

ISABELLA COUNTY
PLANNING COMMISSION

September 10, 2020

An Electronic Meeting of the Isabella County Planning Commission was held on September 10, 2020 via Zoom on the above date.

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

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. Neyer supported by Mr. O'Neil to approve the agenda.

Mr. Bean called for a roll call vote.

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

No: None

Motion carried

PREVIOUS MINUTES

Minutes of the August 13, 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 Vogel – Yes
Commissioner Rogers – Yes
Commissioner Neyer – Yes
Commissioner Bean– Yes
Commissioner Campbell – Yes

No: None

Motion carried

LIAISON REPORTS

Zoning Board of Appeals – Mr. Vogel had nothing to report.

Parks & Recreation – Mr. O'Neil reported that he will be unable to attend meetings due to teaching schedule till December.

Mr. Nieporte stated he would get with Parks Director to see if we can get a summary of meetings until after December.

Board of Commissioners – Mr. Horton reported that the Board of Commissioners finalized the budget for FY20/21 at 21 Million. He stated that the County has purchased the property at the corner of Summerton and Remus for the new jail.

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.

ZA#20-02 Conditional Map Amendment

Mr. Nieporte stated that an application was filed on August, 17 2020, by Eli Hershberger, to conditionally rezone his property from Agricultural Buffer (AG-3) to General Agricultural (AG-2) for the Milling and Processing of Farm Products (i.e. a Sawmill).

He stated that Mr. Hershberger included a narrative addressing several items that were concerns raised in the 2019 public hearing in regards to his father's property directly to the north. Eli has indicated in the narrative that any sawmill sawdust produced would be sold or used on-site for animal bedding. He stated the narrative also indicates that any slab wood produced would be sold as firewood and there would be no open burning of waste products.

Mr. Nieporte indicated the submitted narrative notes that there would be approximately 6 trucks (between inbound and outbound product) per month. He stated that several attempts were made to get feedback from the County Road Commission on any concerns they may have regarding the impact to the road infrastructure with this type of use.

Mr. Nieporte informed the board that by using the County GIS, staff looked previous permitted sawmills and their roads. He stated that of sawmills permitted in the last few years in the southwest area of the County, one is on a paved road and the other four are on gravel roads. He indicated that staff has heard no complaints from the Road Commission, or from the public, about any of these other sawmills with regard to the impact to the roads.

Mr. Nieporte gave a summary of the letters and petition in support and a summary of the opposition letters staff received. He stated a total of 41 signatures, or letters of support, were received and 19 letters were received in opposition. He stated staff received a letter from Township Supervisor Dan Shaw stating that he would support the majority of the opinion of the residents in the area. Mr. Nieporte reviewed a letter received in opposition from Kim Preston with concerns of noise, burning scrap, smoke, sawdust waste and impact to the roads. Mr. Nieporte also indicated that one letter received in opposition was a retraction of support for the request.

The host shared his screen of a map created by staff which showed properties where letters of support and opposition were received.

Mr. Nieporte reviewed the map and pointed out that within ½ mile and 1 mile of the subject property, there were 9 properties in support and 9 properties in opposition, 14 properties in support and 14 properties in opposition respectively. Mr. Nieporte indicated that not all of the support is not being shown on the map and that 19 signatures on the petition were not able to be verified by address, so staff is not sure if they are residents of the area or residents outside of the County.

Mr. Nieporte summarized the conditions that were voluntarily made by Mr. Hershberger. He stated this application is similar to other applications where the applicants are requesting to be conditionally rezoned to AG-2.

Mr. Nieporte stated all conditions are voluntary and offered in writing, and the Commission cannot impose conditions unless they are offered in writing by the applicant.

Mr. Nieporte reviewed Section 15.08 C a, Conditional Rezoning, and noted that this is the section the Commission should be reviewing for their recommendation to the Board of Commissioners.

Mr. Nieporte indicated staff reviewed the proposal and stated that it appears to be in line with the existing Master Plan which calls for support of agricultural activity as an essential part of the County and State economy and calls for the entire area to remain Agricultural. He stated the area, including most of the area in Rolland Township outside of the unincorporated Village of Blanchard, is considered rural or agricultural.

Mr. Bean invited the applicant to speak.

Staff attempted to un-mute Mr. Hershberger. Mr. Nieporte asked for Mr. Hershberger to press *9 on his telephone to indicate that he can hear us. The host reported that a hand was not raised. Mr. Nieporte indicated that the Commission can move forward with the application and that it appeared there are issues with Mr. Hershberger being able to un-mute himself.

Public Hearing opened at 7:24 p.m. asking for the public to press *9 if they would like comment.

Kim Preston stated she was not in favor of the rezoning request. She asked for clarification about the offered conditions.

Mr. Nieporte clarified that the conditions are offered voluntarily, however if the application moves forward, the applicant will have to come back to this Board for Site Plan Review. He stated that at Site Plan Review additional stipulations can be imposed by the Planning Commission as they are with other applications.

Kim Preston stated that she is still in opposition and raised concerns over Eli's word and previous violations. She stated they are currently building small buildings on Andy's property.

Irv Preston expressed concerns with road conditions, sawdust disposal, and property value. He indicated that the Hershbergers are very good people and are trying to make a living and raised concerns about violations on Andy's property and potential non-compliance with stipulations. He thanked the Commission for their time.

The host indicated there were no other hands raised to make comments.

Public Hearing closed at 7:32 p.m.

Mr. Bean called for a motion and a second.

A motion was made by Mr. Neyer supported by Mr. Vogel to recommend approval to the County Board of Commissioners Map Amendment 20-02 (ZA#20-02) as submitted by Eli Hershberger to conditionally rezone a piece of property from the Agricultural Buffer (AG-3) district to the General Agricultural (AG-2) district.

Mr. Bean called for discussion.

Mr. Neyer asked about the steps of enforcement.

Mr. Nieporte noted that we review about 100 complaints a year and they all go through the exact same process. He reviewed the complaint process. Mr. Nieporte explained that contracts can be rescinded if applicants do not follow through and fulfill any or all of the conditions. Mr. Nieporte stated that there have been no complaints on any conditional rezonings in the last 5 or so years. He also explained at this time there are no violations on Eli Hershberger's property but there is a violation on the property to the north which is Eli's father's and staff is currently working with the property owner to resolve.

Mr. Horton expressed his non-support for this rezoning request due to road concerns and increased truck traffic, similar to the concerns at the 2019 public hearing on the property to the north. He indicated however, that he will support the decision of this Commission to the Board of Commissioners.

Mr Rogers asked buildings being constructed on the property.

Mr. Nieporte clarified that this type of activity is on the parcel to the north not on Eli's property.

Mr. Vogel believes it is not up to this board to determine impact to road conditions.

Mr. Nieporte stated that it is not the planning commission's judgement to make a determination on the impact to the road conditions but staff has asked the Road Commission for input and have not received any back at this time. He stated that we have had no other complaints for this type of activity, log trucks going up and down gravel roads.

Mr. Horton reviewed Section 15.08 2 c. and d. in regards to road conditions and stated that the planning commission could make a decision based upon the impact to the roads.

Mr. Bean expressed his concerns with making decision based on road conditions provided a truck is legal to operate on a road. He also asked if the AG-3 district should be primarily around a populated area such as Blanchard and thought the agricultural districts were more based off soil type. He stated that if the soils were different this could already be an AG-2 district and doesn't see any valid reason for not allowing the conditional rezoning.

Mr. Nieporte clarified the intent of the AG-3 zoning district and indicated that when the agricultural districts were designated they were primarily based upon soil types in soil survey manuals.

Mr. Bean also stated that this appears to be a legitimate use and that provided they are meeting requirements, this should be allowed.

Mr. Nieporte stated that liking and not liking something is not enough information to make decisions, and the planning commission should be looking at the ordinance to review these types of applications for compatibility and consistency. Mr. Nieporte also stated the applicant did try

to address the concerns at the 2019 meeting and this can be conditioned at site plan review, if it moves forward.

Mrs. Silker thanked Mr. Nieporte and indicated her concerns in the 2019 request were environmental impact and that this application appears to address these concerns.

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

Commissioner Horton – No
Commissioner Vogel – Yes
Commissioner Rogers – No
Commissioner Neyer – Yes
Commissioner Bean – Yes
Commissioner O’Neil – Yes
Commissioner Silker – Yes
Commissioner Campbell – No

No: None

Motion Carries

Site Plan Review #20-14 - North Country Metals

Mr. Nieporte indicated that the applicant intended to be present, however was called out of town for a family emergency.

Mr. Nieporte informed the board that an application from Victor Graber was received for site plan review of an expansion to his metal sales shop. The applicant would like to construct a 60 x 112 ft addition on the north side of the current building. Mr. Graber has indicated this addition would be used as storage related to the business.

Mr. Nieporte reviewed the previous approval by the planning commission for Mr. Graber’s metal shop. He stated the approval was conditioned with a requirement that screening be installed to the east of the existing building in the form of evergreen trees. He stated that staff noted the screening required by the 2017 approval was not installed. Mr. Nieporte indicated staff spoke with Mr. Graber and informed him that this screening is required to be installed. He stated that Mr. Graber indicated that he understood and, the required trees have been purchased and delivered to the site. Mr. Nieporte indicated that staff has included a recommended condition at the end of the staff report to address the required installation of the screening.

Mr. Nieporte stated that this property is split zoned between the General Commercial (C-1) and Restrictive Agricultural (AG-1), and that all existing and proposed buildings and uses take place in the C-1 district.

Mr. Nieporte informed the board staff has received no correspondences for or against this request and that the application appears to meet all requirements of the ordinance. He stated that if the

planning commission is going to make an approval on this request, staff would recommend the following condition be placed upon the approval:

The applicant shall comply with all conditions of Site Plan Review #17-03 including the installation and maintenance the required screening prior to construction.

The host displayed the applicant's site plan and Mr. Nieporte described the location of where the trees will be planted.

Mr. Bean called for a motion and a second.

A motion was made by Mr. Neyer supported by Mr. O'Neil to approve Site Plan Review 20-14 (SPR#20-14) as submitted by Victor Graber and shall be conditioned upon the following:

The applicant shall comply with all conditions of Site Plan Review #17-03 including the installation and maintenance the required screening prior to construction.

Mr Bean called for a roll call vote

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

No: None

Motion Carries

PUBLIC COMMENT

The Chair called for public comment.

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

STAFF COMMENTS – Mr. Nieporte stated that he believes the applicant was able to hear the meeting and that he noticed he left the meeting after the vote on the rezoning request.

PLANNING COMMISSIONER'S COMMENTS

Mr. Rogers inquired if some of the wind turbines seem to be two sections taller than others.

Mr. Nieporte stated that some are taller than others due to proximity to the Mt Pleasant city Airport.

Mr. Neyer asked if there was anything more we can do to get correspondences from the Road Commission.

Mr. Nieporte stated that has talked with Tony Casali at the Road Commission and he will discuss with them again.

Mr. Neyer thanked staff for their persistency.

ADJOURNMENT

A motion was made by Mr. Neyer to adjourn the meeting, seconded by Mr. Horton at 8:00 p.m.

Mr Bean called for a roll call.

Commissioner Vogel – Yes
Commissioner Rogers – Yes
Commissioner Neyer – Yes
Commissioner Bean – Yes
Commissioner Horton – Yes
Commissioner O’Neil – Yes
Commissioner Campbell – Yes
Commissioner Silker - Yes

Motion carried

Ann Silker, Secretary