin acted on is overturned these dispensaries could relocate to places such as Union Township where it is easier to open them.

Mr. Thompson asked if Union Township currently has a moratorium in place and is it still active.

Mr. Dailey stated that they do currently have a moratorium, but their deadline is June 30, 2011.

Mr. Thompson stated that they have to do something at this point or extend their moratorium.

Mr. Nieporte stated that Union Township could extend their moratorium. If the court case is overturned, it would be difficult for these businesses to locate anywhere, not just in the City. This would set a precedent in the law, and would make it difficult for these dispensaries to be anywhere.

Ms. Alwood asked if the board should then forward that they have no comment at this time.

Mr. Nieporte stated that our prosecutor does not want to comment on their ordinance at this time because of the other underlying factors.

Mr. Thompson asked if it would be appropriate to recommend to Union Township that they extend their moratorium until the County, Union Township and the City can get together and come up with a more comprehensive statement. He also explained that a more unified approach needs to be developed.

~~Ms. Alwood stated that she would be more comfortable making no comment.~~

Ms. Alwood stated that she concurred with Mr. Thompson's comments.

Mr. Dailey stated that it would be saying that the board neither approves nor disapproves of their ordinance and we would appreciate it if you would hold off a while until we have some conversations to all get on the same page with one another.

Mr. Nieporte explained that it could be an appropriate action to extend their moratorium because they would be taking some sort of action.

It was the consensus of the board to reply to Union Township with a comment that states we are not providing them with comment on their ordinance at this point, good or bad. We would like to see them extend their moratorium and invite them to work with the County Planning Commission on a more community-wide approach.

#### DISCUSSION ON THE MICHIGAN MEDICAL MARIHUANA ACT

Mr. Nieporte explained that the Planning Commission will need to continue the discussion on the Medical Marihuana Act and decide how to proceed in addressing this issue in the County Zoning Ordinance. Chairman Thompson has requested staff prepare language for a possible moratorium. If the Commission opts to go with a moratorium, a public hearing on the proposed language would have to be scheduled for the July meeting. The process would be the same as any zoning amendment. The Commission would hold a public hearing and make recommendation to the Board of Commissioners.

Mr. Bean asked, if a Medical Marihuana business is opened before the moratorium is approved, would it be grandfathered in and allowed to stay.

Mr. Nieporte stated yes it would be, the Planning Commission basically has only two options at this point, either put in place a moratorium or do nothing. Putting a moratorium in place would give the board time to talk with the Townships and get their opinion on the matter.

Mr. Bean stated that if the moratorium is put into place for 6 months that would only give the commission 6 meetings to get with the Townships; this is very little time on such a hot topic item.

Mr. Thompson stated that in this situation he would appoint subcommittees to meet and research different aspects and to meet with the Townships to seek their opinions. These committees would then report their information back to the full board. Subcommittees are a way to get things done much quicker and they have worked for us in the past.

A motion was made by Mr. Dailey, supported by Ms. Alwood to set a public hearing for July 14, 2011 at 7:00 p.m. in room 225 of the Isabella County Building, 200 North Main Street, Mt. Pleasant, Michigan, on the proposed language for a moratorium on Medical Marihuana.

Yes: Dailey, Alwood, Thompson, Kent, Jindeel, Bean.  
No: None.

Motion carried.

#### DISCUSSION ON THE ISABELLA COUNTY CAPITAL IMPROVEMENT PLAN

Mr. Nieporte gave a presentation on the Isabella County Capital Improvement Plan (program).

#### DISCUSSION ON AGRICULTURAL ZONING DISTRICTS

Mr. Nieporte gave a presentation on Isabella County Agricultural Zoning Districts and requested the Chairperson establish a subcommittee to review this issue further.

REVIEW OF ZONING PERMIT FEE SCHEDULE

Mr. Nieporte gave a presentation on the fee schedule and how Isabella County compares to other communities in how much they charge for zoning permits, site plan reviews, special use permits, rezoning requests and variance requests.

PUBLIC COMMENT

None heard.

STAFF COMMENTS

None heard.

PLANNING COMMISSIONER'S COMMENTS

Ms. Alwood stated that she would be attending a conference put on by Michigan Citizen Planner and would bring back any relevant information.

ADJOURNMENT

The meeting was adjourned by the call of the Chair at 8:46 p.m.

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Christine Alwood, Secretary

Brandy Harger, Recording Secretary