



**Calhoun County Planning Commission
Minutes
October 11, 2018**

- 1. The October 11, 2018 Planning Commission Meeting was called to order at 9:10 a.m.**
- 2. Roll Call – called by Program Assistant, Amber Herman**

Present: Commissioners, Sarah Kelly, Terance Lunger, Vic Potter, John Sackrider, Kelli Scott, Ben Lark.
Staff in attendance: Jennifer Bomba, Community Development Director; Amber Herman, Program Assistant.
Quorum was met.
Excused: Scott Fleming, Dan Livingston, Tammi Damerow
Absent: Angela Kline
Also in attendance: Phil Goodrich, Athens Township Zoning Administrator
- 3. Approval of Agenda:**

Moved by Member Potter to approve the October 11, 2018, Calhoun County Planning Commission agenda, as presented, supported by Member Scott.
On a voice vote, Motion CARRIED.
- 4. Public Comments:**

Phil Goodrich, Athens Township, introduced himself and made himself available for any questions that the Planning Commission might have regarding Agenda item 9.a.
- 5. Approval of Minutes:**

Moved by Member Potter to approve the July 9 and July 23, 2018 meeting minutes as presented, supported by Member Sackrider.
On a voice vote, Motion CARRIED.
- 6. Communication:**

Community Development Director Bomba shared the meeting minutes of the Southcentral Michigan Planning Council (SMPC), the areas regional planning agency. She noted that she plans to include the minutes of these meetings in order to help understand what resources may be available to communities in Calhoun County. Ms. Bomba stated that she is an appointed member by the Board of Commissioners along with Art Kale and Steve Frisbee. This Commission includes Calhoun, Branch, Kalamazoo and St. Joseph Counties. Resources could include education and training opportunities, planning services, etc. Member Scott also noted that any local governments could reach out to this council for master planning, transportation planning, etc. Ms. Bomba stated that one of her goals is to provide information to local government regarding the SMPC resources that are available to them, and noted that the City of Albion is currently working with the Southcentral Michigan Planning Council to conduct a re-write of their zoning ordinance. This group meets monthly at different counties according to schedule.
- 7. Old Business:**

There was none.
- 8. New Business:**

There was none.

9. Township Planning & Zoning Coordination:

a. 9-18-01, Athens Township: Zoning Ordinance Text Amendment re: Rural Business

The Athens Township Planning Commission has proposed an amendment to the Township Zoning Ordinance to amend the regulations regarding rural businesses in the agricultural district. Current zoning policy allows for rural businesses to be permitted as a conditional use under the following conditions:

- Shall be incidental to the primary residential/agricultural use
- Limited to the garage attached to the principal structure or within an accessory structure utilizing no more than 768 square feet
- No more than one full-time employee or five part-time employees, other than immediate family members residing on the property
- All repair activities shall be conducted wholly within a permanent, fully enclosed building
- There shall be no external evidence of such business except a small announcement sign as specified in the sign regulations of the zoning ordinance
- No rural business shall be permitted which is injurious to the general character or creates hazardous or unhealthy conditions
- Principal and accessory farm operations shall not be considered rural business

The proposed changes to this policy include:

- Elimination of the requirement that the business be located in an attached garage or limited to 768 square feet of an accessory building
- Increases the number of full time employees associated with the business from one to ten
- Removal of the word *repair* to allow for more types of activities to be permitted as rural business

Community Development staff have reviewed a variety of zoning ordinances for townships located in Calhoun County and have concluded that it is not a common practice to allow for a wide variety of businesses to function in the agricultural district, even as a conditional use. The proposed language takes the scope of rural business from that similar to a home occupation to a more commercial and/or manufacturing type of use. While a conditional use does provide for case-by-case review and mitigation of potential conflicts, it still provides that these uses be permitted if all the specified parameters are met. The parameters for rural business as proposed are limited and may result in unwanted uses that the township cannot deny. In addition, a business with ten full-time employees is likely to be more intense than a business that is “incidental to the primary residential and/or agriculture use”. This is when the general character of the Agriculture District becomes compromised.

Department Recommendation

The proposal to broaden the scope for rural businesses in the agricultural district is not in the best interest of the township. The Township Planning Commission should reconsider this proposal, and if a specific business/use is the driving force, consider amending the Zoning Ordinance to allow for that specific use as a Conditional Use in the Agricultural District. This would be a safer way to allow for a specific rural business to establish in the agricultural area without opening up the entire Agricultural District to various more intensive land uses

For these reasons, Community Development staff are recommending for disapproval by the Athens Township Board the proposed zoning text amendments outlined above.

For clarification, Member Lunger asked if there were specific types of businesses listed as a conditional use, could someone petition to add a specific business to the allowed list of businesses in the zoning language. Therefore, not supporting this request today does not mean that a business wouldn't be allowed in an agricultural zoned area, but would keep it from becoming a blanket statement allowing any and all use to be allowed. Ms. Bomba confirmed this statement. By looking at each request on a case by case basis, it will be possible to identify possible conflict within that particular agriculture district, i.e. traffic, road usage, number of employees. Written as requested, it would be difficult to manage set-backs, hours of operation and other such issues.

Member Lunger then questioned Mr. Goodrich for a clarification and what drove the request for this change. Mr. Goodrich replied that it is being driven by the opportunity to open up the use of land for people to do different things. He feels there is a lot of controversy right now as to what agriculture is and how preserving agriculture goes. He stated that there are farms in the area that have more than 10 employees with semis driving on the roads with grain. He also stated that the area needs to be more flexible to land usage in areas that do not fit an agricultural use. Member Lunger replied that it is understandable; however, the township needs to be prepared to enforce the limitations that are placed. Ms. Bomba added that there must be some parameters and foundations to the decisions that are made on that case by case basis without appearing to be subjective, having policies with clear review and expectations for all of the agricultural zoned properties. Member Lunger stated that this recommendation allows the commission to be very consistent and keep it within consistent boundaries.

Member Lark commented that he feels it will be very important for the township to be consistent with enforcing the new zoning policies. Member Potter commented that the zoning ordinance language needed examples of what would be allowed as rural businesses, but also stated that approval be based on a case by case basis. Member Sackrider agreed with the need for specific language. Member Scott commented that zoning and land use policies serve a purpose and that residents want business, commercial and industrial out of the agricultural zones.

Moved by Member Potter to accept the recommendation put forth by Community Development ; supported by Member Lark.

On a voice vote, Motion CARRIED.

b. 9-18-02, Athens Township; PA 116 Application re: Dennis & Randy Fuller

Application for Farmland Agreement (PA 116) has been submitted by Dennis and Randy Fuller for property located in Athens Township. The application consists of approximately 20 acres located in Section 19. This parcel is entirely under cultivation and there are no buildings on the property.

The subject 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 50 year contract.

The Calhoun County Community Development staff believe that the Application for Farmland Agreement submitted by Dennis and Randy Fuller is valid and recommends for approval by the Michigan Department of Agriculture and Rural Development.

Moved by Member Sackrider to recommend approval of the PA 116 Application submitted by Dennis and Randy Fuller; supported by Member Potter.

On a voice vote, Motion CARRIED.

c. 9-18-03, Eckford Township; PA 116 Application re: Holloo Farms, LLC

Application for Farmland Agreement (PA 116) has been submitted by Holloo Farms, LLC for four parcels located in Eckford Township.

The first application consists of approximately 35 acres located in Section 15. This parcel is entirely under cultivation and there are no buildings on the property.

The second application consists of approximately 31 acres located in Section 14. This parcel is entirely under cultivation and there are no buildings on the property.

The third application consists of approximately 20 acres located in Section 15. This parcel is entirely under cultivation and there are no buildings on the property.

The fourth application consists of approximately 30 acres located in Section 10. This parcel is entirely under cultivation and there are no buildings on the property.

The subject properties are zoned by Eckford Township as Agriculture. The Eckford 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 for each parcel.

The Calhoun County Community Development staff believe that the Application for Farmland Agreement submitted by Holloo Farms, LLC is valid and recommends for approval by the Michigan Department of Agriculture and Rural Development.

Moved by Member Sackrider to recommend approval of the PA 116 Application submitted by Holloo Farms, LLC; support by Member Kelly. Discussion by Member Kelly regarding why there are several PA 116 requests and why the years requested for Farmland Agreement varied as much as they do. Ms. Bomba replied that it may be based on tax credit, and years requested may be based upon what could be reasonable as far as personal land usage and the inability to get out of a contract.

On a voice vote, Motion CARRIED.

d. 9-18-04, Marengo Township; PA 116 application re: Stanley & Tina Hackworth

Application for Farmland Agreement (PA 116) has been submitted by Stanley and Tina Hackworth for property located in Marengo Township. The application consists of approximately 90 acres located in Section 13. Approximately 56 acres are under cultivation, 10 acres are being utilized as pasture, and the remaining 24 acres are classified as swamp/woodland. There are six buildings on the property: one residence, two barns, a tool shed, a milking parlor and a milk house.

The subject property is zoned by Marengo Township as Agriculture. The Marengo Township Future Land Use Plan classifies the property as Agriculture; as does the Calhoun County Master Plan. The property owner has requested a 15 year contract.

The Calhoun County Community Development staff believe that the Application for Farmland Agreement submitted by Stanley and Tina Hackworth is valid and recommends for approval by the Michigan Department of Agriculture and Rural Development.

Moved by Member Sackrider to recommend approval of the PA 116 Application submitted by Stanley and Tina Hackworth; support by Member Kelly.

On a voice vote, Motion CARRIED.

10. Department Report:

Ms. Bomba mentioned again that she is the on the Regional Planning Commission and that she is settling into her role. In addition she is the only county represented on it, the others being from city, village or township governments. The commission will be doing a regional housing project with data on many areas. One person from each county in the commission went to the Michigan Association of Planning conference. There was a focus upon planning and municipalities working together. Another focus was on quality of life, which the Community Development department is a part of through all of its individual disciplines. Ms. Bomba also shared with the Commission some booklets of data that she received at the conference that are filled with all types of data from around the state, and hopes to get a few more of them to share with anyone else that is interested in sifting through data. Ms. Bomba then introduced Amber Herman, the new Program Assistant within the department. While Amber is working on projects from all parts of the department, for this commission especially, Amber will be following up on the updates to the action the commission votes upon in order to see how the different townships worked with the recommendations. Ms. Bomba stated that the department is working with two different townships: Marengo Township is working with GIS to provide the maps needed for updating their Master Plan and with Fredonia Township to help with collecting census data and placing that in table form for their Master Plan. Each of these partnerships will build relationships between the Community Development department and the local governments to launch the services it can provide.

11. Member Comments:

There were none.

12. Public Comments:

Mr. Goodrich stated that many people aren't aware of the cost of zoning for local communities if they do it properly, and there are many areas that do not follow their own zoning rules, don't understand zoning, don't revisit their Master Plans, or don't do the leg work to update the Master Plans, so they don't really know what the people want. It really isn't a few people saying they want an area to be agricultural, industrial, etc., but that it needs to follow the will of the people. What needs to be seen is what can generate value to a property. He agreed that neighbors have the right to voice opposition to changes via public meetings. Member Lunger replied that the county tries to be supportive and to be consistent not only in townships, but county wide. Member Sackrider also stated that he tries to look at it from the legal standpoint as to what needs to be done to keep a township out of court. Mr. Goodrich also asked if a piece of property is enrolled in PA 116 are the mineral rights able to be mined off the property. Members of the commission believed that it was possible, but were not certain.

13. Announcements:

Ms. Bomba stated the next Calhoun County Planning Commission Meeting is scheduled for October 22, 2018 at 4:00 p.m. and there are agenda items from Burlington Township regarding solar energy and milling of lumber; and Albion Township regarding solar energy and standards for event barns.

14. Adjournment:

The meeting adjourned at 9:47 a.m.