

**AMENDED**  
**Barry County Planning Commission**  
**Meeting Minutes**  
**February 25, 2019**

The meeting was called to order by Clyde Morgan at 7:00 p.m. in the Community Room of the Tyden Center located at 121 South Church Street in Hastings. The Planning Commission members in attendance included: Morgan, Jack Miner, Joyce Snow, Robert Vanderboegh, and Ben Geiger. Levi Bolthouse and Jack Nadwornik were absent. Others in attendance included Kassidy Saurman, Wally Haley, Kevin Schantz, Barry County Planning Director James McManus, and many other interested people.

The Planning Commission reviewed the agenda. Morgan noted the Farmland agreement had a third application number. Motion by Miner to approve the agenda as corrected. Support by Vanderboegh. All ayes - motion carried.

Motion by Geiger to approve the Minutes of December 10, 2018 as printed. Support by Snow. All ayes - motion carried.

**BUSINESS**

Morgan explained the procedures of a public hearing.

**Special Uses**

**Case No. SP-1-2019**

**Kassidy Saurman (Applicant)**  
**Jacob & Kassidy Saurman (Property Owners)**

Morgan recessed the Planning Commission, opened the public hearing, and asked Saurman to present her request.

Saurman said she would like to have a kennel/doggy daycare at her home. She said she would like to build an outbuilding to house the dogs in the future.

Morgan asked if anyone wished to speak in favor of the request. There was no response.

Morgan asked if anyone was opposed.

Dave Boerma asked if the business could be further explained. He asked if the use would run with the land, and if the Saurman's had a business plan. He said he did want it rezoned commercial.

McManus read letters of support from Carrie Wilgus and Dr. Fraley.

Saurman rebutted by saying she would bag and dispose of any animal waste in the trash. She said the pole barn will not be a commercial building, but she would like to separate the animals from her home.

Morgan closed the public hearing and reconvened the Planning Commission.

Miner asked how many dogs would be on site. Saurman said up to 10.

Miner asked how many could stay overnight. Saurman said up to 10.

Miner asked about parking. Saurman said there was enough room for six cars.

Miner asked about waste management. Saurman said it would be bagged and put in the garbage.

Miner asked about any noise issues. Saurman said she did not expect any.

Miner asked about the new building. McManus noted it will come back to the Planning Commission for a site plan review.

Snow noted the dog area is less than one acre. She questioned if there was enough room and if the proposed building will be far enough back from the house. McManus noted the property is larger than one acre, and he was aware of the transition from a daycare function to a full-fledged kennel when the outbuilding is erected.

Vanderboegh noted the request will not result in a rezoning.

Morgan asked if she was caring for dogs currently. Saurman said yes.

Morgan asked for how many. Saurman said two to five for short-term times.

Morgan expected the business to grow and asked when the outbuilding would be completed.

Saurman said she was unsure, but she said she will turn people away.

Miner suggested limiting the number of dogs and then limiting the maximum size of the kennel.

Morgan suggested 10 dogs for now, and that can be reviewed when the outbuilding is proposed.

Snow suggested putting a time limit on the building approval.

McManus commented that the reference for adjacent homes was for neighboring properties, not her own home.

Geiger asked how many dogs would be needed to have a functioning business. Saurman said ten.

Morgan noted getting site plan approval for the barn does not mean she has to build it immediately.

Motion by Vanderboegh to approve Case No. SP-1-2019 per Section 2302 A.1.-7. of the Barry County Zoning Ordinance of 2008 with the stipulations that there be a maximum of 10 dogs and that a site plan review be completed for the accessory building within four months. Support by Geiger.

Roll call vote taken: 5 ayes - 0 nays - motion carried. Special Use Approved with Stipulations.

**Case No. SP-2-2019**

**AT&T Mobility (Applicant)  
Kevin Schantz (Property Owner)**

Morgan recessed the Planning Commission, opened the public hearing, and asked AT&T to present the request.

Wally Haley, representing AT&T, said they would like to place a new tower at the location. He noted the application included step-by-step detail of the site plan and included answers to all of the ordinance issues. He noted the tower will be under 200 feet and will be a steel monopole. He said there will be a small equipment compound. He said it will be designed to allow co-location. He said he had affidavits from the company's engineers regarding the coverage needs and noted rural areas need more coverage.

Morgan asked if anyone wished to speak in favor of the request.

Homer Schantz said people will be able to use cell phones in the area.

Carl Baker asked if it would affect Verizon customers.

Morgan asked if anyone wished to speak in opposition.

Nick Carter questioned the need for more towers.

Horace Hull noted his security system with AT&T works fine and questioned if the tower was needed.

Haley rebutted by saying that AT&T is the only service provider on the tower currently, but the tower will accommodate co-location. He noted other towers will be planned, but they are co-locating on existing towers as well. He noted he did not know how the security system interacted with the cell phone service.

Morgan closed the public hearing and reconvened the Planning Commission.

Vanderboegh noted he lives in the area and has knowledge of the lack of coverage in the area.

Geiger noted the plans were well prepared and thought out, and he felt the tower was warranted.

Snow asked if there were any other locations in the area. She noted there was an existing tower 2.5 miles away. Haley said 2.6 miles is too far away to serve this area. He noted the smaller towers limit the service area for coverage. He said he did not know if AT&T was already on that tower, but they needed one within a mile of this property.

Snow asked how far the service area was. Haley said about a 2-mile radius.

Snow added that Section 2386 B.3. and B.4. are designed to minimize the total number of towers in the community and the Planning Commission is to strongly encourage the joint use of new and existing towers as a primary option rather than the construction of additional single-use towers.

Miner noted the application was a thorough package. He asked who will own the tower. Hailey said AT&T.

Miner asked about an access road. Haley said they will be using and improving the existing driveway.

Miner asked about the road surface. Haley said it will be gravel.

Miner asked if the road will affect the pond. Haley said no.

Miner noted there would be very little tree removal. Haley agreed.

Miner asked how much of an investment a tower is. Haley said nearly 1/2 million dollars, but the pole is only about 75,000 dollars of that.

Morgan asked if the antennae covered all of the horizon. Haley said there are 6-9 antennae on the tower, and it does go in all directions.

Geiger asked if any non-carrier or another ISP could go on the tower. Haley said the co-location could be used by any company.

McManus asked if the site would have any impact on the existing special use for the sawmill. Schantz said no as he does not use the proposed drive for the mill.

Morgan asked about any collapse issues. Haley said he was unaware of any failures.

Horace Hull asked about the line of site. Haley acknowledged that many towers have line of sight, but there are also power components.

Morgan asked how long it would take to make the money back from the investment. Haley said he did not know, but noted the model they use is based on the service network.

Miner asked if AT&T will sell the tower. Haley said they could.  
Miner asked how that was tracked. Haley said he did not know.

Motion by Vanderboegh to approve Case No. SP-2-2019 per Section 2302 A.1.-7. of the Barry County Zoning Ordinance of 2008 as presented. Support by Geiger.

Roll call vote taken: 4 ayes - Snow-nay - motion carried. Special Use and Site Plan Approved.

**Case No. SP-3-2019**

**AT&T Mobility (Applicant)  
John Deason (Property Owner)**

Morgan recessed the Planning Commission, opened the public hearing, and asked Haley to present the request.

Haley noted this site has a completely different topography, but they are planning on a 195 ft unlit monopole. He said it will be placed at the top of the rise on Deason's property. He said the basis of fact and the ordinance requirement statements were included in the packet.

Morgan asked if anyone wished to speak in favor of the request. There was no response.

Morgan asked if anyone was opposed.

Roger Smith said the site was not beneficial, and noted he gets an adequate signal. He said the tower will almost be in his back yard. He was concerned about the health effects of the radiation. He noted property values near towers drop by 20%. He said there are better locations for a new or co-located site. He said he will take the issue to court if necessary.

Warren Kidder noted there was a tower due south of the proposed location. He noted towers are required to blend into the environment. He said the tower is proposed to be Michigan gray and galvanized steel. Kidder also noted a difference in the height of the tower between the application and FCC notice.

Robert Carter, Jr. noted there are aesthetic issues and he was concerned about the different radio frequencies. He was concerned about the effect on wildlife and noted there is a large hunting area there. He did not feel the questions were adequately answered.

Victoria Smith said she would see the tower every day. She noted there is wildlife that goes into the wetland. She said it will not be an improvement for her life.

Mike Evans submitted a prepared document (see attached) that explained why the request should be tabled or denied.

Crystal Burnett read a prepared statement and noted she has a special use permit. She noted her right-to-farm and use of her special use could be impacted by the tower. She was also concerned about the radiation effects. She presented the Planning Commission a map of the natural features inventory of the Barry State Game area and noted there are five areas of concern in proximity to the tower location including some with threatened or endangered species. She questioned why the existing towers could not be used and noted the original idea for broadband expansion was for fiber.

Roger Smith said RF frequencies have been known to prevent pollination and germination. He said it is more of a threat than an enhancement.

Kidder and Carter both suggested co-locating on other existing towers.

Haley rebutted by saying Federal law prohibits the Planning Commission from considering potential health effects as a basis for denial. He noted the FCC is required to do the research of that subject. Haley noted there are articles that show the opposite in terms of property values. He noted wireless towers are a considered use in the RR zoning. He said the height will be 195 feet. He said the color of the tower is typical and said painted towers often are more conspicuous. He said they looked at other locations in the area, but much of the area is state land and towers cannot be located on state land. He noted the extra income Mr. Deason will receive may help him improve his property.

Haley commented that the coverage maps referred to are normalized maps and do not accurately show holes in coverage. He noted the average distance between towers is five miles. He noted the building of cell towers is covered by Federal law, and they are required to do a NEPA analysis. Haley said he could provide the study if it is completed. He said they need a site in this area.

Morgan closed the public hearing and reconvened the Planning Commission.

Miner asked why co-location could not be considered. Haley said the tower was too far away.

Snow noted that the need for a new tower has not been demonstrated. She asked about co-locating on the nearby tower. Haley said it is a big investment for a chance. Haley said he could get more information.

Geiger asked about disguising the tower to look like a tree. Haley said they do not make that style to that height.

Motion by Miner to table Case No. SP-3-2019 for more information. Support by Snow.

Roll call vote taken: 5 ayes - 0 nays - motion carried. Case Tabled.

### Farmland Agreements

**#18-16**                      **Spring Creek Farm**  
**18-17**  
**18-18**

McManus noted all of the properties are in Johnstown Township and are all zoned either Agricultural or Rural Residential. He noted the Master Plan calls for the properties to be rural or conservation. He said all of the classifications allow agricultural use by right.

Motion by Geiger to recommend approval of #18-16, #18-17, and #18-18 for Spring Creek Farm to the Board of Commissioners. Support by Snow. All ayes - motion carried.

### Convis Township Master Plan

McManus noted Convis Township abuts Barry County in the Southeast corner of Assyria Township, so any impacts from their plan would be negligible. He said the township is rural, and he noted the deadline for comment had passed.

The Planning Commission chose not to send a comment .

### 2018 Year-End Report

McManus went through the 2018 year-end report. He commented that the number of permits remained steady, but noted there was a slight uptick in new homes. He referred to the enforcement documentation and described the civil infraction process. He went through the building permit information from Professional Code Inspections of MI (PCI) and commented that they had an exceptional year.

Motion by Miner to adjourn the meeting. Support by Geiger. All ayes - motion carried.

Meeting adjourned at 9:10 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Joyce Snow".

Joyce Snow, Secretary