

ISABELLA COUNTY
PLANNING COMMISSION

May 14, 2020

An Electronic Meeting of the Isabella County Planning Commission was held on May 14, 2020 via Zoom on the above date.

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

MEMBERS ABSENT: None

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

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. Neyer to approve the agenda.

Mr. Bean called for a roll call vote.

Commissioner O'Neil - Yes
Commissioner Vogel- Yes
Commissioner Rogers- Yes
Commissioner Silker- Yes
Commissioner Bean- Yes
Commissioner Neyer- Yes
Commissioner Campbell - Yes

No: None

Motion carried

PREVIOUS MINUTES

Minutes of the March 12, 2020 regular meeting were circulated to the commission prior to the meeting for their review.

A motion was made by Mr. Neyer supported by Mrs. Silker to approve the minutes.
Mr. Bean called for a roll call

Commissioner O'Neil - Yes
Commissioner Vogel- Yes
Commissioner Rogers- Yes
Commissioner Silker- Yes
Commissioner Bean- Yes
Commissioner Neyer- Yes
Commissioner Campbell - Yes

No: None

Motion carried

LIAISON REPORTS

Zoning Board of Appeals – Mr. Vogel reported that a meeting was not held last month.

Parks & Recreation – Mr. O'Neil reported that a meeting was not held last month.

Board of Commissioners – Mr. Horton reported that the Board has held several electronic meetings. No new updates on the land acquisition for the Jail and the Board has not been holding committee meetings.

TOWNSHIP CONCERNS

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

Mr. Nieporte indicated that staff had talked to Jackie Curtis, Denver Township Trustee and she indicated that Denver Township had no concerns at this time.

PUBLIC COMMENT – Mr. Johnson reported to the Chair that there were no public in attendance with a raised hand indicating they wished to make a public comment.

Mr. Nieporte introduced Bill Fahey and Kyle O'Meara, Attorneys for the County, and Spicer Group representatives Allen Bean and Jennifer Clawson. Mr. Nieporte asked Mr. Fahey to read the conflict of interest declaration.

Mr. Fahey discussed and read the conflict of interest declaration and indicated that because of a conflict, Mr. Neyer, Mr. Vogel and Mr. Rogers will not participate in any Planning Commission discussions, deliberations, or decisions on the site plan applications.

Mr. Fahey called upon Sectary Silker to do a roll call confirming that these declarations were complete and accurate.

Chair Bean – Yes
Vice Chair. O'Neil – Yes
Commissioner Horton - Yes
Commissioner Neyer – Yes
Commissioner Vogel – Yes
Commissioner Campbell – Yes
Commissioner Rogers – Yes
Commissioner Silker – Yes

Mr. Nieporte asked the host to remove the conflicted members to the waiting room and they would be returning after the business is complete.

Mr. Johnson reported to the Chair that the three conflicted members have been placed into the waiting room.

Issues occurred with live streaming and the meeting host reestablished the live feed.

SPR#20-04 Isabella Township Component Staging Area

Mr. Nieporte asked Alan Bean to review the staff report for SPR #20-04.

Mr. Alan Bean reviewed the history of Site Plan #19-10. The proposed staging area is considered a part of the previously approved special use permit for the Isabella Wind project. The site plan submitted by Apex is an amendment to the previous site plan approval and Permit #19-10.

Mr. Alan Bean stated that the proposed component staging areas is in the southeast quarter of Section 28 of Nottawa Township. The site is a 20 acres with 14 acres to be staging area. He indicated this is a temporary use.

Mr. Alan Bean informed the board that there are no structures proposed on the site. He stated they are proposing two curb cuts on Winn Rd which will require approval from Drain Commission and a driveway permit from the Road Commission. The applicant is proposing silt fence along the road right-of-way, has obtained a Soil Erosion and Sedimentation Control permit and stated approval from EGLE will be needed.

Mr. Alan Bean stated they had four questions for the applicant:

1. Does the applicant have plans for lighting at the site?
2. Does the applicant have plans for fencing at this site?
3. Does the applicant have plans for signage at this site?
4. Can the applicant explain the site restoration plan and agreement with the landowner?

Mr. Alan Bean recommended approval of this site plan.

Mr. Nieporte stated that the office has received a copy of the driveway permit and the Notice of Coverage from EGLE.

Albert Jongewaard, representing Apex, thanked the commission for being here and stated that the EGLE permit has been obtained and that there is no lighting or fencing proposed at the site. He stated it will be open staging area with two access points off Winn Rd., and the driveway permit has been obtained. He stated there will be no signage onsite, but there will be safety signage as per requirement of the Road Commission off of Winn Rd.

Mr. Jongewaard stated that the restoration plan in place is the same as for the current laydown yard and temporary turn radii, and that the site will be restored to the current use of farm land. He stated that all aggregate will be removed and repurposed at other turbine sites in the county, soil will be de-compacted, and topsoil re-spread. He also stated that there was no county drain impact at this site.

Issues occurred with live stream and questions of accessibility to public came up.

Chairman Bean called for a short recess for staff to attempt to resolve the technical issues.

During a brief recess Mr. Nieporte shared with the attorney the notification for the electronic meeting which included two options for listeners, one being the live YouTube feed and the other a call in option. The attorney indicated that is sufficient for public participation and the planning commission can move forward.

Chairman Bean called the meeting to order from recess.

Mr. Nieporte asked Mr. Fahey review the resolution for this plan review.

Mr. Fahey summarized the resolution. He spoke of the history of this application back to 2019. He stated that with this application the applicant wants to add 14 acres to be used as a component staging site.

Mr. Fahey stated the resolution findings are:

1. The Planning Commission adopts and incorporates the staff report as part of its finding on the application.
2. Section 11.06A: Based upon all the information considered, the Planning commission determines that, subject to the conditions listed below, the addition of the temporary component staging area as requested by the applicant as part of the Project Site Plan 19-10 is consistent with the Zoning Ordinance and in accordance with the County's adopted plan, and more specifically that:
3. The Application shows the uses will be adequately served by necessary improvements, including but not limited to, sewage collection and treatment, potable water supply, storm drainage, lighting, roads, and parking.

4. The Application is adequate to provide for the health, safety, and general welfare of the persons and property on the site and in the neighboring community.

Mr. Fahey stated that in conclusion, based upon the materials received and reviewed, including but not limited to the staff report, the Planning Commission concludes that the addition of the temporary component staging area to Site Plan 19-10 meets all the requirements of plan review, subject to specific conditions below and provided that those conditions must be complied with by Applicant as described. Subject to the listed conditions, the Planning Commission approves the Application and amends Site Plan 19-10 to add the requested temporary component staging area.

Mr. Fahey read the following conditions included in the resolution:

1. Applicant must comply with all applicable conditions previously imposed by the Planning commission on Site Plan 19-10, including all conditions made part of resolutions conditionally approving partial site plans for various aspects of the Project. Applicant must also comply with all applicable conditions governing the approval of Project SUP #18-09.
2. Section 11.06(5): Applicant must seek and obtain all permits and permissions required by the Isabella County Community Development Department, Isabella County Road Commission, Isabella County drain Commissioner, and /or the Michigan Department of Environment, Great Lakes, and Energy. Applicant may not begin construction on the temporary component staging area without providing the County all applicable permits required by EGLE.
3. Applicant shall only use the temporary component staging area from May 2020 to October 31, 2020. Should Applicant need to extend this period, Applicant may request and extension in writing from the Planning Commission for consideration at a future meeting.
4. Applicant shall comply with a all applicable local, state and federal laws, rules and regulations related to Site Plan 19-10 and the Project.

Mr. Bean called for a motion and a second

A motion was made by Mrs. Silker supported by Mr. Horton to approve SUP #20-04 based on the staff reported given by Spicer and the findings with the conditions stated in the resolution.

Mr Bean called for a roll call vote

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

Motion Carries

Site Plan Review #20-05 – Amendment to Laydown Yard – Isabella Township

Ms. Jennifer Clawson reviewed the staff report for SPR #20-05. She stated there are a few items that have changed since approval of the original site plan including the culvert size, soil stockpile, silt fence installation and hydro-seeding.

She stated the original site plan had two tool sheds south of parking area and that the applicant is proposing to remove one tool shed and replaced it with two construction trailers and that a construction trailer north of the parking area is also proposed.

Mr. Nieporte clarified that the hydro-seeding, silt fence, culverts and stock pile are all requirements of the Road Commission and soil erosion permit requirements.

Ms. Clawson stated that the applicant has not proposed any lighting, signage or fencing changes for this site and the proposed trailers meet the required setbacks. Ms. Clawson had a question for the applicant, being if the site plan changes will change the agreement with the land owner?

Ms. Clawson indicated that Spicer is recommending approval of the purposed changes with conditions outlined in the resolution specifically that the applicant apply for and receive County required permits for the trailers.

Mr. Nieporte asked if the applicant would answer Ms. Clawson's question.

Mr. Jongewaard stated that the changes will not affect the agreement with the land owner.

Mr. Fahey reviewed resolution for Site Plan Review #20-05.

Mr. Fahey summarized the history of project, and summarized what the applicant is looking for in this amendment. He indicated the same findings are based upon on the staff report prepared by Spicer and Section 11.06 A. which are required in any site plan review.

Mr. Fahey read the following conditions included in the resolution:

1. Applicant must comply with all applicable conditions previously imposed by the Planning Commission on Site Plan 19-10 including all conditions made part of resolutions conditionally approving partial site plans for various aspects of the Project. Applicant must also comply with all applicable conditions governing the approval of Project SUP #18-09.
2. Section 11.06(5): Applicant must seek and obtain all permits and permissions required by Isabella County and the State of Michigan including all applicable building permits for the two new construction trailers.

3. Applicant shall comply with all applicable local, state, and federal laws, rules, and regulations related to Site Plan 19-10 and the Project.

Mr. Bean called for a motion on the resolution.

A motion was made by Mrs. Silker supported by Mr. O'Neil to approve SUP #20-05 based on the staff reported given by Spicer and the findings with the conditions stated in the resolution.

Mr Bean called board discussion.

None heard

Mr Bean called for a roll call vote.

Commissioner Horton – Yes
Commissioner O'Neil – Yes
Commissioner Campbell – Yes
Commissioner Bean – Yes
Commissioner Silker – Yes
Motion Carries

Mr. Bean asked for Commissioners that were recused to be admitted back into the meeting.

Mr. Johnson reported that Mr. Neyer, Mr. Vogel and Mr. Rogers were admitted back into the meeting.

PUBLIC COMMENT – None heard.

STAFF COMMENTS – Mr. Nieporte thanked all for attending and the patients to learn the new way of business.

PLANNING COMMISSIONER'S COMMENTS – None heard.

ADJOURNMENT

A motion was made by Mr. Neyer to adjourn the meeting, seconded by Mr. Horton at 8:01 p.m.

Mr Bean called for a roll call.

Commissioner O'Neil – Yes
Commissioner Vogel – Yes
Commissioner Rogers – Yes
Commissioner Silker – Yes
Commissioner Bean – Yes
Commissioner Neyer – Yes
Commissioner Campbell – Yes

Motion carried

A handwritten signature in black ink, appearing to read 'Ann Silker', written above a horizontal line.

Ann Silker, Secretary