

ISABELLA COUNTY
PLANNING
COMMISSION

February 11, 2016

A Regular Meeting of the Isabella County Planning Commission was held on February 11, 2016 in Room 225 of the Isabella County Building, 200 North Main Street, Mt. Pleasant, Michigan.

MEMBERS PRESENT: Gordon Gilchrist, Jim Horton, Ann Silker, Jeremy Murphy, Kelly Bean, Phillip Vogel, Nancy White, Tim O'Neil, Erin Strang

MEMBERS ABSENT: None

SUPPORT STAFF PRESENT: Tim Nieporte, Director
Ray Johnson, Planner/Zoning Administrator
Kim Kennedy, Recording Secretary

The meeting was called to order by Mr. Bean at 7:00 pm.

The Pledge of Allegiance was recited by the Commission.

APPROVAL OF AGENDA

Mr. Nieporte noted an amended agenda was distributed to the members.

Mr. Bean requested that the amended agenda be approved as presented.

A motion was made by Mr. Gilchrist supported by Ms. Strang to approve the amended agenda as presented.

Yes: Gordon Gilchrist, Jim Horton, Ann Silker, Jeremy Murphy, Kelly Bean, Phillip Vogel, Nancy White, Tim O'Neil, Erin Strang

No: None

Motion carried

PREVIOUS MINUTES

Minutes of the January 2016 regular meeting were circulated to the Commission prior to the meeting for their review.

A motion was made by Mr. Murphy supported by Mr. Gilchrist to approve the minutes as presented.

Yes: Gordon Gilchrist, Jim Horton, Ann Silker, Jeremy Murphy, Kelly Bean, Phillip Vogel, Nancy White, Tim O'Neil , Erin Strang

No: None

Motion carried

LIAISON REPORTS

Zoning Board of Appeals- Mr. Gilchrist reported that the ZBA had approved a parcel split that was less than an acre and a second variance request for a fence asking for 8' were 7'is allowed which was denied.

Parks & Recreation – Mr. Murphy reported that the last Parks meeting was an organizational meeting with the election of officers.

Board of Commissioners – Mr. Horton stated that a few issue coming up for the Board will be the wage Classification study and the building footprint analysis.

TOWNSHIP CONCERNS

Mr. Tom Gibbs representing Gilmore Township stated that Lake Front Residents have concerns if they have an accessory building on their lots. What would be the ramifications if a complaint came in on their structure?

Mr. Nieporte explained the process of a zoning complaint with emphases on voluntary compliance.

PUBLIC COMMENT

None heard.

SUP#16-01 Private Cemetery

Mr. Nieporte informed the Board an application was filed on December 12, 2015 by Mr. Phillips to establish a 1 acre private cemetery for immediate family and decedents. Submitted with the application is a site plan showing the location of the cemetery along with Mr. Phillip's desire to construct a home on the property at a later date. Also submitted is a general layout of family plots, a narrative which address the criteria in Section 12.05 (G) of the ordinance, and a preliminary evaluation of the site from the Central Michigan Health Department.

As stated in his narrative, Mr. Phillips will not be constructing any accessory buildings associated with the cemetery and will surround the cemetery with a fence meeting the requirements of the ordinance.

Mr. Phillips also stated in his narrative all burials will be overseen by all proper authorities, including any necessary federal, state and local requirements for burial.

Mr. Nieporte stated that Staff did contact the State Cemetery Commission and inquire about the need for private cemeteries to be licensed with the State. Staff was informed that because this is a private cemetery it need not be licensed with the State Cemetery Commission.

Board decision about burial regulations took place.

Mr. Phillips addressed the board explaining his desire to create a private cemetery on his farm.

Mrs. Strang asked about what happens to the Cemetery if Mr. Phillips decides to sell the property.

Mr. Nieporte stated that is part of the recording process of the cemetery with the County Register of Deeds so that it is known that this property is a Cemetery.

Public Hearing was opened at 7:21 p.m.

Mr. Dan Shaw, Rolland Township Supervisor, had questions on what happens to responsibility of the cemetery if the current owner was to sell the property. He also had concerns if any of the maintenance could fall back onto the Township.

Mr. Nieporte explained any maintenance would fall back to the land owner and the purpose of recording the area as a cemetery is for the cemetery to always been known as such. A requirement of vaults within the Cemetery rules will keep any remains buried on the property within known areas.

Public Hearing was closed at 7:29 p.m.

Board discussed requirements of Section 12.05 (G).

Mr. Bean stated that it appears that the requirements of Section 12.05 (G) have been met.

A motion was made by Mrs. White supported by Mr. Murphy to approve of SUP#16-01 Private Cemetery with the following conditions;

1. All applications and licensing required by the central Michigan District Health Department be provided to the community development department and made part of the file prior to any internments.
2. Applicant will work with staff to develop acceptable cemetery rules to record with the deed of the property in the county register of deeds office.
3. Cemetery rules shall include at a minimum: a vault or other similar interment structure, markers on the ground and on the vault or other similar interment structure, burial hours must not be between 8 p.m. and 8 a.m. and all burials are to be overseen by a licensed

professional.

4. A copy of the recorded cemetery rules will be provided to the community development department prior to any internments.

5. The survey of the cemetery to be recorded on the deed to the property with the county register of deeds and a copy of the recorded deed with survey to be provided to the community development department prior to any internments.

6. Fencing meeting the standards of the current ordinance will be installed around internments as they are interned.

Yes: Gordon Gilchrist, Jim Horton, Ann Silker, Jeremy Murphy, Kelly Bean, Phillip Vogel, Nancy White, Tim O'Neil, Erin Strang

No: None

Motion carried

ZA#16-04 Conditional Rezone

Mr. Nieporte explained an application was filed on January 20, 2016 by Mr. Byler to conditionally rezone the property for Milling and Processing of Farm Products, (sawmill). Currently the ordinance does not allow for a commercial sawmill to operate in the AG-3 district. The following offer of condition has been made by Mr. Byler:

T12N R6W ROLLAND TWP SEC 10 COM 160FT N OF SE COR SE ¼ NE ¼ TH W 260 FT
N 500 FT E 260 FT S 500 FT TO POB

In consideration to rezone my above described property from AG-3 Agricultural Buffer to AG-2 General Agricultural; I, David Byler, offer that the following land uses normally permitted in the AG-2 District according to the table contained in Section 5.05 of the Isabell County Zoning Ordinance shall be prohibited on my property legally described above because of the potential negative impact these land uses could have on abutting properties

- *Nursey (including landscaping services and Christmas trees)*
- *Fraternal Organizations and Lodge Halls*
- *Salvage Yard*
- *Septage Waste storage Facilities*
- *Solid waste disposal areas*
- *Sorting, grading and packaging of fruits and vegetables for grower*
- *Veterinary services*
- *Centralized bulk collection, refinement, storage and distribution of farm products to wholesale and retail markets (such as grain cleaning and shelling)*

- *Confined feed lots and livestock housing facilities*
- *Conservation are for fauna, flora*
- *Excavation – Transportation Services*
- *Facilities used in the research and testing of farm products and techniques*
- *Farm equipment sales, service and repair*
- *Fisheries and hatcheries*
- *Fuel storage facilities*
- *Game refuge*
- *Kennels within 200' of a road or neighboring properties*

Mr. Nieporte explained if the request is granted and approved by the County Board of Commissioners the property would not allow any of the Special Land Uses listed within the district with the exception of a Mineral Extraction Industry, however, given the size of the land to be conditionally rezoned, this type of activity would be classified as a Borrow Pit which is a permitted use in all agricultural districts.

Section 15.09 of the County Zoning Ordinance addresses Conditional Rezoning. It is the intent of the ordinance through a conditional rezoning to recognize that there are certain instances where it would be in the best interests of Isabella County, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of Section 15.09 to provide a process consistent with the provisions of the Michigan Zoning Enabling Act by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

Given the small size of the parcel, the proposed sawmill will be limited in growth and will not take away from land currently being utilized for row crop agriculture.

The applicant was not present at the hearing.

Public Hearing was opened at 7:37 p.m.

Mr. Mark Anderson neighboring property owner, stated the sawmill barn was built too close to the property, and Mr. Blyer is also running confined livestock lot on the property which is less than 10 acres and asked that the request be denied.

Mr. Dan Shaw, Rolland Township stated that Mr. Byler approached him about the property and explained that it was a friend who was living on the property and began to build the building. Mr. Shaw advised Mr. Byler to contact the County regarding permits. Mr. Shaw expressed concerns about the activity that was taking place.

Public Hearing was closed at 7:45 p.m.

Mr. Bean asked about the conditional rezoning request and whether or not the conditions of the ordinance are being met.

A motion was made by Mr. Horton supported by Mr. Gilchrist to table Map Amendment 16-04

(ZA#16-04) to conditionally rezone a piece of property from the Agricultural Buffer (AG-3) district to the General Agricultural (AG-2) district until such time that staff receives the information needed from the applicant to clarify the concerns raised at the public hearing.

Yes: Gordon Gilchrist, Jim Horton, Ann Silker, Jeremy Murphy, Kelly Bean, Phillip Vogel, Nancy White, Tim O'Neil, Erin Strang

No: None

Motion carried

PA116 Farmland Agreement – Isabella Township Schumacher Farms

David W. Schumacher Revocable Trust has made an application to the Farmland and Open Space Preservation Program (PA116). The application is for a 77.28 acre parcel in Section 10 of Nottawa Township which is planned and zoned for Agriculture.

The application is for the maximum of 90 years and appears to be complete.

The application was presented to the Planning Commission for review and comment. The application appears to be consistent with the County Master Plan and Zoning Ordinance upon consensus of the commission; staff will forward the application to the County Clerk with no comments from the Planning Commission.

Findings on Waterfront Property, Accessory Structures

Mr. Nieporte gave presentation in regards to waterfront property and accessory buildings and structures which included a review of what other municipalities' ordinances allow for.

Board discussion took place on waterfront structures and buildings.

It was the consensus of the board to have staff to pull together language modifications for the board to review at a future meeting.

PUBLIC COMMENT- None

STAFF COMMENTS - None

PLANNING COMMISSIONER'S COMMENTS

Mrs. Silker thanked Mr. Nieporte and staff for their work on research surrounding are Waterfront ordinances.

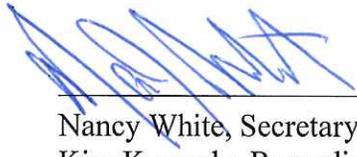
ADJOURNMENT

A motion was made by Mr. Murphy to adjourn the meeting seconded by Mr. Vogel at 8:25p.m.

Yes: Gordon Gilchrist, Jim Horton, Ann Silker, Jeremy Murphy, Kelly Bean, Phillip Vogel, Nancy White, Tim O'Neil , Erin Strang

No: None

Motion carried



Nancy White, Secretary
Kim Kennedy, Recording Secretary