



**Calhoun County Planning Commission
Minutes
September 25, 2017**

Present: Commissioners, Sarah Kelly, Vic Potter, Angela Kline, Dan Livingston, Terance Lunger and John Sackrider. Staff in attendance: Director of Community Development, Jen Bomba and Program Assistant, Shana Huerta. Quorum was met.

Excused: Kelli Scott and Tammi Damerow

Not Excused: Tracy Bronson

1. The September 25, 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 September 25, 2017, Calhoun County Planning Commission agenda, as presented, moved by Vic Potter, and supported by Angie Kline.

On a voice vote, Motion CARRIED.

4. Public Comments

Noted: No public attendees; no public comments

5. Approval of the August 28, 2017, Meeting Minutes

Approval of the August 28, 2017 Meeting Minutes, as presented, moved by Vic Potter, seconded by Dan Livingston.

On a voice vote, Motion CARRIED.

6. Communication

Jen Bomba provided the Commission the City of Battle Creek's Planning Commission September meeting cancellation due to lack of new business.

7. Old Business

None.

8. New Business

Membership Recommendation of Scott Fleming to the CCPC

Jen shared Scott Fleming's application to fill the Economic Development/Industry seat on the Calhoun County Planning Commission. The Membership sub-committee, consisting of Kelli Scott, Sarah Kelly and Terance Lunger, have reviewed the application and are recommending that it be presented to Calhoun County Board of Commissioners for approval. Mr. Fleming would serve a three year term and would be eligible to attend the CCPC's October meeting pending approval by the Board of Commissioners at their next meeting.

Moved for approval by Sarah Kelly; seconded by Vic Potter.

On a voice vote, Motion CARRIED.

9. Township Planning & Zoning Coordination

A. 09-17-01, Athens Township: PA116 for Melvin & Rachel Steury

Ms. Bomba provided supporting documentation to the committee in regard to the application for Farmland Agreement (PA 116) submitted by Melvin and Rachel Steury for property located in Athens Township. The application consists of approximately 115 acres located in Section 13. Approximately 50 acres are under cultivation, 20 acres are cleared for pasture or grassland, and the remaining acreage is swamp and/or woodlands. There are six buildings on the property: one residence, two barns, one tool shed, a grain bin and a chicken coop.

The property is zoned by Athens Township as Agriculture. The Athens Township Future Land Use Plan classifies the property as Agriculture; as does the Calhoun County Master Plan. The property owner has requested a 10 year contract.

The Calhoun County Community Development staff believes that the Application for Farmland Agreement submitted by Melvin and Rachel Steury is valid and recommends for approval by the Michigan Department of Agriculture and Rural Development.

Moved for approval by John Sackrider; seconded by Dan Livingston.

On a voice vote, Motion CARRIED.

B. 09-02-17, Newton Township: Zoning Text Amendment re: Various Definitions

Jen gave an overview of Newton Township's request to amend their zoning policy in regard to the following definitions:

- Amended definition of Accessory Building – to include the provision that no accessory building shall be allowed except on the parcel with the principal building.
- New definition of a Principal Building – a habitable dwelling, or a commercial or industrial building, whose commercial or industrial use is a lawful conforming use.
- Amendment to Article 11 – Agricultural District – Section 11.04, Regulations – include a provision within the density regulations for dwellings that limits the total number of dwellings in the agriculturally zoned area of a quarter-quarter to one.
- Amendment to Article 6 – Supplemental Regulations – Section 6.12, Fences, Walls and Screens for Residential Properties – to introduce the term living fence and require that

all fences, walls and screens conform to regulations for visibility at intersections, if applicable.

- To include a new section as 6.12a, Fences, Walls and Screens for Residential Zoned Lakefront Property – to establish that in the side, front, or rear yard no fence, wall, or other screening structure, or living fence other than a necessary retaining wall shall be higher than four feet. In addition, all fences shall be located outside of the road right of way and conform with the regulations regarding visibility at intersections.
- New definition of Living Fence – a live hedge, bush, shrub, plant, ornamental tree and or grasses which by their nature grow to heights exceeding four feet and are planted, arranged or have grown to such an extent that they create a line of sight barrier.
- New definition of Fence – a barrier, railing, or other upright structure, typically of wood, wire or vinyl, enclosing an area of ground to mark a boundary, control access, or prevent escape. Fence shall also include an earthen berm.
- New definition of height – the vertical distance measured from the existing grade to the highest point of a structure.
- New definition of Earthen Berm Fence – a mound or wall of earth or sand usually as a boundary barrier. Height shall be measured vertically from the base of the berm. All earthen berm fences shall conform to regulations within Section 6.12 and 6.12a.

The Calhoun County Community Development staff believes that the proposal to amend the Newton Township Zoning Ordinance to provide clarification in regard to accessory and principal buildings, strengthen their quarter-quarter zoning standard, and establishes standards to protect view sheds from fences, screens and walls is in the best interest of the Township. Therefore, the Community Development staff recommends for approval by the Newton Township Board the amendments as proposed by the Township Planning Commission.

Moved for approval by Vic Potter; seconded by Angie Kline

John Sackrider asked if “front yard” and “backyard” were defined in regard to lake property. Jen responded that yes it was defined as the “front yard” being considered the lakefront and the “backyard” as the street side.

Dan Livingston commented that he felt the language was overly restrictive and asked if that language was common amongst townships. Ms. Bomba replied that yes, that language was common and provided clarification in regard to plant height and location.

On a voice vote, Motion CARRIED.

C. 09-17-03, Leroy Township: Zoning Text Amendment re: Keeping of Animal Regulations

Jen provided supporting documentation addressing the above request which is outlined below:

The Leroy Township Planning commission has reviewed their Township Zoning Ordinance and recommends the following new language to their zoning policy.

- Define Intensive Livestock Operation – ordinance language was provided to the Commission
- Require a site plan, including type and number of animals, be submitted to the zoning administrator

- Approval or disapproval of the site plan is required within 60 days
- Minimum lot size is 60 acres
- Require a certified comprehensive nutrient management plan
- Submit manure disposal procedures, if offsite application is necessary then requires a copy of the legal agreement between landowners
- Follow Generally Accepted Agricultural Management Practices (GAAMPS) guidelines for property line setbacks
- All building and structures associated with waste storage be designed and constructed in accordance with the Midwest Plan Service Concrete Manure Storage and Livestock Waste Facilities Handbook
- Comply with GAAMPs for Manure Management Utilization, and Site Selection and Odor Control for New and Expanding Livestock Facilities
- Require all animal waste to be applied through sub-surface injections

The Calhoun County Community Development staff believes that the proposal to amend the Leroy Township Zoning Ordinance is unnecessary. Performance standards that apply to all agricultural operations have been established through the Right to Farm Act and the Generally Accepted Agricultural Management Practices. These standards are referenced in the current zoning ordinance language addressing intensive livestock operations. Simply referencing these established standards in the language of the zoning ordinance provides the necessary coverage for this landuse and reduces the potential for a conflict between state and township rules. Jen expressed concern that the new language is more restrictive than the state statute which would be acceptable if there was a reason to restrict the existing language. However, she could not definitively determine what that reasoning would be. It further requires that proposals for intensive livestock operations shall be submitted to the Township for approval/review. She went on to explain that the expertise in this area lies at the state level through the Right to Farm Act and GAAMPs and that is what the Township should reference. Therefore, the Community Development staff recommends for disapproval by the Leroy Township Board the amendments as proposed by the Township Planning Commission.

Moved for approval by Dan Livingston; seconded by Angie Kline

Mr Lunger asked if there were any questions or comments. Mr. Sackrider replied that he and Jen had spoken previously regarding this matter because the Farm Bureau has been concerned for several months over the proposed amendments. He produced a letter from the Department of Agriculture and Rural Development to Leroy Township that he didn't believe Jen had provided to the Commission and asked if it was appropriate to add as support for the disapproval as the letter advises the township that they could face litigation if they were to do something that goes against state law. Mr. Lunger then asked Jen, as a procedural learning, if in fact they could introduce new information learned or gained during the meeting. She explained that yes they could introduce new information that pertained to the subject matter and that it would be provided back to the inquiring township with the summary as support for the decision. There was further discussion regarding how fear may be a driver when it comes to decisions such as these and unfortunately if one township moves forward it causes a reaction that causes other townships to try and follow suit, even if it is not in their best interest. Mr Sackrider than expressed concern that the Township moved through the process to make the suggested amendments very quickly, holding their public meeting during fair week which resulted in a large amount of people not being able to attend and give their opinion regarding the proposed changes.

On a voice vote, Motion CARRIED.

D. 09-17-04, Emmett Township: Zoning Map Amendment re: 8140 C Drive North

The Emmett Township Planning Commission has received a request to amend the zoning classification for a portion of property located at 8140 C Drive North, Section 28, of Emmett Charter Township. The property is more commonly located on the south side of C Drive North, just west of the intersection with 8 ½ Mile Rd across from Beadle Lake Elementary. The parcel is approximately 2.5 acres and is currently zoned Light Industrial and Occupied by an industrial building.

A family has purchased the home and is requesting to reclassify 38,019 square feet of the parcel and building to Medium Density Residential so they can live in the front part of the building but leave the back portion of the building as Light Industrial so they can do auto shop work there.

The surrounding zoning consists of Light Industrial to the east, west and south; and Medium Density Residential to the north. The Emmett Charter Township Land Use Plan classifies this and all surrounding property as Medium Density Residential. The Calhoun County Land Use Plan also designates the property as Medium Density Residential.

The Calhoun County Community Development staff believes that the proposed zoning map amendment requested by Emmett Charter Township Planning Commission is not in the best interest of the Township. The reclassification of a portion of the building will create a split zoned parcel and building which is not good zoning practice. The intermingling of industrial and residential uses in the same building may be compatible with the current owner, but it must also be compatible if ownership of the property were to change. A new owner may decide to live in the front while conducting a more intensive industrial use in the back that could be harmful to the living quarters.

The Community Development staff recommends that the Township reevaluate the request and consider a use variance that would allow the current owners to live in the building while maintaining the industrial zoning classification. If the property is sold in the future, the parcel is sold with the industrial zoning classification and used as the primary use or marketed as residential to follow the Township Master Plan, where the entire building can be rezoned and potentially renovated for residential purposes.

With this in mind, staff recommends for disapproval by the Emmett Charter Township Board of the rezoning as proposed and recommends that the Township Board, with township staff, to consider alternatives.

There was discussion among the group regarding other locations that had split parcels and how it sets precedence for the future.

Terance concluded that Jen's recommendation is helpful in working toward solving split parcel issues and consistent zoning practices.

Moved for disapproval of the proposed amendment with an alternative by Vic Potter; seconded by Sarah Kelly.

On a voice vote, Motion CARRIED

E. Any other Planning & Zoning Coordination to come before the Commission

None.

10. Department Report

Ms. Bomba reviewed previous discussion that has taken place regarding updating the Master Plan by stating that it appears the Commission strongly feels that there is not a need to entirely rewrite the Plan but just change or address specific areas. She recommended doing a sub-plan with some suggestions being watershed planning or utilities which are things that reach further than individual municipality boundaries. She continued to say that she believes Mr. Fleming will be a good addition to the group and one possibility could be focusing on the utility service area. She said it is hard to find grant dollars but if they worked on a service extension plan, they may be able to secure grant funds by serving as an economic development liaison to areas that aren't represented by BCU, MAEDA or Albion EDC. It would give the County something meaningful to do while still focusing on goals and objectives. Jen then shared a few different ideas from other municipalities in relation to their Master Plans and how they were presented with suggestions on how they could incorporate some of those ideas into the County plan so it is utilized by the public. Mr. Lunger asked Jen if there was something that she was passionate about that would require a rewrite. She responded that it will eventually need to be rewritten but they could wait until after 2020 once new census information is available. Terance felt it would be a good idea to update the current plan and reformat it similar to the City of Battle Creek's format as a large brochure to increase the usability of the Plan. The Commission was in agreement and trusts County leadership to bring pertinent information to the Commission that needs to be addressed. John Sackrider supported the plan to move forward with a sub-plan focused on economic development. There was further discussion between the group regarding future growth, utility service extensions, and addressing lack of housing. There was conversation regarding the new power plants that are being built in Marshall and how that will positively impact the area. Jen concluded that she wants to ensure that the work being done is a valuable use of everyone's time and would bring value to the public.

11. Member Comments

Sarah Kelly supported Jen's recommendation to move forward focusing on sub-plans within the Master Plan stating that the utility service map in the current plan dates back to 1995 and one of the main goals in the previous plan was farmland preservation, focusing on E. Michigan and 11 Mile Rd, which has become the current location of Firekeeper's Casino.

12. Public Comments

None.

13. Announcements: The next Calhoun County Planning Commission meeting is scheduled for October 23, 2017 at 4:00 p.m.

14. Adjournment

The meeting adjourned at 4:55 p.m.