

ISABELLA COUNTY  
PLANNING COMMISSION

October 8, 2020

An Electronic Meeting of the Isabella County Planning Commission was held on October 8, 2020 via Zoom on the above date.

MEMBERS PRESENT: Tim O'Neil, Kelly Bean, Jim Horton, Bob Campbell, Ann Silker, Nathan Rogers

MEMBERS ABSENT: Phillip Vogel, Jerry Neyer

SUPPORT STAFF PRESENT: Timothy A. Nieporte, Community Development Director  
Ray Johnson, Planner/Zoning Administrator  
Kim Kennedy, Recording Secretary  
Alan Bean and Jennifer Stewart, Spicer Group  
William Fahey and Kyle O'Meara, County Attorney

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

The Pledge of Allegiance was recited by the commission.

**APPROVAL OF AGENDA**

Mr. Bean requested that the agenda be approved as presented.

A motion was made by Mr. Horton supported by Mr. O'Neil to approve the agenda.

Mr. Bean called for a roll call vote.

Commission Silker – Yes  
Commissioner O'Neil – Yes  
Commissioner Horton – Yes  
Commissioner Rogers – Yes  
Commissioner Bean – Yes  
Commissioner Campbell – Yes

No: None

Motion carried

**PREVIOUS MINUTES**

Minutes of the September 8, 2020 electronic meeting were circulated to the commission prior to the meeting for their review.

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

Mr. Bean called for a roll call

Commission Silker – Yes

Commissioner O'Neil – Yes

Commissioner Horton – Yes

Commissioner Rogers – Yes

Commissioner Bean – Yes

Commissioner Campbell – Yes

No: None

Motion carried

## **LIAISON REPORTS**

Zoning Board of Appeals – None.

Parks & Recreation – Mr. O'Neil reported that he was unable to attend due conflicting schedule.

Board of Commissioners – Mr. Horton reported that the Board of Commissioners passed FY21 budget and have chosen the location for the new jail at the corner of Remus and Isabella Rd. Board discussed took place on how the new jail will be funded.

## **TOWNSHIP CONCERNS**

Mr. Bean announced that Township Concerns are being moved to the Public Comment section of the meeting.

## **PUBLIC COMMENT**

Mr. Nieporte reported that Jackie Curtis, Denver Township Trustee called staff to let the Commission know that all is good in Denver Township.

The Host, Ray Johnson indicated that no public on the call raised their hand to speak.

**Special Use Permit #20-07** Rural Production and Processing Facility (storage shed construction)  
Levi Yoder – Rolland Township

Mr. Nieporte stated that an application was filed by Levi and Sadie Yoder. The applicant has submitted a special use permit application for a Rural Production and Processing Facility (storage shed construction). The property is located on W. Fremont Rd., and is approximately 99 acres in size.

Mr. Nieporte provide as summary of background information. He stated that in May 2020 a complaint was filed indicating that a commercial operation was taking place. Mr. Nieporte stated that after review and inspection it was determined there was a zoning violation on the property. He indicated that had contact with owner Mr. Yoder and Mr. Yoder's attorney about the violation and that Mr. Yoder ceased the building and selling of accessory buildings which resolved the violation. Mr. Yoder is submitting this application in order to resume the commercial operation as a Rural Production and Processing Facility.

Mr. Nieporte stated that included in the application are comments on Section 12.03 General Requirements for All Special Land uses, a detailed site plan, and various maps and documents showing compliance with the requirements in Section 12.05 (KK) of the ordinance. He also noted the application also includes 13 letters of support from various neighbors, which include all the properties adjoining Mr. Yoder's property with the exception of the property across the street which is owned by individuals who don't live on the property.

Mr. Nieporte informed the board that staff has made some recommended stipulations to address screening, dumpster, and outside storage. Mr. Nieporte reviewed these recommended stipulations for the commission noting that the application indicates agreement with these stipulations.

Mr. Nieporte indicated the applicant has provided a waste disposal plan for the planning commission's approval. He stated that Mr. Yoder is proposing that any waste generated from the building materials will be burned in either an incinerator or will be burned to heat Mr. Yoder's home.

Mr. Nieporte reviewed the list of recommended conditions and stipulations if an approval is to be made.

1. The applicant shall provide a copy of the driveway permit or approval on the existing driveway from the Isabella County Road Commission for this use.
2. The applicant shall maintain existing screening as shown on the site plan and shall install and maintain a staggered double row of evergreen trees in the location shown on the site west of the concrete pad. The screening shall be outside of the right of way in the sight line to the neighboring residence to the south west. The trees shall be a minimum of three (3) feet in height and shall be placed ten (10) ft on center.
3. The applicant shall comply all requirements of Section 12.05 KK as agreed upon in the application.
4. The applicant's waste disposal plan, as described in the application, is approved by the planning commission.

Mr. Horton asked if the building these are being constructed in previously received a permit prior and who ensures these accessory buildings are meeting the building code.

Mr Nieporte clarified that the building code permitting in Rolland Township is handled by Joint Construction Code Authority and that the building did not receive a permit prior to construction.

Mr. Horton inquired about the distance to a neighboring property line.

Mr. Nieporte clarified that all set backs were being met.

Mr. Bean invited the applicant to speak.

Mr. Tom Weiss, attorney for the applicant clarified that the applicant has been in contact with the JCCA on the building requirements. He reviewed the set backs and staffing numbers. He stated that all storage will be inside and screening will be installed.

Mr. Bean questioned hours of operation.

Mr. Weiss stated hours of operation would be 7 am- 7pm.

Mr. Horton inquired if there would be a requirement for well and septic.

Mr. Nieporte stated that would fall under the building requirements and would be handled by the JCCA.

Public Hearing opened at 7:25 p.m. asking for the public to press \*9 if they would like comment.

The Host indicated there were no hands raised to make comments.

Public Hearing closed at 7:26 p.m.

Mr. Bean called for a motion and a second.

A motion was made by Mr. Horton supported by Mr. O'Neil to recommend Move approve Special Use Permit 20-07 (SUP#20-07) as submitted by Levi and Sadie Yoder to establish a Rural Production and Processing Facility in the General Agricultural (AG-2) district and shall further be conditioned upon the following:

1. The applicant shall provide a copy of the driveway permit or approval on the existing driveway from the Isabella County Road Commission for this use.
2. The applicant shall maintain existing screening as shown on the site plan and shall install and maintain a staggered double row of evergreen trees in the location shown on the site west of the concrete pad. The screening shall be outside of the right of way in the sight line to the neighboring residence to the south west. The trees shall be a minimum of three (3) feet in height and shall be placed ten (10) ft on center.
3. The applicant shall comply all requirements of Section 12.05 KK as agreed upon in the application.
4. The applicant's waste disposal plan, as described in the application, is approved by the planning commission.

Mr. Bean called for discussion.

Board discussion took place.

Hearing no other discussion, Mr Bean called for a roll call vote.

Commissioner Horton – Yes  
Commissioner Rogers – Yes  
Commissioner Bean – Yes  
Commissioner O’Neil – Yes  
Commissioner Silker – Yes  
Commissioner Campbell – Yes

No: None

Motion Carries

**Site Plan Review #20-15- Paul Gaffke/Jeff Konczak – Veterans Affairs medical clinic**

Mr. Nieporte informed the board that an application was received for Paul Gaffke / Jeff Konczak representing the Clare VA Clinic. He stated the property is located in Vernon Township, Section 2 at 11775 N Isabella Rd. He also stated the applicant has submitted a site plan review application for the expansion of the Veterans Affairs medical clinic.

Mr. Nieporte gave a brief history of the property and previous site plan approvals for the property. He noted the site plan for today’s meeting is for an 11,600 + ft<sup>2</sup> clinic addition and for additional parking lot expansion. Mr. Nieporte noted the application includes a detailed set of drawings depicting the building expansion for additional physician offices and patient examination rooms. He stated the expansion includes an upgrade to an existing driveway on the north side of the site. This north driveway will provide for ambulance access and access for additional patient parking.

Mr. Nieporte explained that Section 7.07 (i) (8) requires that parking lots which contain more than 20 spaces have their interior landscaped, as required by the Planning Commission. He stated that in 2016 the Planning Commission approved the walkways in the parking area to fulfill the requirement in Section 7.07 (i) (8). He noted these walkways provide safe, convenient access for patients visiting the clinic and the applicant is making the same request to the Planning Commission in this 2020 application.

Mr. Nieporte stated upon review of the application staff has determined that it is complete and appears to meet the requirements of the zoning ordinance. He stated that if the planning commission is going to make an approval on this request, staff would recommend the following conditions be placed upon the approval:

1. The applicant shall provide an approval or permit to install a new well and/or septic from the Central Michigan District Health Department.
2. The applicant shall provide a driveway permit for the upgrade to the existing drive from the Isabella County Road Commission or an approval on the existing driveway.
3. The Planning Commission approves the use of the walkway indicated on the site plan to act as the interior landscaping requirement in Section 7.07 (I)(8).

4. The proposed parking lot lighting shall comply with Article III of the Isabella County Zoning Ordinance.
5. The applicant shall apply for and receive a soil erosion and sedimentation control permit.

Mr. Bean called for a motion and a second.

A motion was made by Mr. O'Neil supported by Mr. Horton to approve Site Plan Review 20-15 (SPR#20-15) as submitted by Jeff Konczak and shall be conditioned upon the following:

1. The applicant shall provide an approval or permit to install a new well and/or septic from the Central Michigan District Health Department.
2. The applicant shall provide a driveway permit for the upgrade to the existing drive from the Isabella County Road Commission or an approval on the existing driveway.
3. The Planning Commission approves the use of the walkway indicated on the site plan to act as the interior landscaping requirement in Section 7.07 (I)(8).
4. The proposed parking lot lighting shall comply with Article III of the Isabella County Zoning Ordinance.
5. The applicant shall apply for and receive a soil erosion and sedimentation control permit.

Mr Bean called for a roll call vote

Commissioner Horton – Yes  
Commissioner Rogers – Yes  
Commissioner Campbell – Yes  
Commissioner Bean – Yes  
Commissioner O'Neil – Yes  
Commissioner Silker – Yes

No: None

Motion Carries

Mr. Nieporte introduced the representees of the Spicer group, Alan bean and Jenifer Stewart and Bill Fahey and Kyle O'Meara attorneys representing the county.

Mr. Fahey read the Conflict of Interest Declarations.

He stated the following Planning Commissioners were declaring a conflict of interest: Not in attendance Commissioner Jerry Neyer (brother owns property that is leased for the project); Not in attendance Commissioner Phillip Vogel (owns property as a member of an LLC that is leased for the project); Commissioner Nathan Rogers (owns property within the project's notice area and within 300 feet of the project area.)

He stated pursuant to the bylaws, a Planning Commission Member must disqualify himself/herself based upon a conflict of interest.

Mr. Bean requested that those Planning Commission members in attendance with a conflict of interest be placed into the waiting room.

Host placed was placed Mr. Rogers into the waiting room.

Mr. Nieporte explained to the members that the Site Plan Reviews for the MET towers will be a single item resolution with 5 site plans and the County's Consultant Alan Bean of Spicer Group will review each of the applications.

Mr. Bean gave brief over view of the purpose of the Five Temporary MET Towers. He explained the towers will be 197 feet tall supported by guide wires. The construction to take place March 2021 and taken down by March 2022.

#### **Site Plan Review #20-09 Isabella Wind MET – Isabella Section 24**

Mr. Alan Bean reviewed staff report showing all set backs are in compliance and that the tower meets the ordinance with a few considerations.

Mr. Kelly Bean asked why you would look at the wind data after wind turbines are up already.

Mr. Alan Bean explained that the wind farm owner would use the data to confirm the wind farm is meeting their expectations.

Trip with Isabella Wind spoke of the need of collecting data from these towers.

#### **Site Plan Review #20-09 Isabella Wind MET – Nottawa Section 8**

Mr. Alan Bean reviewed staff report showing all set backs are in compliance and that the tower meets the ordinance with a few considerations.

#### **Site Plan Review #20-09 Isabella Wind MET – Nottawa Section 34**

Mr. Alan Bean reviewed staff report showing all set backs are in compliance and that the tower meets the ordinance with a few considerations.

#### **Site Plan Review #20-09 Isabella Wind MET – Nottawa Section 35 Boge**

Mr. Alan Bean reviewed staff report showing all set backs are in compliance and that the tower meets the ordinance with a few considerations.

#### **Site Plan Review #20-09 Isabella Wind MET – Nottawa Section 35 Pohl**

Mr. Alan Bean reviewed staff report showing all set backs are in compliance and that the tower meets the ordinance with a few considerations.

Mr. Faye reviewed the approval and denial resolution.

Mr. Bean called for a motion and a second to adopt the resolution to approve the five site plans.

A motion was made by Mr. Horton supported by Mr. O'Neil to adopt the resolution with considerations as written by the County Attorney based on the review the County's Consultant and that all towers meet the ordinance requirements.

Mr. Bean called for discussion

Mr Bean called for a roll call vote

Commissioner Silker – Yes

Commissioner O'Neil – Yes

Commissioner Bean – Yes

Commissioner Campbell – Yes

Commissioner Horton – Yes

No: None

Motion Carries

Mr. Bean asked Host to bring back Mr. Rogers from the waiting room.

The Host re-admitted Mr. Rogers back into the meeting.

## **PUBLIC COMMENT**

The Chair called for public comment.

The Host indicated that there were no public on the call at this time.

## **STAFF COMMENTS – None**

## **PLANNING COMMISSIONER'S COMMENTS**

Mr. Rogers noted that he has had conversations with community members about the 2 times setback requirement from a turbine to a non-participating property line and that they felt people would no longer be able to put a house on their property and this doesn't seem to sit well from his perspective.

## **ADJOURNMENT**

A motion was made by Mr. Horton to adjourn the meeting, seconded by Mr. Silker at 8:05 p.m.

Mr Bean called for a roll call.

Commissioner Rogers – Yes

Commissioner Bean – Yes

Commissioner Horton – Yes

Commissioner O’Neil – Yes

Commissioner Campbell – Yes

Commissioner Silker – Yes (by visual indication due to audio issues)

Motion carried



Ann Silker  
Ann Silker, Secretary