

ISABELLA COUNTY
PLANNING
COMMISSION

November 10, 2016

A Regular Meeting of the Isabella County Planning Commission was held on November 10, 2016 in Room 225 of the Isabella County Building, 200 North Main Street, Mt. Pleasant, Michigan.

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

MEMBERS ABSENT: None

SUPPORT STAFF PRESENT: Ray Johnson, 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

Staff noted that Deerfield Township had sent a copy of changes to their Zoning Ordinance and staff asked that it be inserted as a new number 9 in the agenda and all other successive items be numbered appropriately.

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

A motion was made by Mr. Murphy supported by Mr. Horton to approve the agenda as amended.

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

No: None

Motion carried

PREVIOUS MINUTES

Minutes of the October 13, 2016 regular meeting were circulated to the Commission prior to the meeting for their review.

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

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

No: None

Motion carried

LIAISON REPORTS

Zoning Board of Appeals – Mr. Gilchrist had no report.

Parks & Recreation – Mr. Murphy reported there was no meeting last month.

Board of Commissioners – Mr. Horton reported that Mr. John Haupt was not re-elected during the last election.

TOWNSHIP CONCERNS

Denver – Jackie Curtis had nothing to report.

Sherman – Richard Schmidt had nothing to report.

PUBLIC COMMENT

Mr. Bean opened the meeting to public comment at 7:16 p.m. and asked the audience that public comment be limited to a maximum of 3 minutes each in order to sure all who wished to do so had a chance to comment.

Mrs. Joan Henning introduced herself and stated she lived on W. Walton Rd. in Rolland Township. Mrs. Henning stated she would like to bring up concerns related to the banquet hall owned by Dean and Kendra Titus. She began reading from a prepared letter. She stated she was not made aware of the banquet facility and knew nothing about it until heavy equipment arrived next door on Friday October 28. Her concerns are the increased traffic, road use since the facility can hold up to 250 people, and parking for approximately for 150 automobiles. She stated this is a quiet, back country road with almost half of the vehicles being Amish buggies, traveling often after dark. Mrs. Henning questioned if the road was ready to accommodate that many new vehicles. Spring is a slippery muddy mess and dust problems occur during the summer covering buildings and farms. Mrs. Henning stated the increased traffic will create increased noise such as horn tooting while she is conducting horse riding lessons after school and on weekends, which would frighten her horses and cause dangerous accidents. She stated this may have significant impact on her conducting her business and living space.

Mrs. Henning also stated another concern is allowing alcohol and spirits. She stated this could be a recipe for terrible accidents as Amish buggies will be traveling on the roads at night. She stated she has spoken to the Clare/Gladwin courthouses and they estimate there is accident a week with horse buggies and automobiles. She asked how she is to conduct horse rides down her back country roads if there are 100 vehicles coming towards them. She stated this is dangerous for their children and everyone and will impact her business.

Mrs. Henning stated the facility is advertising weddings, large gatherings, proms and parties. She stated she is a retired teacher and knows exactly what happens at proms. She questioned how this was compatible with boarding livestock with at least 20 horses on the property where people may throw debris onto her property which will be harmfully consumed by her horses. She emphasized the rare breeds she has on her property and that she shows horses, has lesson horses and school horses.

Mrs. Henning expressed concerns of trespassing and the danger of the horses hurting or killing someone. She stated there will be a considerable amount of added noise during party events, regardless of it being indoors. Mrs. Henning also raised the concern of large outdoor lighting.

Mrs. Henning stated that bringing large numbers of people into the country does not mix with horses and farm safety and that is why farm animals are on farms and not down city blocks.

Mrs. Henning stated that agritourism is a new type of business in Michigan and is a combination of two words, agricultural and tourism, they are joined together to form one word and the beginning agri is the dominant part of its definition. First there must be a working farm and second there is tourism. If the farm is removed then the tourism does not exist. Mrs. Henning stated that at Serendipity Farms there may be a hay field, a small garden, and a cow or two and if this was removed, there would still be a party venue at this location. She also stated that she feels the look of the barn is purely decorative and adds nothing to the agricultural component.

Mr. Bean asked Mrs. Henning that if she had a few other points she wanted to speak about to go ahead, but wanted to stop her and afford others in the room time at public comment.

Mrs. Henning stated she had a petition that she has started and said that the people of the Blanchard community are not happy and do not want this kind of a barn with hundreds of people partying in their back yards.

Mrs. Henning pointed out there is no indication in the 2016 Zoning Ordinance for Agricultural Tourism. She did state that in the AG-3 district private indoor entertainment facilities are not permitted.

Mrs. Henning asked who she can turn in an appeal application and check to.

Mr. Johnson said she can turn in the application to the Community Development office Monday through Friday between the hours of 8:00 a.m. and 4:30 p.m. and noted that the office was closed for Veteran's day.

Mr. Chris Lafferty who lives on Rolland Rd. stated he was not aware of another meeting nor of the building going in. He had a concern that his kids ride at Henning's stables and the road the facility is going on is a very narrow road, and he wasn't sure how that plays into zoning and buildings being built on that road. He stated he passes Amish buggies on the road all the time and feels it is very dangerous as they may only have a single blinking light. He stated there have been injuries and even a death in the past. He stated has concerns of any commercial type property on a narrow, dirt, gravel road. He stated that if his kids are on horses they are riding on the road and if a horse gets spooked there is the potential for his kid to get hurt. He stated this is not a good location for any type of commercial property.

Mrs. Holly Hoffman stated her and her husband have a daughter who takes lessons at the Henning's stables and continued to read from the letter Mrs. Henning had prepared. She stated in her view, they [Titus] did not have any interest in agricultural farming. They are only placing an image of farming and their garden, signs around the farm are weak attempts to include an education component to the mix and I am a Michigan certified master teach of biology and art with 30 years of experience. She stated the events advertise this as commercial business with bathrooms, beverage area, seating, and an office and it is not a barn. She stated is not a functional agricultural building holding farm equipment, animal food, hay livestock stalls and pens, etc. She stated there is no mention of agricultural tourism in the Isabella County Zoning Ordinance and questioned how it can be defined. She stated that if this building is allowed, it will be a commercial building, should require a paved parking lot, drainage, licensed and insured builders, Amish builders are neither, and it should abide by all building codes.

Mrs. Sandra Lafferty spoke and stated that no one knew this item was on the agenda and no one knew what was happening until you rode a horse and asked Mrs. Henning. Mrs. Lafferty stated that this is not an Amish barn. She stated many neighbors who are not Amish are concerned and want to know more about this. Her concerns were that she was not informed and didn't know the notification process. She was also concerned that this was commercial. She thinks it is a great thing but she doesn't want to live by it and feels that buildings in Blanchard would be more appropriate for this type of use. She was also concerned that more commercial would be brought in. She stated she does plan to go talk to her Amish neighbors. She stated she appreciates that she can be there to express her concerns, but she does not want it to continue. She asked if after this meeting she could be told how she could continue to voice her concerns, because she doesn't want it to continue.

Mrs. Laura Dionne stated she has been riding at the Henning's stables for two years and stated that this is not only a business but a sanctuary for those in the community and the wedding barn could jeopardize the safety of the people that go there as well as the horses.

Mr. Tim Partlo stated he is a business owner in town and he and his daughter take lessons at the Henning's stables and had concerns of the safety of the horses and riders. He stated people go to the Henning's because it is quiet and peaceful. He stated that when he is on a horse cars don't come down the road very often and when one car comes by the horse gets spooked and nearly goes into the car and the increased traffic is devastating to their business. They [The Hennings] do English riding, go to shows and teach people to ride.

Jill Alvarado spoke and stated she and her husband walk the road and said it would ruin everything because they [Titus'] want profit, money. She stated that others will move in, but not that. She expressed concerns

for the increased traffic and danger to the Amish horses.

Louis Denton identified himself as the building inspector for the JCCA in Rolland Township. He stated he was blindsided by the Planning Commission issuing a zoning permit. He stated he has issued a building permit. He stated he cannot go along with it because it is a commercial building and should have a licensed builder.

Mr. Horton asked Mr. Denton to clarify that he believed he could not issue a building permit.

Mr. Denton stated he had issued the permit and wouldn't have if he had known it was commercial.

Mr. Bean called for any other public comment. Hearing none, Mr. Bean closed the public comment period at 7:45 p.m.

SUP#16-09 – Agricultural Labor Housing

Mr. Johnson reported that Special Use Permit #16-09 was for Agricultural Labor Housing submitted by Daniel Jost on behalf of Barkman Apiaries in Sherman township at 7724 W. Airline, Rd. in Weidman. The site is approximately 20 acres in size, approximately 2 miles west of Weidman and is located in the Agricultural Buffer (AG-3) district. An applicant from Mr. Jost, including a site plan and a write-up addressing the general requirements for all special land uses and the criteria specific to agriculture labor housing. Also included in the application is a letter which designates the property as a specialty farm by the Michigan Department of Agriculture, which makes the commercial operation a farm by definition.

Mr. Johnson stated the site plan has a large outdoor storage area which is temporary in nature. Beehives would be staged in this area for one to two weeks while they are being loaded into trucks to be sent to Florida.

Mr. Johnson noted a map in the planning commission's packet with an approximate location of the outdoor storage area and the approximate location of the proposed new building which shows the property as heavily wooded. He also stated that staff's conversations with Richard Harlow at the Michigan Department of Agriculture (MDA) indicate that no additional permits are needed from MDA so long as the number of residents in the agricultural labor housing does not exceed 4. Staff has received confirmation there will only be 4 individuals living on site during the days of the year indicated within the ordinance. At this time, no additional permits or inspections are required by the Department of Agriculture. They have submitted an approved well and septic permit from the Central Michigan District Health Department. Staff described the division of the building and that it appears the agricultural housing does meet dwelling and setback requirements in the ordinance.

Staff would asked that if an approval is going to be made, the planning commission waive the 8:00 a.m. to 8:00 p.m. requirement in the ordinance.

Mr. Al Bryant identified himself as the regional manager of Barkman Apiaries and clarified that the housing would be established and someone would not be living onsite all the time. There could be up to 4 people

at any one time. They may be staff shifted from one state to another, himself if needed, other Michigan residents who need a few nights onsite. He stated this is mostly planning for the future. Mr. Bryant also stated he brought some honey for anyone.

Mr. Bean stated he appreciated the offer of the honey, but reiterated the planning commission cannot accept it.

Mr. Bryant stated he fully understood and offered the honey to members of the audience.

Mrs. White asked if there will be any parking onsite.

Mr. Bryant expressed there are three vehicles onsite at this time, there is gravel around the building with parking for visitors and others. He also noted the truck parking area.

Mr. Johnson commented that staff reviewed the parking requirement and given the size of the parcel and the location of trucks parking, staff determined it was adequate for off street loading zones and parking for employees.

Mr. Horton asked if the approval was for the housing facility, not for the business itself.

Mr. Johnson clarified an approval would be for the housing, the new building and everything in the site plan.

Mr. Bryant confirmed there had been an apiarian business at this location for the last 40 years.

Mr. Johnson clarified had the applicant brought forth a proposal with just the building and not the agricultural labor housing, it would have not required a public notification and it would have come to the planning commission for a site plan review process not the special use permit.

Mr. Bryant also stated the old building is rundown, leaks and has broken windows and they desire to build a nice new facility.

Public Hearing was opened 7:58 pm

Mrs. Ruth Strauss stated she lives down the road from the property and did receive her public notification. She expressed her concerns that she currently has a large number of bees that are on her property, in her pool because she felt the bees are attracted to the water. She has two dogs and the water dishes are covered in bees. She has had to replace her fountains because of the bees. She stated she is all for business and bees, but is concerned about the number of bees on her property. She has talked to other neighbors and they do not have the problems she has. She also expressed a concern about migrant workers living so close. Mrs. Strauss also asked why these letters were sent and where to go to ask questions.

Mr. Bean expressed that she is in the right place to voice her opinion and concerns and that is part of the reason for the letters and the sign on the property.

Mr. Bryant spoke and expressed that he believed the bees may be attracted to Mrs. Strauss' property because of the water. He stated he will work with her to address the issue and attempt to keep the bees off her property by offering water options to the bees on his property. He provided examples of this kind of success in other areas, and reiterated that the only time there are large numbers of bees on the property are in May waiting to be moved onto other properties. He welcomed the neighbor's comments and concerns.

Mr. Bean asked that the bees are brought up from Florida in May and are distributed to Isabella County?

Mr. Bryant confirmed this is a staging area for about a 2 hour radius, about 4 semi-trucks would deliver bees to this site and this site is small compared to other sites owned by Barkman Honey. He also stated some bees are delivered directly to farm fields and they never come to this site. Mr. Bryant stated again, he will address the issue of bees on Mrs. Straus' property and will work out a solution with her. He also stated that no foreign workers will be housed at this site.

Mrs. Strang asked for clarification that the application was for the agricultural labor housing and not the business.

Mr. Johnson explained the special use permit process and public hearing is required for the agricultural labor housing component of this proposal. An approval would include the construction of the new building. Currently they are operating in an old non-conforming building that is built very close to the road and believes it is their intent to remove this old building once construction is complete on the new building, if approved. Mr. Johnson clarified that this is commercial agriculture which is permitted by right in the district and the Agricultural Labor Housing is what requires the public hearing.

Mrs. Strauss asked if there was a limit on the number of migrant workers that can be onsite.

Mr. Johnson clarified that the applicant is looking for approval on 4 dwelling units with one person per unit. If there is expansion, they would have to come back to the board for additional approval and if the number of those living onsite increased they would have to have inspections and permits from the Michigan Department of Agriculture.

Mrs. Strauss asked if they would be notified in the future.

Mr. Johnson explained that until they submitted an application he couldn't determine if a public notification would be required and offered to speak to her after the meeting about the application process.

Mr. Bean called for any additional public comment.

Public Hearing was closed 8:10 pm

A motion was made by Nancy White supported by Ann Silker Move to Approve Special Use Permit

Number 16-09 (SUP#16-09) which was submitted by Daniel Jost of Barkman Apiaries, to establish Agricultural Labor Housing in the Agricultural Buffer District with the stipulation the applicant provide a copy of a well and septic approval/permit from the Central Michigan District Health Department and waive the 8 am to 8 pm restriction on hours of operation for the labor housing. The approval is based on the finding that the material meets the criteria in Section 12.03.

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

No: None

Motion carried

Deerfield Township Zoning Amendments (Text and Map)

Mr. Johnson reported Deerfield Township has submitted a copy of their zoning ordinance for review and comment by the Planning Commission. Attached was a summary of changes. Several text amendments were made which also included various grammatical/clerical changes. A few map amendments were also made.

The board had no comment on these amendments.

Mr. Johnson stated that staff will forward to Deerfield Township a letter stating that the Commission has reviewed the amendments and has no comments.

PUBLIC COMMENT - None

STAFF COMMENTS –

Mr. Johnson commented that Staff is working to analyze the commercial districts throughout the county and if there are residential uses on the property that may need to be rezoned to something other than commercial staff would bring these to the planning commission's attention.

Mr. Johnson also stated that a review of the zoning districts in Sherman Township will be ongoing and staff will work with Sherman Township officials to review any potential changes to the zoning map will also be brought to the planning commission's attention.

PLANNING COMMISSIONER'S COMMENTS

Mr. Horton asked if the county had any regulations on taxi cabs in the county.

Mr. Johnson wasn't sure and stated he would have to look into it and get back with him.

Mr. Horton noted the difference between the public comment and the special use permit today and the neighbor to neighbor communication that took place between the two. Mr. Horton reiterated that he

thinks zoning is very important and feels that if an applicant meets zoning he feels they should be able to do what they want.

Mr. Horton expressed his concern that the planning commission may have erred. Mr. Horton pointed out that Section 5.05 states, as mentioned earlier, that a private indoor entertainment facility is not permitted in the AG-3 district. How then, can they do a site plan review, if it should be under a special use?

Mr. Johnson clarified that the intent of private indoor entertainment facilities in the AG-2 district is for a primary use of the property. Also there is an agricultural tourism option, which after reading the definitions of a farm, farm operation and agricultural tourism, it was determined that this type of activity could also fall under agricultural tourism.

Mr. Horton asked how private entertainment is defined.

Mr. Johnson stated it is not defined.

Mr. Horton stated that is the problem since they approved a site plan last month and he has a big issue and trouble with it. He stated this should be a special use and not a site plan.

Mrs. White stated she disagrees because the ordinance is clear that agricultural tourism is a permitted use.

Mr. Johnson asked for clarification from Mrs. White that she believes this activity falls within the definition of agricultural tourism.

Mrs. White agreed.

Mr. Johnson stated he was hearing from Mr. Horton that he believed it may not.

Mr. Horton agreed.

Mr. Johnson reiterated that the agricultural tourism use is accessory to a farm and not a primary use of the property. He also gave the example that if someone didn't want to establish a farm and only wanted a fraternal order they would have to be in the AG-2 district and go through the special use process. Mr. Johnson reiterated that the planning commission asked staff to review agricultural tourism and bring information to the planning commission to consider some potential changes and that at this time staff had no information to report.

Mr. Horton also stated he was uncomfortable even though he supported the motion.

Mr. Murphy stated that in the discussion they had, the farm had to be a primary use.

Mrs. White stated that it was clear that if there was no farm, then they cannot have the weddings there.

Mr. Horton again stated this was an entertainment facility not a barn with a few weddings in it and this is going to leave the county in a bad situation.

Mrs. White stated you can have an entertainment facility as agricultural tourism.

Mr. Horton stated absolutely not because it's AG-3 and entertainment facilities are not permitted.

Mr. Bean stated that if it is associated with an agricultural tourism activity it can fit within agricultural tourism.

Mr. Murphy commented that he felt a barn without bathrooms, dressing rooms, etc. wouldn't pass health codes so any agricultural tourism business would not operate under Mr. Horton's reasoning.

Mrs. Strang confirmed this is why they directed staff to review agricultural tourism. The applicant presented this as a farm first and that is why they made the ruling they did agreed it does need to be reviewed.

Mr. Johnson made a clarification that the ordinance does define agricultural tourism in Article II of the ordinance and given the information submitted by the applicant, meeting the definition of a farm, farm operation and agricultural tourism, it was brought forth as a site plan review.

Mr. Horton agreed but stated that once you add amenities to a barn it becomes an entertainment facility and becomes a non-permitted use and puts the county in a bad light in his opinion.

Mrs. White asked if there was an appeal process.

Mr. Johnson stated there is an appeal process in the ordinance.

ADJOURNMENT

A motion was made by Mr. Horton to adjourn the meeting seconded Mrs. Silker at 8:28 p.m.

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

No: None

Motion carried



Nancy White, Secretary

Kim Kennedy, Recording Secretary