



**Calhoun County Planning Commission
Minutes
August 28, 2017**

Present: Commissioners, Tammi Damerow, Sarah Kelly, Vic Potter, Angela Kline, Dan Livingston, Terance Lungler, and John Sackrider. Chair of the Calhoun County Trailway Alliance, Bill Greer. Staff in attendance: Director of Community Development, Jen Bomba and Program Assistant, Shana Huerta. Quorum was met.

Not Present: Tracy Bronson

Excused: Kelli Scott

- 1. The June 28, 2017, Planning Commission Meeting was called to order at 4:00 p.m.**
- 2. Roll was called by the Program Assistant.**
- 3. Approval of Agenda**

Approval of June 28, 2017, Calhoun County Planning Commission agenda, with amendment of changing 10. a. PA 116 Application to reflect Burlington Township rather than Athens Township, moved by Vic Potter, and supported by John Sackrider.

On a voice vote, Motion CARRIED.

- 4. Public Comments**

Noted: No public attendees; no public comments

- 5. Approval of June 5, 2017, Meeting Minutes**

Approval of the June 5, 2017 Meeting Minutes, as presented, moved by Dan Livingston, seconded by John Sackrider.

On a voice vote, Motion CARRIED.

- 6. Special Order of Business**

Presentation by the Calhoun County Trailway Alliance – Chair, Bill Greer

Agenda

- Background
- Trail route - Maps
- Public meetings - Feedback
- Trail benefits

Calhoun County Trailway Alliance has worked since 2003 to develop a trail across Calhoun County. They work very closely with the North Country Trail which is a very long hiking path that goes from North Dakota through Michigan up parts of the East Coast which is similar to the Appalachian Trail but in our area. The Calhoun County Trail runs parallel to the North Country Trail.

The primary goal is to build a trail that runs west to east across Calhoun County. There are a lot of trails to the west of us, Kalamazoo has a great trail system, Battle Creek has the Linear Park, and the South Haven Trail. To the east of us, there is Falling Water Trail in Jackson. The idea is to connect these trails through Calhoun County. Our county has the biggest gaps; the long term goal is to fill those gaps.

There are a lot of different trail systems that come together in Calhoun County. One of which is the Great Lake-to-Lake Trail that will eventually go across all of Michigan and connect Lake Michigan to Lake Erie. Another trail that comes through the area is the Iron Belle Trail which is a priority for the Governor. It is a trail that will extend from the Upper Peninsula down to Belle Isle. Some of the trail splits in two for either biking or hiking. Our part of the trail is the hiking portion of the Iron Belle Trail that will come through Calhoun County. This is a priority project for Michigan Department of Transportation (MDOT) and Michigan Department of Natural Resources (MDNR).

The Alliance has completed a section of the trail. It is a 5.2 mile phase that was completed in 2014 from the Battle Creek Linear Park through the Ott Preserve to the Historic Bridge Park.

The Alliance is now working on the next six segments. The first one will run from 9 ½ Mile Rd. to the casino on Michigan Avenue. Michigan Avenue will ultimately be one of the routes they are trying to use to get across the County. Mr. Greer then explained the colors that are being used on the maps to indicate what type of trail they would like to utilize in the different areas across the County. Pink lines indicate a 10' off-road shared path. The best paths are the ones that are 10' off the road and are two-way so both bikers and hikers can use it. However, there are challenges with that solution as some homeowners do not want to let the path through their property or you don't have the right-of-way in regard to the roads. Another option is having paved shoulders on each side of the road, which are indicated as orange on the map. The issue with this option is what to do with the walkers. Bikers ride with traffic because they are considered "traffic" and allowed to ride on the main road and pedestrians walk against traffic. This would result with bikers and walkers moving in opposite directions on the same side of the road. Angie Kline raised another concern with this option in that she has worries about putting pedestrians on a "signed" shoulder of a road. She is going to speak with corporate counsel because of the concern regarding liability.

Segment two will run from the casino on Michigan Ave. into Marshall. This segment would use the 10' off-road path and is fairly large.

Jen Bomba pointed out that both Emmett Township and Marshall Township have corridor overlay districts that require a larger set-back and limited access points to Michigan Avenue so it doesn't turn into Columbia Ave. in case of commercial development along that stretch. This works well for this segment of trail.

Bill continued that the next area, segment three, is going to be in Marshall and would move the trail from I-69 to Rice Creek. There is a lot of work being done in Marshall to determine where

to put the path. Some people would like the path to move through the business district to increase business from hikers and bikers. They have talked about doing a road diet in Marshall changing the road from four lanes to three so there could be a paved bike path through Downtown Marshall. It has gotten some opposition from downtown businesses. If it becomes an issue they can always find a quiet street within Marshall to take the path through.

Terence asked what the issue is. Bill Greer responded that some businesses have concerns over how they will receive deliveries with the road going down to three lanes. Angie also responded that as a rule with engineers, four lane roads are not preferred and it was the road diet in general causing the concern.

Mr. Greer moved to segment four which would run from Rice Creek to Albion and encompass both shared bike lanes and off-road paths.

The fifth part would go from Albion to Homer and be paved paths on both side of 25 ½ Mile Road. Part of the goal for the trail is to connect communities. The opposition they have received has been particularly along this area going down to Homer. They've been asked why they don't just bypass Homer and move to the east to Concord. However, he believes there are people in Homer that would like to see the path come through for purposes of connecting Homer and Albion and for economic development reasons.

The final segment would move from Homer to Concord along M-60 with a proposed off-road path. John Sackrider said it appeared, for the most part, they were sticking with MDOT roads? Angie Kline responded that she believed it was a 50/50 mix because the stretch from Marshall to Albion is County roads.

Bill then went into further detail explaining the difference in the proposed off-road path versus the paved paths on each side of the road. John Sackrider pointed out that the off-road path resembles the Kal Haven Trail and said that he runs that trail and moves with the direction of the bikes. Angie agreed and said because the off-road trail is not attached to moving traffic, both bikers and runners would stay on the right side of the path. Further discussion ensued regarding bikers and hikers both moving against traffic for safety reasons. Angie said she was not familiar with pedestrian laws and they were not mentioned in any of the laws they review; however, bikers are mentioned and considered traffic. That is where concern lies as far as putting pedestrians on "signed" extended shoulders.

Mr. Greer moved to feedback received from the three public meetings that have been held. He said there has been a lot of feedback in regard to taxes and the condition of the roads. The public inquired as to why the money isn't being spent to improve roads. Bill explained that funding for the trail would follow the model used for the portion of the trail that is already complete. It would use Transportation Alternatives Program (T.A.P.) funding, MDNR Trust Fund grants, and matching funds from people like Enbridge. Eminent domain has been brought up and the Trailway is not going to use eminent domain in any way. However, the question is brought up by the public. Crime and privacy are big issues especially by those that live in the country, as they are used to their privacy. There is not a lot of evidence of crime issues on trails. He said a bigger issue with runners and bikers is where they can use the restroom to keep them from trespassing on private property. They are looking at putting in bathrooms and trailheads to mitigate that concern. Liability has been raised as a concern from homeowners inquiring to what their liability would be if someone came off the trail, onto their property, fell and got hurt. Could they be sued? Mr. Greer said there is legislation in Michigan that addresses that, stating

that landowners would not be held liable unless they've been grossly negligent. Snow removal is being worked through with the County. Homeowners would not be held responsible. Trees and right of way have been identified as a big issue. There are a lot of people that have improved their properties with landscaping and/or planting trees, or people that have crops that are planted in the right of way. The Alliance is trying to be as less obstructive as they can as they go through so it's a good experience for everybody.

The benefits of the trails are being green spaces and parks, health benefits, as well as economic benefits to local communities. Eight to ten trail users visit a business along the trail. Sales revenues increased 25%-30% within six months of trail construction on the Hart-Montague Trail. Economic impact of bicycling in Michigan is \$668 million. Property values increase for land or homes located next to a trail or greenway. In Denver, Colorado, lots purchased adjacent to a trail in the city sold for 32% more than those just one mile away. In Michigan, realtors along the Paint Creek Trail in Rochester Hills and the Betsie Valley Trail in Frankfort report a 10% premium for houses along trails.

Terence Lunger asked what the timeframe would be to complete the trailway if everything went as planned. Bill said it would take a long time, he thinks 10 years, maybe less time. He said there is work going on right now and Albion is already building trail and Homer is currently working as well.

Vic Potter asked about the overall maintenance of the trails. Mr. Greer said the agreement they have with the County is that the Alliance would raise money for an endowment to take care of maintenance. The goal is approximately \$100,000 and they have currently raised \$80,000. He said they have a donor on the east side of the state that has committed to take care of the maintenance once the trail is complete in Calhoun County. Jen Bomba added that the County is always trying to maintain their current properties at the lowest cost possible by using volunteers or getting competitive bids if the work needs to be done by a professional. Bill complimented the North Country Trail organization in regard to the amount of volunteers that help with maintenance.

Dan Livingston asked how many people use the trails. Mr. Greer responded that currently they don't have a way to track use. However, they do have a consultant that goes out and rides the trail on a weekly basis and he could request the approximate number from her. Dan then asked what the percentage of utilization of the trails is in regard to seasonal use. Mr. Greer said that the trail was primarily a warmer weather trail with most of the use taking place during those months. Angie added that people do use the Ott in the winter to cross-country ski on. She also said that the County recently purchased two tube counters and those could possibly be used in tracking use.

7. Communication

A. Notice of Intent to Prepare a Master Plan, Convis Township, August 2, 2017.

Jen Bomba shared a letter from Mike Johnson, Chairperson of the Convis Township Planning Commission regarding Convis Township's intent to develop a new master plan.

B. Planning Commission Meeting Notice, City of Battle Creek, August 23, 2017

Jen informed the Planning Commission about two items that were discussed at the Battle Creek Planning Commission meeting in regard to vacant and abandoned properties and an ordinance review of “Nonconforming Uses and Structures” Chapter 1288 due to recent enabling legislation that the City Attorney’s office felt needed to be included in the zoning code.

8. Old Business

None.

9. New Business

None.

10. Township Planning & Zoning Coordination

A. 07-17-01, Burlington Township: PA 116 Application for Norm & Linda Korn

Jen provided supporting documentation to the commission for the 07-17-01, Burlington Township: PA 116 Application for Norm & Linda Korn for property located in Burlington Township. The property is approximately 65 acres located in Section 17. It is zoned by Burlington Township as agriculture as well as in the Calhoun County Master Plan. The owners are seeking a 10 year contract. The Calhoun County Planning Department believes that the Application for Farmland Agreement submitted by Norm and Linda Korn is valid and recommends for approval by the Michigan Department of Agriculture and Rural Development.

Angie Kline asked if there were restrictions on the property in regard to the property owner being able to give the County culverts, easements, etc.

John Sackrider advised that legal should be consulted or Rich Harlowe in Lansing could be contacted. Jen said she could provide his contact information.

Moved for approval by John Sackrider; seconded by Vic Potter.

On a voice vote, Motion CARRIED.

B. Other Planning & Zoning Coordination to come before the Commission

None.

11. Department Report

A. Master Plan Update – Presentation

Five Year Plan Review of the Master Plan

Jen explained that the presentation that Larrissa Zhao presented last time covered the planning process and why they need to plan. This presentation will give a more in-depth look at the current plan and provide guidance on how they should move forward with the new five year plan.

At the last meeting, the basic ten steps of land use planning and what can happen next were covered. No change – do nothing, Minor change – make adoptions such as updating data, and Major change – completely rewrite the plan.

Jen referred to the theme of the 2005 Master Plan, “Balancing the preservation of natural resources with the opportunity for development” and explained the various planning projects that were being worked on that time.

A Review of the 2005 Master Plan Goals

1. Agricultural Enterprise and Farmland Preservation
 - a. The County shall promote and provide an overall farmland preservation program.
2. Parks and Recreation
 - a. The County shall provide for coordination of an overall parks and recreation program.
3. Land Use Planning
 - a. The County shall provide coordination directed toward improved planning and zoning practices for local units of government.
4. Economic Development
 - a. The County shall provide coordination with local economic development efforts in order to achieve stability and growth for business and industry.
5. Transportation and Infrastructure
 - a. The County shall provide coordination of overall infrastructure improvements through the appropriate governing body.

Ms. Bomba explained that since the 2005 Plan was implemented, the statute changed at the state level and there are people on this committee that now represent the five goals that were laid out in the previous plan. John Sackrider represents Agriculture and Farmland Preservation, Angie Kline represents Transportation, Land Use Planning is tied heavily with Agriculture and Farmland Preservation, and there are two vacancies that need to be filled to address the Economic Development and Parks and Recreation goals.

1. Goal One: Agricultural and Farmland Preservation – The County shall promote the agricultural industry as an important economic contributor to the County, and shall promote the preservation of the natural resource base that agriculture depends on.

Jen explained that while the County does not have authority to implement planning changes, they will use the new Plan to communicate County goals to the townships to encourage them to mirror our goals. She said that the County looked at the Agricultural perspective from an economic development point of view.

- a. The County shall promote the agricultural industry as an important economic contributor to the County, and shall promote the preservation of the natural resource base that Agriculture depends on.
- b. The County shall encourage local units of government to identify those areas proposed for preservation through criteria within the County Ordinance creating the Calhoun County Preservation Program.
- c. The County shall support the purchase of development rights based upon funding available from federal, state, county, and local government resources including private investment and donation sources. Ms. Bomba pointed out that

this objective was a major topic when the plan was developed, and shared that the funding that was to be utilized dried up and the County never received any funds. She said she has spoken to Rich Harlowe and he indicated that there may be funds available in 2018 but believes it will go fast again.

- d. The County's Agricultural Preservation Board shall serve in a leadership role regarding the education of the public and the local units of government to the benefits of alternative approaches to farmland preservation. Jen said that the County did create a Preservation Board but it has gone defunct. The ordinance and the ability to put members back on it still exists. Ms. Bomba then asked the commission to think about the goals and objectives presented and ask themselves, have they met these goals and objectives. Dan Livingston asked about a friend's property that was purchased in Newton Township to sell as residential property. Newton Township said they only issue a limited amount of building permits per year in an effort to preserve farmland. Jen explained that Newton Township does corner-corner zoning which allows one building per quarter section so it is very limited.
2. Goal Two: Parks and Recreation – The County shall provide coordination of an overall parks and recreation program.
 - a. The County shall promote the development of recreation facilities consistent with the current Calhoun County Parks and Recreation Plan.
 - b. The County shall support linear connections to existing facilities, including the emphasis on the Kalamazoo River and the North Country Trail system.
 - c. The County shall encourage local units of government to endorse the development of public and private recreation areas and the preservation of open space within new planned residential development.
 3. Goal Three: Land Use Planning – The County shall provide coordination directed toward improved planning and zoning practices for local units of government. Ms. Bomba explained that the County's main focus is working with the Townships in regard to land use planning.
 - a. The County shall support and promote the preservation of areas where protection of natural resources should be the primary concern. Jen said when this plan was written, the Conservation District was living large with Federal grants from the DEQ that focused on watershed management plans. The County was really involved with the District to determine how the County could incorporate zoning to deter new development in flood plains and developments that took away wetlands.
 - b. The County shall continue to educate local units of government on the need for coordinated planning and serve as an advisory resource when undertaking such efforts. Jen said the work in this area is limited and not happening as well as it could be.
 - c. The County shall utilize this Master Plan as the foundation for decisions on zoning and conduct a review of any decisions in conflict with the Plan. Jen uses the Master Plan when reviewing PA 116's to ensure it is in line with the County Master Plan. She would like to make the Master Plan more meaningful to the Townships and not just the County.

4. Economic Development – The County shall support the location of more intensive commercial and industrial development efforts in order to achieve stability and growth for business and industry.
 - a. The County shall support the location of more intensive commercial and industrial development in areas where public utilities presently exist and are underutilized, or where services can most economically be extended and provided.
 - b. The County shall assist in efforts directed at cooperation between units of government in attracting new business as well as retention of existing industry, and the associated work force to sustain it.
 - c. The County shall promote efforts directed at overall quality of life through public education, employment, affordable housing, recreational resources, and services to seniors. Jen said the Community Development department is working on these objectives.

5. Goal Five: Transportation and Infrastructure – The County shall provide coordination of overall infrastructure improvements through the appropriate governing body. Jen said the County has no authority in regard to this but it is important because typically when infrastructure improvements take place, development follows.
 - a. The County shall educate units of government on the need for Capital Improvement Programming in order to finance transportation and infrastructure improvements serving those communities. Jen said that the Road Department is currently doing this through their work with local units and road projects.
 - b. The County shall promote the need for access management along country roads in order to enhance roadways for both motorized and non-motorized use.
 - c. The County shall support investment in off-site public improvements that enhance private investment in on-site development of land consistent with this Master Plan. Ms. Bomba stated it is important to invest in off-site improvements for quality of life and to attract developers to Calhoun County.
 - d. The County shall promote, support, and/or facilitate initiatives regarding regional mass transport. This is the large grant for \$172,000 that is coming in to address the County-wide Transit Plan. Terence Lunger stated that in 10 years from now this would be a non-issue as driverless cars will be prominent.

So what now?

No Change – The plans stands as adopted

Minor Change – The plan is updated with amendments. Jen said they did make some minor changes in 2013 in regard to data updates.

Major Change – The plan is completely rewritten.

Questions to consider...

Is the information regarding census population, demographics, economic data, land use change, are natural resources up to date? Is there new data available that would make the plan more accurate?

Have the goals and objectives been met since the adoption of the previous plan? Do they still provide framework for guidelines for the next 20 years? Jen said she believes that the County has met quite a few of the goals; so are those goals still applicable for another 20 years?

Have there been any major developments in the community or in nearby communities that affect the underlying principles, strategies, or land use needs in particular areas? This applies to the new development currently taking place in Albion. We need to think county-wide so we need to consider are there enough changes that would change the land use patterns.

Has the community leadership or agenda changed since the adoption of the current plan where there needs to be a shift in public priorities?

Has there been a recurring or new issue in the community that is not addressed in the current plan? Jen explained that the County wants the Townships to fit into our plan and then the County needs to fit into the Region 8 plan. She said she sits on the Regional Planning Commission keeping in mind what the Region's plan is and how we can fit into that plan.

Does the county plan fit into the regional plan? Calhoun County is the only county in Region 8 that does not provide county-wide transit. So we have identified a project to study the transportation needs county-wide. Terence asked if other county transit programs were supported by millages. Jen said that no, not all of them are supported by millages.

Ms. Bomba asked the commission to consider the next steps. Do we do no change, minor change, or do we do a whole new plan? Rewriting the plan would require visioning from local units, update to the text, new maps. If there are just small changes that we felt needed to be made it would be less work. Or we can let this be the guiding document for us for the next five years. She asked that they go home and review the plan and a decision would need to be made at the next meeting because if they choose to go with the rewrite, we need to get started. She said staff and the County are ready to take this on if the commission decided to go that direction. Vic Potter stated that he doesn't want to reinvent the wheel and is hoping that by the next meeting Jen would have a recommendation. He feels from his perspective that there are minor changes that need to be made, but not a rewrite. However, Jen may know something that they don't. Terence said, paralleling Vic's comment, things like economic development, education and land preservation are static. So they should look at, are they doing a good job educating and talk about some of the goals they haven't met and potentially add new ones. He would like the County plan to be used and not misunderstood and it's not there yet. Jen agreed and said they could bite off as much as they wanted to and maybe the focus is on sub-plans. She added that in the last meeting Kelli Scott mentioned an infrastructure plan. The current plan includes a map of utility service areas. The map was developed in 1995 and has not been updated since then. She continued that if developers wish to invest in the county, how do they know what infrastructure is available? The 1995 map shows extensions that have never happened. Would it be valuable for the group to do a sub-plan rather than a rewrite of the plan? She said depending on the path

they take, that will dictate how much public input is needed. A utility service update would not need to be vetted with the public as much as the local units of government. This might be something that could be funded through grants. She feels that currently they are somewhere in between minor changes and major rewrite. Vic Potter replied that they have no control and why do they want to write something that they have no control over. Jen reiterated that while the County does not have authority over township zoning and land use plans it is important to look at it as a relationship building exercise. They can work with the local units and help them understand why, in the big picture, it doesn't make sense for everyone to have their own industrial park, etc. She said she often promotes the County Planning Commission as a neutral body because they are not the individuals sitting in the township meetings debating with their neighbors or friends about a proposal. It takes some of the heat off of them to say the County has recommended this and we feel it's a good way to go. Terence recapped what the homework is, Jen will provide the documents to everyone and have them review it and when they meet again in September, staff will have a little bit of a guided plan for them as well. Terence said that he was willing to put in as much work as necessary but did not want to rewrite something just for the sake that it has been five years. Everyone agreed. The City of Battle Creek Master Plan is a large document, but what they provide to the public is a uniquely sized brochure that is folded over several times and very easy to view and understand. Terence thought that would be a good idea as one of the updates the County makes so the plan is usable. Terence asked if there were any other comments. Jen let the commission know that it is budget season for the County so she is working on that. She also let the group know that she is looking at memberships and will be getting a hold of those individuals to see if they are interested in renewal. She had hoped to have Scott Fleming's application in for consideration at this meeting but she had not received it yet. Vic Potter indicated that he would get the application the following day. Jen said she is working hard to get the two vacant spots on the commission filled as those roles are a part of the plan's goals and objectives. She also would like this commission to review their bi-laws as they are out dated. Terence requested that Jen provide recommendations for that as well. She replied that legal counsel would review and make changes and they would just be presented to the commission for review.

12. Member Comments

Mr. Lunger asked if there were any member comments. Tammi Damerow shared with the group that she attended the Japanese Knotweed group at her township (Pennfield), as it is present in Calhoun County. She said that the invasive nasty weed can go through concrete, asphalt, and foundations and is nearly impossible to kill as they survive volcanos. She would like to have a presentation with the Parks Dept. as well as this board so they can all become educated on the matter. She explained to the group that if you mow it, it spreads, and if you cut it down, it gets bigger. Jen said she has it on her property and tried to kill it, not knowing what it was, and it has spread and gotten worse. She said it's becoming a government issue because of infrastructure damage. Tammi said the DNR is taking care of it up north but not here. Terence asked how much of it is in Calhoun County. Tammi responded that they are not in panic mode but are trying to contain in at this point. She said there is a conservation group that will come out and identify it and try to kill it free of charge. She said it will eventually start affecting property values. John Sackrider shared that he's read articles about it sinking house sales.

13. Public Comments

None.

14. Announcements: The next Calhoun County Planning Commission meeting is scheduled for September 25, 2017 at 4:00 p.m.

15. Adjournment

The meeting adjourned at 5:21 p.m.