

ISABELLA COUNTY
PLANNING COMMISSION

December 13, 2018

A Regular Meeting of the Isabella County Planning Commission was held on December 13, 2018 in Room 225 of the Isabella County Building, 200 North Main Street, Mt. Pleasant, Michigan.

MEMBERS PRESENT: Tim O'Neil, Phillip Vogel, Jim Horton, Ann Silker, Jeremy Murphy, Kelly Bean, Bob Campbell, Nathan Rogers, Jerry Neyer

MEMBERS ABSENT: None

SUPPORT STAFF PRESENT: Timothy A. Nieporte, Community Development Director
Ray Johnson, Zoning Administrator
Kim Kennedy, Recording Secretary

The meeting was called to order by Mr. Murphy at 7:00 pm.

The Pledge of Allegiance was recited by the commission.

APPROVAL OF AGENDA

Staff distributed an amended agenda to the commission.

Mr. Murphy requested that the amended agenda be approved as presented.

A motion was made by Mrs. Silker supported by Mr. Bean to approve the amended agenda.

Yes: Tim O'Neil, Phillip Vogel, Jim Horton, Ann Silker, Jeremy Murphy, Kelly Bean, Bob Campbell, Nathan Rogers, Jerry Neyer

No: None

Motion carried

PREVIOUS MINUTES

Minutes of the November 2018 regular meeting were circulated to the commission prior to the meeting for their review.

A motion was made by Mr. O'Neil supported by Mr. Vogel to approve the minutes.

Yes: Tim O'Neil, Phillip Vogel, Jim Horton, Ann Silker, Jeremy Murphy, Kelly Bean, Bob Campbell, Nathan Rogers, Jerry Neyer

No: None

Motion carried

LIAISON REPORTS

Zoning Board of Appeals – Mr. Vogel reported there was no ZBA meeting.

Parks & Recreation – Mr. Murphy reported that the Parks Board met and went over the budget and the Master Plan.

Board of Commissioners – Mr. Horton reported that the Board met and discussed a proposal for new jail facilities, and the county is moving forward with MIDC.

TOWNSHIP CONCERNS

Denver – None (Reported by Jackie Curtis)

Gilmore – None (Reported by Tom Gibbs)

Rolland- None (Reported by Paul Wilson)

PUBLIC COMMENT – None

SUP#18-05 Mineral Extraction Industry

Mr. Nieporte informed the commission that Mr. Switzer is applying for a special use permit to operate a mineral extraction industry at 10801 S. Isabella Rd. This application is in response to a violation notice sent to Mr. Switzer in May of 2017 for beginning a mineral extraction industry prior to obtaining permits.

In August of 2017 and following the advice of legal counsel, the planning commission recommended a modification of Isabella County Ordinance language to permit this type of activity in all agricultural districts in accordance with state law. Following approval from the Board of Commissioners, Mr. Switzer was then able to apply for the Special Use Permit to remedy the initial violation.

In addition to Mr. Switzer's property, the proposed extraction would encompass property owned by Ms. Connie Paulson, a non-conforming extraction that began in 1928. As shown on the attached site plan, the extraction would create a 13.8 acre lake spanning three properties. The proposed extraction would partially take place in a wetland and staff has received confirmation that Mr. Switzer has applied for an appropriate permit from the DEQ for this portion of the extraction.

Staff would note that the extraction is currently within 100 feet of the S. Isabella Rd. right of way in violation of Section 12.05 X 5. If an approval is going to be made, a condition should be imposed to ensure this area is be remediated immediately and restored to its original state prior to any further extraction taking place. The land encompassing the proposed extraction industry does have adequate maneuvering space for large trucks while loading and unloading.

Mr. Switzer has obtained a soil erosion and sedimentation control permit and has notified staff that he has begun the process to apply for an Industrial Storm Water Permit as required by the DEQ.

Mr. Nieporte reviewed a list of stipulations that staff recommends if the commission is going to make an approval. Mr. Nieporte also informed the board that the office had received a letter from Mr. Adam Hall expressing his concerns. The letter specifically listed concerns relating to environment, roads, noise pollution and property values.

Mr. Nieporte addressed each of the concerns raised by providing the commission with information he gained from the health department, equalization and stipulations that staff is recommending.

Mr. Switzer stated he has been working with the County Road Commission on maintain the road. He stated that there is nothing hazardous onsite and that he believes the lake he is proposing to create will increase property values.

Public hearing opened 7:19 pm

Public hearing closed 7:19 pm

The board discussed the request as it relates to Section 12.03 General Requirements for Special Land Use of the ordinance.

A motion was made by Mr. Bean supported by Mr. Neyer to approve Special Use Permit 18-05 as submitted by William Switzer, to establish a Mineral Extraction Industry in the Restrictive Agricultural (AG-1) district and shall be further conditioned upon the following:

1. The applicant shall remediate and restored, to its original state, any disturbed areas within 100 ft of a property line or road right of way prior to any further operation and extraction taking place.
2. The applicant shall be permitted to be within 50 feet of the north property line as indicated on the site plan during reclamation process and no activity shall be within 25 ft of a property line.
3. The applicant shall provide evidence from the Isabella County Road Commission that the existing drive is sufficient for the proposed operation and that both Coe and Isabella roads in the section are adequate for the existing and proposed use.
4. The applicant shall provide a copy of the Industrial Storm Water Permit issued by the Michigan Department of Environmental Quality.
5. The applicant shall provide a copy of the Wetland Permit issued by the Michigan Department of Environmental Quality. In the event a wetland permit is not issued the applicant shall provide the zoning administrator an updated site plan.
6. The applicant shall maintain all existing forested and vegetated lands within the 100 ft required setback to a property line or road right-of-way.
7. The hours of operation shall be from 6:00 a.m. to 10:00 p.m. and the extraction industry shall not operate between the hours of 10:00 p.m. to 6:00 a.m.

8. The applicant shall install and maintain a 4 ft high vegetated berm on top of which shall be a double row of staggered evergreen trees planted no greater than 10 ft on center and all trees shall be a minimum of 3 ft in height. The berm shall be constructed beginning at the forested edge to the south, outside of any regulated wetland, continuing north to within 50 ft of the existing residential driveway.
9. The applicant shall reclaim the site as per Section 12.05 X of the Isabella County Zoning Ordinance and shall provide staff with a planned stage of reclamation.

Mr. Neyer asked if there were any issues or anything the commission can do with water withdrawal.

Mr. Nieporte explained a permit for large quantity withdrawal may be needed if determined so by the Michigan DEQ.

Mrs. Silker asked if any large lights were being used.

Mr. Nieporte stated none were indicated on the application.

Mr. Vogel asked if there is a limit on the depth of the extraction.

Mr. Nieporte stated there is no limit in the ordinance.

Hearing no further discussion the chair called for a vote.

Yes: Tim O'Neil, Phillip Vogel, Jim Horton, Ann Silker, Jeremy Murphy, Kelly Bean, Bob Campbell, Nathan Rogers, Jerry Neyer

No: None

Motion carries.

SUP #18-07 – Public Use Heliport

Mr. Nieporte presented a letter given to staff 12/12/2018 by Mrs. Horan which states she is withdrawing her application.

Mr. Nieporte further stated that the application is therefore withdrawn and the file is closed.

SUP#18-08 Mini-Warehouse

Mr. Johnson stated an application was filed on November 11, 2018 by Mr. Harsh. The applicant is requesting a Special Land Use Permit to establish a Mini-Warehouse in the General Commercial (C-1) District. The site is approximately 30 acres and is split zoned between C-1 and AG-2. The proposed activity would take place on the C-1 portion of the property.

Mr. Harsh is proposing a mini-warehouse comprised of two buildings and providing space for outdoor boat and RV storage. Mr. Harsh is planning on fencing the entire area with a 6 ft fence

and 3 strands of barbed wire at the top. In compliance with the ordinance, the fence shall not be more than 8 ft in height.

Mr. Harsh is also proposing a gated entrance with key card access and a sign at the driveway meeting the requirements of the ordinance. Mr. Harsh has applied to the County Road Commission for a driveway to service the commercial operation and if an approval is going to be made receipt of this permit should be imposed as a stipulation as well as Mr. Harsh maintaining the existing screening in all required yards.

Aaron Harsh stated he is keeping the trees and will be fencing the area. There will be a gate with 24 access.

Mr. Nieporte stated that if approved the board should add to the stipulation allowing for 24 hr. operations.

Public hearing opened 7:29 pm

Tom Gibbs, Gilmore Township stated that the Township has no concerns with this proposal.

Public hearing closed 7:30 pm

The board discussed the request as it relates to Section 12.03 General Requirements for Special Land Use of the ordinance.

A motion was made by Mr. Rogers supported by Mr. Horton to approve Special Use Permit 18-08 (SUP#18-08) as submitted by Aaron Harsh, to establish a Mini-Warehouse in the General Commercial (C-1) district and shall be further conditioned upon the following:

1. The applicant shall maintain existing screening of trees and vegetation in required yards, in compliance with Section 3.23 of the Isabella County Zoning Ordinance.
2. The applicant shall provide a copy of the driveway permit or approval from the Isabella County Road Commission.
3. The hours of shall be 24 hours a day.

Hearing no further discussion the chair called for a vote.

Yes: Tim O'Neil, Phillip Vogel, Jim Horton, Ann Silker, Jeremy Murphy, Kelly Bean, Bob Campbell, Nathan Rogers, Jerry Neyer

No: None

Motion carries.

SUP#18-10 Rural Production and Processing

Mr. Johnson informed the commission that an application was filed on November 19, 2018 by Mr. Yoder. The applicant is requesting a Special Land Use Permit to establish a rural production

and processing facility in the Buffer Agricultural District (AG-3). The site is approximately 46 acres near the Village of Millbrook.

Mr. Yoder is proposing a 40 x 60 ft pole building to use for the facility and has indicated he would be doing cabinet work on a contractual basis. Mr. Yoder does not propose any employees which do not live on the premises and stated no dumpster would be onsite. Mr. Yoder has submitted a waste disposal plan in which he indicates any scrap wood will be used as fuel to heat the home and/or rural production and processing facility.

Currently there are mature evergreen trees and shrubs between the proposed use and the road. Mr. Johnson recommended to the commission that if an approval is going to be made a stipulation that Mr. Yoder maintain existing screening and work with staff to determine if additional screening is necessary.

Mr. Henry Yoder stated the business will be to support his family.

Mr. Nieporte explained the screening stipulation to Mr. Yoder and stated it would be beneficial for staff to observe the site post construction to develop additional screening as needed.

Public hearing opened 7:36 pm

Paul Wilson neighbor to the north stated he had no objections to the proposal just concerns about waste disposal.

Public hearing closed 7:38 pm

Mr. Bean asked for clarification on the waste disposal plan.

Mr. Nieporte stated that any dumping on the property would violate the law and the ordinance.

The board further discussed the request as it relates to Section 12.03 General Requirements for Special Land Use of the ordinance.

A motion was made by Mrs. Silker supported by Mr. O'Neil to approve Special Use Permit 18-10 (SUP#18-10) as submitted by Henry Yoder, to establish a Rural Production and Processing Facility in the Buffer Agricultural (AG-3) district and shall be further conditioned upon the following:

1. The applicant shall maintain the existing screening between the proposed and the road in compliance with 12.05 KK 8 of the ordinance and work with staff to develop additional screening

Hearing no further discussion the chair called for a vote.

Yes: Tim O'Neil, Phillip Vogel, Jim Horton, Ann Silker, Jeremy Murphy, Kelly Bean, Bob Campbell, Nathan Rogers, Jerry Neyer

No: None

Motion carries.

ZA#18-04 Map Amendment

Mr. Murphy accepted Mr. O'Neil's recuse from ZA#18-04 Map Amendment. Mr. O'Neil stated the applicant is being represented by his wife's law firm and Mr. O'Neil left the room.

Mr. Nieporte informed the board that Mr. Scott Zeneberg has applied to a parcel (14 acres) in Section 23 of Broomfield Township from Agricultural Buffer (AG-3) to General Commercial (C-1). The applicant is requesting to rezone a piece of property from the Agricultural Buffer (AG-3) district to the General Commercial (C-1) district.

Mr. Mike Hackett representing Mr. Zeneberg outlined the current uses in this area and found it to be in compliance with the area and the master plan. Mr. Hackett recommended that this be forwarded to the Board of Commissioners for consideration.

Mr. Hackett showed posters of the current zoning and future land use and reviewed these maps with the commission. Mr. Hackett also presented information that a parcel to the north of the proposed rezoning was zoned commercial and provided a copy of the tax information from the County GIS website.

Mr. Nieporte reviewed the handout and clarified the property is being taxed as commercial property but is not currently zoned commercial.

Mr. Hackett submitted a letter from Heather Justice in support of the rezoning request and indicated that the letter was mailed to the community development office. Mr. Nieporte advised that the office had not received the letter.

Public hearing opened 7:51 pm

Bonnie Whitberry expressed her concerns about the amount of traffic on M-20.

Public hearing closed 7:53 pm

Mr. Rogers asked about driveway requirements.

Mr. Nieporte stated these are addressed during the site plan review process.

The board discussed the request as it relates to Section 15.08 (C) (2) Map Amendment of the ordinance.

A motion was made by Mr. Neyer supported by Mr. Bean to recommend approval to the County Board of Commissioners Map Amendment 18-04 (ZA#18-04) to rezone a piece of property from the Agricultural Buffer (AG-3) district to the General Commercial (C-1) district.

Discussion related to compliance with the County Master Plan, the compatibility with the surrounding area and the capability of allowing all uses permitted in the district took place.

Hearing no further discussion the chair called for a vote.

Yes: Tim O'Neil, Phillip Vogel, Jim Horton, Ann Silker, Jeremy Murphy, Kelly Bean, Bob Campbell, Nathan Rogers, Jerry Neyer

No: None

Motion carries.

Farmland Agreement – Gabriel and Erin Papoi

Mr. Nieporte reported that Gabriel and Erin Papoi have submitted an application to the Farmland and Open Space Preservation Program (PA116) in Isabella Township. The application is a 90 year application for 122.10 acres in Section 34. The property is currently being used for agricultural purposes and is zoned as Restrictive Agricultural (AG-1) and has a future land use designation of Agricultural Conservation (AC) by Isabella County.

The application is attached and appears to be complete and staff has provided a map of the property with other lands in PA116 which are in proximity.

Mr. Nieporte stated that staff will forward a letter to the County Clerk indicating the commission had reviewed the farmland agreement and had no comments.

Wise Township Text Amendment – Utility Grid Wind Energy Systems

Mr. Nieporte stated that the community development department office received a text amendment from Wise Township to amend Special Land Uses Permitted in the Agricultural district of Wise Township. The text amendment includes ordinance language such as definitions, application requirements, and special considerations for wind energy systems.

On November 8, 2018 the Wise Township Planning Commission held a public hearing on the text amendment. Following the public hearing the Planning Commission voted to recommend approval of this language to the Township Board.

Mr. Nieporte stated that staff looks at these amendments from a compatibility standpoint. The Wise Township ordinance amendment would allow for wind turbines in agricultural districts and the County's ordinance allows for wind turbines in agricultural districts. Since agricultural districts border Wise Township, staff sees no conflict with incompatible uses. Further Mr. Nieporte stated that the Township is working with an Attorney to establish said language.

Staff will forward a letter Wise Township that the commission had reviewed the request and had no comments.

PUBLIC COMMENT –

Scott Hawken with Isabella Wind stated he was in attendance in opposition of a special use permit for a heliport that was withdrawn.

STAFF COMMENTS –

Mr. Nieporte informed the planning commission that staff had developed a framework for the post construction sound study as required by Section 12.05 QQ 28.

Mr. Nieporte also informed the planning commission that an application was been received for a special use permit for wind energy conservation systems (Wind Farm) on November 14, 2018. Mr. Nieporte reviewed the process, a tentative timeline and conflict of interest including ex parte contacts.

Mr. Nieporte stated that the office received, and has distributed to each member, a packet of information from Louise Mogg which asks the planning commission to consider making changes to the ordinance. Mr. Nieporte reminded the commission of the changes that have been made over the last two years to strengthen the ordinance as it relates to wind turbines. (Attached)

Mr. Nieporte stated that staff had received a final copy of the Parks and Recreation Master Plan and has a copy in the office if anyone is interested in reviewing it.

PLANNING COMMISSIONER'S COMMENTS

Mr. Rogers asked if the wind turbine application is a single application or are there applications for each turbine.

Mr. Nieporte clarified that it is one application for the entire project with separate site plans for each turbine.

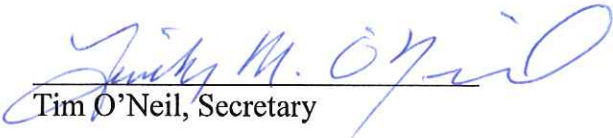
ADJOURNMENT

A motion was made by Mr. Neyer supported by Mr. Horton to adjourn the meeting at 8:13 p.m.

Yes: Tim O'Neil, Phillip Vogel, Jim Horton, Ann Silker, Jeremy Murphy, Kelly Bean, Bob Campbell, Nathan Rogers

No: None

Motion carried


Tim O'Neil, Secretary