

ISABELLA COUNTY
PLANNING COMMISSION

August 9, 2012

A Regular Meeting of the Isabella County Planning Commission was held on August 9, 2012 in Room 225 of the Isabella County Building, 200 North Main Street, Mt. Pleasant, Michigan.

MEMBERS PRESENT: Cheryl Jindeel, Gordon Gilchrist, Evelyn Kent, Kelly Bean, Christine Alwood (7:18 p.m.), Bob Thompson.

MEMBERS ABSENT: Jerry Neyer, William Dailey.

SUPPORT STAFF PRESENT: Tim Nieporte, Community Development Director
Brandy Harger, Recording Secretary

The meeting was called to order by Chairperson Thompson at 7:03 p.m.

The Pledge of Allegiance was recited by the Commission.

APPROVAL OF AGENDA

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

Yes: Jindeel, Gilchrist, Kent, Bean, Thompson.

No: None.

Motion carried.

PREVIOUS MINUTES

Minutes of the July 12, 2012 regular meeting were circulated to the Commission prior to the meeting for their review.

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

Yes: Jindeel, Gilchrist, Kent, Bean, Thompson.

No: None.

Motion carried.

LIAISON REPORTS

Zoning Board of Appeals – Mr. Gilchrist stated that there is nothing to report at this time.

TOWNSHIP CONCERNS

Jackie Curtis, Denver Township, none heard.

PUBLIC COMMENT

Mr. Leroy Weaver, 6376 W. Pleasant Valley Rd., stated that he does not feel that the sawmill needs to be considered commercial/industrial. There should be a size determination, like how many feet are processed per day, before it is deemed commercial. There is no definition in the ordinance, thus the Zoning Administrator can not define what it means; it would not be a subjective decision. The site plan was submitted under duress so it is asked that the Planning Commission wave the process.

Mr. Steve Malsh, 6383 W. Pleasant Valley Rd., stated that he lives directly across from the saw mill. The noise is unbelievable; it is not like running a tractor up and down a field. There is no place on our 80 acres to get away from the noise the saw mill creates. He explained that he has worked with the Zoning Administrator to take care of this issue. Mr. Weaver sent a letter to Mr. Zalewski on March 9th stating that he was not going to do a site plan. If this passes how will it change anything and will Mr. Weaver really do what he says? Who is going to follow-up on the road issues, these are not class A roads for logging trucks. There were many more ruts last spring and there was a semi stuck out in the road. The property values in the area are going to drop because of this saw mill. The pile of slab wood that is thrown out on the property is going to attract rodents. This is an industrial size saw mill; it rattles the windows in the house when it is running. Mr. Weaver burns his scrap wood all night long unattended and only a few feet from the road. If approved this saw mill will run all hours of the night.

Mr. Glen Mast, 5625 W. Fremont Rd, stated that according to the Zoning Administrator even a small saw mill needs to submit a site plan and be classified as a commercial-industrial use. A small saw mill should not have submit a site plan or to be classified as commercial-industrial use. These small saw mills are an accessory use to the farm, a place where dad can put the boys to work and be home. A small dairy farm would have more traffic than this saw mill. There is no environmental impact on the land and traffic is minimal. In comparison a large saw mill would cut 50,000 board feet and weaver when cutting apple boxes would only cut 2,000 board feet. It is asked that the Planning Commission create a definition for what is being deemed a commercial-industrial use as there is not one in the ordinance.

Ms. Jean Hartsell, 550 S. Cutler, stated that she has been aware of this procedure since October 25, 2012 when Bob Tillman filed the complaint. Since that time there have been over six or seven site plans submitted and refused. There has been policing action taken because at a meeting with four members of attending Leroy Weaver stated he would fill out a site plan; this statement was never made by Mr. Weaver. The saw mill is not loud enough to shake windows; a conversation can be carried on in the yard while the saw mill is in use. The saw mill does not operate all hours of the night and day because they do not start until it is day light and in the winter it is dark at 5:00 p.m. The saw mill has not been open all summer long; the policing action stated that he could not use the saw mill, all operations had to stop. They use slab wood for burning. It is not a saw mill in front of someone's window. There has not been one County official that has been in that barn and listened to that motor; it has only been looked at from the outside. It has been taken verbatim that this saw mill is noisy. The motor is behind the building and very muffled. Throughout the community there are 15-20 other saw mills up and running. The neighbor watched it being built for three months, he donated logs to the Weavers; he now complains about how unbearable it is, and it is way over done. There is a huge buffer area around where there are no saws or motors.

Mr. Edward Strolis, 8803 Woodward, stated that he lives due east of the applicant. He also explained that he just learned about this yesterday. There is no buffer between; there is minimal noise coming from the saw mill. He explained that this is the route that he uses to go to work every day and there is minimal traffic and the roads are not rutted. Most other saw mills exceed the size of Mr. Weavers.

Ms. Denise Malish, 1648 W. Remus Rd., stated that Steve Malish and his wife have lived there for ten years, they moved in before the Weavers. There is no buffer in place; the door to the saw mill opens to the South which is right on the road. The Malish house was built on 80 acres for the peace and quiet, if they wanted to live in an industrial park that is where they would have bought property. The windows do shake in the house when the saw mill is running.

Mr. Ron Malish, 1648 W. Remus Rd., stated that the noise is loud when the saw is operating; it can be heard anywhere on the 80 acres.

Ms. Amy Sura, 4574 E. Blanchard Rd., stated that a family run business needs to be defined, is it many generations of family. The saw mill is right in front of Mr. Malish's house and there is no excuse for it; the Weaver's own a lot of property, the saw mill could have been built somewhere else. This is not personal against the Weavers.

Ms. Melinda Malish, 6383 W. Pleasant Valley Rd., stated that there have been many complaints from people who live across from saw mills. The saw mill is very noisy, there is a constant humming. Between Christmas and New Year's they operated at night using lanterns. When the building was being built they did not obtain permits because they thought they were above the law.

Mr. Mike Olson, 8019 Guy Rd., stated that the saw mill is not extremely loud. There was nothing said about the building when it was being built. The Weaver's start the saw mill in the morning and only run it until dusk. This saw mill is not a commercial operation, it is an ag mill.

Theresa Reed, 385 E. River Rd., stated that the Amish own a lot of property, why couldn't the building be moved.

Clyde Pritchard, 8933 S. Coldwater Rd. stated that the mill is not run at all hours. He explained that he lives ¼ of a mile away and does not hear anything when the saw mill is running. It is not a commercial operation if you go and bail some hay for your neighbor.

Bill Malley, 2360 W. Coe Rd., stated that he has been there before when the saw mill was running and didn't even realize that they were working out in the barn, so it is not noisy. The building is built 300 – 400 feet off of the driveway. The Weaver's are being penalized for making their living.

Mr. Ed Strolis stated that Mr. Malish does not live right next to the road and the saw mill is not next to the road either. It is a low impact use that is not noisy. It is a family run saw mill as Mr. Weaver and his sons work there.

Mr. Malish stated that this is not a row crops operation. The Weaver's had to move the ramp that they were using because it violated the zoning laws.

Ms. Hartsell stated that there has been no attempt to resolve this issue.

SITE PLAN REVIEW #12-06

Mr. Thompson stated that the Commission will consider taking action on a site plan submitted by Leroy Weaver to operate a saw mill (milling and processing of farm products) on his property located at 6376 W. Pleasant Valley Road in Section 13 of Rolland Township. He also explained that this type of use is permitted in

both the Ag-1 and Ag-2 districts, but if it is deemed to be of commercial or industrial in nature then it must go through the site plan review process. This issue has been to the Zoning Board of Appeals to determine if a site plan review is needed.

Mr. Thompson review section 11.06 of the Isabella County Zoning Ordinance.

Ms. Alwood stated that Mr. Zalewski sent a letter to Mr. Weaver on July 23 stating that he was requesting additional information, she wondered if this had been received. She also asked if the 50' required setback had been met.

Mr. Nieporte stated that Mr. Weaver had met with Mr. Zalewski and clarified all the issues. All the site plan requirements have been met by the applicant. Mr. Weaver has indicated that he would like to display a sign no bigger than 2-3' in size. It would be placed on the west side of the driveway and be at least 10' from the road. This would meet zoning requirements and not be a problem.

Ms. Alwood asked while the saw mill was running, about how many and what type of traffic was coming to the property?

Mr. Weaver stated that on average they see 3 to 5 trucks monthly to unload and 1 to 2 trucks weekly for pickup.

Ms. Alwood asked what the hours of operation are.

Mr. Weaver stated that generally they operate from 7:00 a.m. – 4:00 p.m.

Mr. Gilchrist asked what type of saw mill it is.

Mr. Weaver stated that it is a ban saw mill.

Mr. Gilchrist asked if the current driveway was U-shaped.

Mr. Weaver stated that if everything was approved he planned on making the driveway U-shaped.

Mr. Gilchrist asked if the saw mill operates on Saturdays.

Mr. Weaver stated that the first day they ran the saw mill was on a Saturday, but they have no future plans to run it on Saturdays.

Mr. Gilchrist asked how much material would be stored on sight

Mr. Weaver stated they store about a truckload of lumber at a time.

Mr. Gilchrist asked how many pieces of equipment they have.

Mr. Weaver stated that they have a saw, edger, and

Mr. Thompson stated that stipulations could be added to the approval if the board so chooses.

Mr. Gilchrist stated that the applicant has exceeded all the setback requirements.

A motion was made by Ms. Alwood, supported by Mr. Gilchrist to approve Site Plan Review #12-06 as submitted, with the stipulation that the hours of operation be from 8:00 a.m. – 5:00 p.m. only.

Mr. Bean stated that the applicant should not have the hours restricted in this case because the requirements for Site Plan Review have been met.

The motion was amended to approve Site Plan Review #12-06 as submitted, with the stipulation that the hours of operation be from 7:00 a.m. – 4:00 p.m. only.

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

No: None.

Motion carried.

A recess was taken at 8:20 p.m.

The meeting resumed at 8:25 p.m.

ZONING AMENDMENT #12-01

Mr. Thompson stated that the purpose of this amendment is to bring the Isabella County Zoning Ordinance into compliance with the new requirements of the Michigan Zoning Enabling Act.

Mr. Nieporte explained that this amendment was submitted to the PC for your review at the June meeting. This amendment will bring the zoning ordinance into compliance with the new requirements of the Michigan Zoning Enabling Act. The new requirements of the act change the requirements that a local zoning ordinance can have on Collocation and also changed the application process for new towers and certain collocations.

The public hearing was opened at 8:26 p.m.

No comments were heard

The public hearing was closed at 8:26 p.m.

A motion was made by Ms. Jindeel, supported by Mr. Gilchrist to forward Zoning Amendment #12-01 to the Board of Commissioners recommending it for approval.

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

No: None.

Motion carried.

ZONING AMENDMENT #12-02

Mr. Thompson stated that this is an ordinance to amend the Isabella County Zoning Ordinance requirements for Rural Production and Processing Facilities. This amendment will increase the maximum size of the building allowed from 5,000 sq. ft. to 10,000 sq. ft.

The public hearing was opened at 8:28 p.m.

No comments were heard

The public hearing was closed at 8:28 p.m.

A motion was made by Ms. Alwood, supported by Ms. Kent to forward Zoning Amendment #12-02 to the Board of Commissioners recommending it for approval.

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

No: None.

Motion carried.

REVIEW OF MASTER PLAN UPDATE

At last month's meeting the Commission was provided with proposed changes to the Master plan. After the meeting, you were all provided a copy of the entire plan showing what was being added to the document and what was being removed. As noted, the changes were being proposed because of the new data available from the 2010 Census.

It was the consensus of the board to move this item to next month's meeting.

PUBLIC COMMENT

None heard.

STAFF COMMENTS

Mr. Nieporte stated that the Court of Appeals overturned a ban on the growing of Marijuana in the community of Wyoming Michigan

Mr. Nieporte explained that staff received a letter from Sherman Township stating that they will be sending their Master Plan electronically. Staff will take the appropriate action to get back with Sherman Township on this issue.

Mr. Nieporte gave a presentation on the 3% issue of Rural Production and Processing facilities that were discuss last month (see attachments). Staff does feel comfortable with completely removing the 3% requirement from the language.

Mr. Thompson stated that he would concur the 3% could be taken out.

Mr. Nieporte stated that staff will put aside until there are other amendments and at that time it will be taken care of through the amendment process.

PLANNING COMMISSIONER'S COMMENTS

Mr. Thompson stated that the Isabella County Administrator has proposed, to the Board of Commissioners, to repeal zoning all together. Some discussion was had.

The board had additional discussion regarding zoning and the budget.

Mr. Gilchrist stated that the morning sun has had an interesting article on how much government is needed.

Ms. Alwood stated that the Parks millage passed by over 55%.

Ms. Kent stated the when she was previously on the Planning Commission the County zoning was much more cohesive.

ADJOURNMENT

The meeting was adjourned by the call of the Chairperson at 7:05 p.m.

Christine Alwood, Secretary

Brandy Harger, Recording Secretary