

**SHIAWASSEE COUNTY
PLANNING COMMISSION PUBLIC HEARING
BOARD MINUTES – JUNE 29, 2011**

CALL TO ORDER: The Shiawassee County Planning Commission's public hearing was called to order at 7:00 P.M. on Wednesday evening, June 29, 2011 by Chairman Fred Junger. The hearing was held within the Board of Commissioners' meeting room located on the first floor of the Surbeck Building, 201 N. Shiawassee Street in Corunna.

ROLL CALL: **Present:** John Griffin, Henry W. Martin III, Glenn Love Jr., Bonnie Ott, and Fred Junger. **Absent:** Don Dickmann and William Thelen.

Also present: Linda Gene Cordier/Zoning Administrator, Peter J. Preston, Community Development Director, and Board of Commissioner/Ron Elder.

Cordier informed Chair Junger that Don Dickmann had contacted the office and stated he had previously scheduled his vacation for this week and was going to be out of town and hadn't realized the meeting had been rescheduled to this week. Also, Bill Thelen had contacted her earlier in the afternoon and due to a couple of water main breaks, he was not able to leave work to attend the meeting.

Excused Absences: **Motion:** Bonnie Ott moved to excuse William Thelen and Don Dickmann from the public hearing. **Support:** Henry W. Martin III. Motion carried: 5 ayes, 0 nays.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Chair Junger.

PROOF OF PUBLICATION: Cordier informed the chair that the notice had been published within the Shiawassee County Independent on Sunday, June 12, 2011 and proof of publication was available for review. Chair Junger noted proof of publication would be placed on file and declared the hearing legally published.

APPROVAL OF THE AGENDA: **Motion:** Henry W. Martin III moved to approve the agenda as printed. **Support:** Glenn Love Jr. Motion carried: 5 ayes, 0 nays.

APPROVAL OF BOARD MINUTES: **Motion:** John Griffin moved to approve the board minutes of May 25, 2011 as printed. **Support:** Henry W. Martin III. Motion carried: 5 ayes, 0 nays.

BOARD OF COMMISSIONER COMMENTS: Commissioner Ron Elder informed the board that the next Economic and Physical Development Committee meeting will be held on July 11th. The Veteran's Affair Office held an open house this past Monday. Their office had been relocated from Norton Street to the third floor of the Surbeck Building. Approximately 100-125 people attended the open house. Their office hours are Monday thru Thursday from 1:00 p.m. to 5:00 p.m. There are two part-time employees with two people under a work-study program.

CALL TO THE PUBLIC ON NON-AGENDA ITEMS: None.

OLD BUSINESS:

Text Amendment – Table 2.26.3., Table 2-1, and Section 4.3.52); Mud bogging and Other Outdoor Recreation

Preston informed the board that a public hearing had been held on the proposed text amendment back on May 26, 2010. Some changes were proposed at that time and the planning commission moved to send it

back to the rewrite committee. The reasoning for the text amendment was mud bogging events were taking place within Burns Township, which was being conducted illegally. The office was notified that they would not be holding a mud bogging event this year. A small group of people had attended the public hearing and voiced their concerns with the proposed language at that time. The rewrite committee made minor changes to the proposed language which is before you this evening. The changes were made on page three; specifically #4 D. the wording one-hundred (100) people were added. No camping or situating of recreational vehicles for temporary occupancy will be permitted unless approved by a special use permit. The intent of adding the mud bogging language is to maintain the health, safety, and welfare of those within the county. Changes are also proposed within Section 4.3.56 (Private non-commercial race tracks) by adding a facility shall be setback at least 200 feet from any property line or road right-of-way. And, although the Zoning Board of Appeals interpreted mud bogging events in 2002 allowing three or less vehicles as a private non-commercial race track; the rewrite committee has recommended that it be changed to read fewer than eight (8) vehicles considered private non-commercial. Language on hours of operation, noise decibel levels, and no lighting permitted are already in existence within the ordinance.

Preston stated the board has the option to recommend approval and forward it on to the Board of Commissioners' for final review and adoption, forward it back to the township's for a second review, or send it back to the rewrite committee for additional changes.

Henry W. Martin III stated it was the consensus of the rewrite committee to recommend the proposed text amendment language to Section 2.26.3., Table 2-1 and Section 4.3.52 Outdoor Recreation and Entertainment Establishments, and Section 4.3.56 Private Non-Commercial Race Track, be forwarded to the County Board of Commissioners for adoption.

Chair Junger called for public comments. Preston replied that at one point Bill Thelen had requested the language be amended to include outdoor gun ranges to the Mud bogging and Other Outdoor Recreation section. The rewrite committee can research that for consideration, but we need to move forward with the proposed language.

Motion: John Griffin moved to recommend to the Board of Commissioners the proposed text amendment for Mud bogging and Other Outdoor Recreation and to the Private Non-Commercial Race Track ordinance language. **Support:** Bonnie Ott. **Roll Call Vote:** Ayes to recommend approval: Henry W. Martin III, Glenn Love Jr., Bonnie Ott, John Griffin, and Fred Junger. **Nays:** None. Motion carried: 5 ayes, 0 nays.

NEW BUSINESS:

Application Request #PSUP11-02 (Special Use and Site Plan Review)

Applicant – Cellere, LLC. (Agent on behalf of Verizon Wireless)

Property Owner – Dale Constine and Sons, Inc.

Site Location – South M-52, Owosso, Section 27, Bennington Township

Tax Identification – 78-010-27-300-001-00

Request – Wireless Communication Facility (195' Monopole Wireless Communication)

Ordinance – Section 4.3.16 (Communication Towers) of the 1999 Shiawassee County Zoning Ordinance, as amended

Preston provided the board with a brief staff report. The site location is approximately one-half mile south of Grand River located on the east side of M-52 within Bennington Township. The site location is approximately 200 acres in size, which is currently under a special use permit to mine sand and gravel including concrete crushing. There are no structures on this property. The applicant is seeking approval to construct a 195 monopole wireless tower within a 10,000 square foot facility. The ordinance requires a special use permit and site plan approval for the tower within the A-2, Agricultural Production/Rural

Residential, district. The A-2 district allows for agricultural activities and single-family homes. The proposed location for the tower will meet the setback requirements from the property lines and will be approximately 600 feet setback from M-52. Access will be from the existing service drive used for the surface mining operation. There will be no change in traffic to and from the site. The tower will be inspected periodically by the tower company. One employee parking space is anticipated within the compound; however, the plans need to be rectified to include one parking space outside the compound area. No lighting is anticipated on the tower per F.A.A. requirements due to the proposed height. Currently the area is being mined for sand and gravel. Future plans upon reclamation of the mining will be to create single-family residential parcels. Landscaping of the facility may not be an issue now, but it could be in the future and the board should address the issue. There doesn't appear to be another facility to add onto within the applicant's search radius. The proposed height is not an issue and again the setbacks for the proposed location appear to be met. It will be designed so other communication service providers can be added to the tower. Preston discussed the proposed fencing and security. Preston noted the board should consider whether or not they felt the need for barbed wire along the top of the fence with the applicant.

Chair Junger asked Preston if there would be a generator on site within the compound, if so it may required the barbed wire for security.

Preston noted fencing is a requirement; however, the barbed wire along top is the issue.

Board Member Discussion:

1. How will discontinuance or abandonment of the tower be handled? Preston replied that if approved, it was standard language within the special use permit.
2. Interference with radio service within the area? Preston stated communication towers are regulated by the F.C.C. Any interference would be a violation of the general law. Staff would contact the owner and then pass it on to the F.C.C.

Preston again mentioned that there must be a turn around area designated on the site plan located outside of the compound.

Chair Junger asked if the board had additional questions for staff. Hearing none, Junger explained the Rules of Procedure to the audience. Speakers are limited to two-minutes with all questions directed to the chairman. Junger then asked Cordier if the request was legally noticed.

Cordier replied that it had been published within the Shiawassee Independent and that the applicant, property owner, township, and surrounding property owners of the site had been notified by mail.

Chair Junger asked for ex-parte contact by the board. Hearing none, he asked if the applicant was present.

Dave Larson informed the chair he was the representative of Cellere; however, the name has been changed to White Pine Land Company. It is the same people, just a name change. The turn around currently is inside the compound, which normally is how they like them. The trucks are able to drive right up next to the equipment shelter. No landscaping was proposed, but would be willing to do so if it is necessary. The purpose of the barbed wire would be for security of the equipment and would hope they could install it on top of the fence.

Griffin and Ott felt barbed wire along top of the fence would be a good idea.

PUBLIC COMMENTS: Chair Junger opened the floor for public comment in support of the request. Hearing none he asked for public comment opposed to the request.

Speaker #1, Dick Lucas, noted the proposed tower would be next to a subdivision. The generator would make a low humming noise. He was opposed to a generator.

Larson replied that when the generator would kick in during an emergency, it would have a low decibel humming noise. Two people could stand beside it and talk without a problem. The generator is needed in case of a power outage.

Lucas responded that his home is only 400 feet away from the proposed site. It would be a constant low audible hum.

Speaker #2, Mark Hanna, responded to Preston's staff report with regard to the fact there appeared to be no other towers within the applicant's search range. He noted there is a large tower west of M-52 on Bennington Road and asked if there was capacity available on the other towers to co-locate?

Preston answered that the tower he was referring to was located approximately a half-mile west of M-52 and believed the tower was at its capacity with four antennas. The application before us this evening is proposed to cover a gap in service between Bennington Road and Perry.

Larson replied that the companies do not want to put more towers up if they don't have to. The towers in the township are already at capacity. The tower is needed to fill in the gaps and lapse of service to the customers.

Hanna asked if they attempted to contact other carriers to see if they were at their capacity. The proposed tower will be about one mile south of the Bennington Road tower and will be huge.

Preston again noted that there were already four co-locators on that tower and it cannot take on another antenna. That tower is approximately two miles north of this site.

Larson responded that there were no towers available within a two (2) mile radius.

Lucas responded that there was another tower located on Grand River near Morrice Road.

Hanna discussed possible health effects if the tower were approved. We would just like one less tower. Hanna asked if staff confirmed that there were no other towers available within the area.

Chair Junger asked if there was township input.

Preston replied yes. The township's input was included within their packets. The township stated: *"The Bennington Township Board held a meeting on May 2, 2011 in which the application for a special use permit for a wireless tower to be constructed on behalf of Verizon Wireless was on the agenda. This application was approved with conditions."*

Trustee James Forsythe moved to approve the Special Use Permit for Cellere on behalf of Verizon Wireless to construct a wireless tower on the property 78-010-27-300-001-00, with the condition that a surety bond be placed on file with Bennington Township in the amount of ten thousand (\$10,000.00) prior to construction. Second by Trustee Nancy Zdunic. All board members in favor. Motion carried.

The surety bond was a condition put forth by the Township Board as set forth in the Bennington Township Wireless Communication Towers and Antennas Civil Infraction ordinance #04-12-01. Section 7. Donna Ash, Clerk of Bennington Township.

Cordier read two letters received:

Camilla Willett stated she was all for progress.

A statement signed by John Hurd, Harold Tozer and Alvin Merkel stated they were concerned with potential interruptions with over the air signals for radios and televisions. If this occurred, what would be their recourse.

Preston explained that the F.C.C. governs the frequency levels on communication towers. If there were to be a dispute, then it could come back before this board.

Lucas responded that there were other areas within the township that may be more suitable. The township owns land close to this proposed site, which doesn't have a lot of homes around it. The township owns 15 acres just north of this. The tower should be placed on the township property. The revenue collected could benefit the residents in the township. Did the company look at different site locations in the area?

Larson said that although he did not search for properties with respect to this case, they do look for public property to see if available. This parcel was looked at because it was large and was being used as a gravel pit and there is an established salvage yard across the road. Larson stated he didn't know if the township property had been looked at or not.

Hanna replied that before a recommendation is made to pass this on to the Board of Commissioners, the planning commission should determine if they can co-locate on another tower (Bennington Road or Grand River Road).

Chair Junger answered that this application (special use and site plan) does not go on to the Board of Commissioners. It is handled by this body. The permit, if approved, could have conditions placed on it. Junger asked if anyone else wished to speak. Hearing none, he closed the public hearing to allow for board deliberation. As there was no discussion, Junger continued with review of the General Standards.

GENERAL STANDARDS OF APPROVAL:

1. The special use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
Staff: The petitioned use and structure is proposed in an area with some residential dwellings in the immediate area. The future use of the property is anticipated to be for residential purposes upon completion of the sand and gravel mining operation. The proposed use and structure are not anticipated to be outside of the parameters outlined in the Ordinance for such facilities. The county does have other towers within residential developments; this is proposed along a State highway.
Board: Concurred with the findings. There may be some equipped with generators.
2. The special use shall not inappropriately change the essential character of the surrounding area.
Staff: The petitioned use and structure is proposed in an area with some residential dwellings in the immediate area. The future use of the property is anticipated to be for residential purposes upon completion of the sand and gravel mining operation. The proposed use and structure are not anticipated to be outside of the parameters outlined in the Ordinance for such facilities and therefore not anticipated to change the essential character of the area.

Board: The proposed location is accessed from a State highway. The board concurred with the findings.

3. The special use shall represent an improvement to the use or character of the property under consideration and the surrounding area in general, yet also is in keeping with the natural character and environmental quality of the site.

Staff: The petitioned use and structure is proposed in an area with some residential dwellings in the immediate area. The future use of the property is anticipated to be for residential purposes upon completion of the sand and gravel mining operation. The proposed use and structure are not anticipated to be outside of the parameters outlined in the Ordinance for such facilities.

Board: Board concurred the findings are similar to the previous statements made but noted there were still some outstanding issues such as with the landscaping.

4. The special use shall not be hazardous to adjacent property or involve use, activities, materials or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, ground vibration, water runoff, fumes, light or glare.

Staff: The petitioned wireless communication tower and associated facilities are not anticipated to generate off-site impacts as described under this item.

Board: Communication towers are prohibited under general law to produce equipment that is hazardous to the health and safety of the public. There are regulations on the level of frequency that can be used. Board concurred with the findings.

5. The special use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed special use shall be able to continually provide adequately for the services and facilities deemed essential to the special use under consideration.

Staff: No public facilities or services are anticipated, other than general services such as police, fire and emergency services.

Board: The area is large enough to provide for parking inside as well as outside. The area provided outside the fenced area would need a turn around. Board concurred with the findings.

6. The special use shall not place demands on public services and facilities in excess of current capacity unless planned improvements have already been scheduled for completion.

Staff: No public facilities or services are anticipated, other than general services such as police, fire and emergency services.

Board: The board concurred with the findings.

7. The special use shall be consistent with the intent and purpose of this Ordinance and the objectives of the County Land Use Plan.

Staff: Subject to providing outstanding information, the petitioned wireless communication tower and associated facilities are consistent with the underlying zoning district, and the designation for this property under the Shiawassee County Future Land Use Plan.

Board: The board concurred with the findings.

8. For special uses in the A-1, A-1½, and A-2 Districts, approval of a permit shall be further determined on the basis of the proposed land use's effect on a loss of prime agricultural land or on the right-to-farm of any adjacent farm.

Staff: The petitioned use and structure do not appear to impact the use of adjacent farmland.

Board: Concurred with staff's findings.

DISCUSSION:

Ott noted that this application was reviewed at the township level, which has a Township Ordinance for communication towers. It appears they reviewed the gray areas for coverage and found the application to be in compliance with the Township Ordinance.

MOTION: John Griffin moved to approve the Special Land Use Permit/Final Site Plan request for a 195' tower (not including appurtenances) and associated facilities within a 10,000-sf site compound, as submitted by White Pine Land Company (on behalf of Verizon Wireless) to be located on the east side of M-52 and as legally described in Section 27 of Bennington Township (Parent Tax I.D. 78-010-27-300-001-00) based on the following reasoning and conditions:

Reasoning: 1. Subject to the conditions provided below, it is found that the petitioned special use permit for a wireless communication tower and associated facilities meets the general standards as provided for in Article 12 of the Ordinance. 2. Additional reasoning as presented by the Planning Commission and Township.

Conditions: 1. Provide information as noted by the Staff Report as having not been provided for on the site plan or in supplemental information. Compliance shall be determined by the Community Development Director prior to the issuing of permits or authorization of construction of the petitioned use. 2. Compliance with the provisions of the Zoning Ordinance shall be determined by the Community Development Director prior to the issuing of permits or authorization of construction of the petitioned use. 3. Additional conditions as required by the Planning Commission and determined by the Community Development Director an approved landscape plan, One parking spot and turn around area outside the compound, Fence to include barbed wire, and a Soil Erosion Sedimentation Control Permit from the Environmental Health Department.

Support: Glenn Love Jr.

Roll Call Vote: Ayes: Glenn Love Jr., Henry W. Martin III, Bonnie Ott, John Griffin, and Fred Junger. Nays: None. Motion carried: 5 ayes, 0 nays.

**9. Text Amendment (Ordinance Section 4.3.76)
Wind Energy Conversion Systems; specifically 4.3.76.D.#6.**

Preston explained that the Planning Commission has approved a couple of special land use permits and site plans for meteorological test towers since the adoption of the Wind Energy Conversion Systems language. It was brought to the Planning Commission's attention that the maximum height for a test tower was measured in feet and it should have read to be in meters. The towers are manufactured in meters and not standard measurements. The proposed change is to remove the following language from that paragraph: *"The height of Testing Facilities shall be no greater than two hundred and forty (240) feet from normal grade to the highest point of the operational facility."*

Chair Junger noted the test towers are similar to towers with guy wires stabilizing them. Preston agreed there is no concrete base for a temporary tower. Junger asked if this had legally advertised. Cordier stated it had been. Junger asked for ex-parte contact. Hearing none. Junger opened the floor for public comment in support of the text amendment.

Speaker #1: Mark Hanna; He was happy to see the County focusing on wind energy and congratulated them for adopting language within the ordinance.

Junger thanked Hanna and commented that the Planning Commission had wanted to be prepared ahead of time by having language already in place within the ordinance. Chair Junger asked if there was any opposition. Hearing none, he closed the floor and asked for board discussion.

Preston reminded the commission that this would be a recommendation to the County Board of Commissioners for a text amendment. The language had been sent out to the townships for review. No negative feedback was received.

Motion: **Bonnie Ott** moved to forward the Wind Energy Conversion System text amendment (Section 4.3.76. D.#6) for removal of the following sentence: *“The height of Testing Facilities shall be no greater than two hundred and forty (240) feet from normal grade to the highest point of the operational facility.”*

Support: **Henry W. Martin III.**

Roll Call: Ayes: Glenn Love Jr., John Griffin, Henry W. Martin III, Bonnie Ott, and Fred Junger. Nays: None. Motion carried: 5 ayes, 0 nays.

**9c. TEXT AMENDMENT (Section 5.3.1. and Section 5.3.2.):
Accessory Building and Structures; specifically 5.3.1.A.1.
Accessory Building; specifically by adding “E” Planned Residential (Plat/Site Condominium) Accessory Use to the Section**

Preston explained the purpose of the proposed text language was to allow site condominium developments, platted subdivisions and planned unit developments the ability to construct an accessory building on a vacant parcel to house equipment needed to maintain a lake or open space. Currently it has been interpreted that an accessory structure cannot be built on a residentially zoned lot unless there is a permanent dwelling. Accessory buildings are considered accessory to the principal use. After looking into the ordinance, it was discovered there was a gap. New ordinances in other areas have language that allows construction of an accessory structure to store lawn equipment, trails, or lake equipment and/or chemicals. It also allows for a structure to be built for use as a club house. It was brought to our attention when the Lake Manitou Association raised the issue. The Planning Commission asked the Rewrite Committee to draft text language for consideration to adopt into the ordinance. The language before you tonight was sent out to the fourteen townships under County Zoning for a 50-day review and recommendation period. The amendment to Article 5 to allow accessory structures within a platted subdivision or site condominium development would specifically be to 5.3.2. (Accessory Uses) #E. The language was not written just for Lake Manitou; it would cover fourteen of the townships under County Zoning. It would regulate the maximum size building, height, setbacks, no more than four (4) parking spaces, no outdoor storage unless fenced with a six foot maximum height of the fence. No idling of vehicles for more than 15 minutes a day would be permitted. Preston stated the committee tried to incorporate new language for new development but attempt to retro-fit language into older existing platted subdivisions within the County. Preston again mentioned that the language had been sent out to the townships for a 50-day review period. Most of the townships did not object and/or did not respond.

Chair Junger asked board members for Ex-Parte contact. Hearing none, he stated he would open the floor to public comment and reviewed the rules of procedure. Speakers will be limited to two-minutes; name and address slips are available for speakers to sign.

SUPPORT:

Speaker 1: Jerry Meyer, spoke on behalf of the Home Builders Association and Lake Manitou Association, he wanted to state they were in favor of the proposed language and wanted to thank the Rewrite Committee for doing a good job in drafting the language. There are other areas within the County that would benefit from the proposed language. The Association is trying to construct a building to house their equipment in it and become legal with the County. They polled about 75 percent of the Lake

Manitou Association whom was in favor of the language. Meyer stated he wished to apologize to the board for taking up their time. Any outstanding issues and differences of opinions should be handled at the Association level internally and not here. We are all residents of the lake; the association would not be putting something up that wouldn't fit in. Meyer thanked the board for bringing forward the positive language.

Chair Junger again informed the audience that the proposed text language would cover 14 townships if adopted. Tonight's meeting is a public hearing on the proposed language.

Speaker #2: Jim Forsythe stated he was the President of the Lake Manitou Association and is a member on the Bennington Township Board. He wanted to go on record that they were in support of the amendment. Everyone has lawn mowers inside of barns. The association has a combine and other equipment that is kept outside. A building to house herbicides or to do repairs on the equipment would benefit the association. He thanked the board for considering placing language within the ordinance to accommodate this.

Speaker #3: Judi Keay stated she was also on the board and wanted to agree with Jerry and Jim's comments.

Speaker #4: Lloyd Sutliff stated he, too, was in favor of the request.

Speaker #5: Russ Friess said he has been a member for eight years. He has taken care of the equipment for them for the last two years and was in favor of the proposed language.

Speaker #6: Mark Hanna. stated that although he was in support of the intent of the language, he felt it needed more discussion especially with #8. The rule of law is the applicant to provide the burden of proof. Language needs to be clear on protecting the rights of the public or surrounding property owners. Hanna stated he embraced the concept but it just wasn't clear enough to track. He discussed deed restrictions, by-laws, and covenants. The Community Development Department is already short-staffed. You are asking the administrator to review this. How will you know all criteria have been satisfied before signing off on a permit?

Chair Junger read aloud E.#8: *"It shall be the responsibility of the association or organization petitioning and operating such accessory use to determine and substantially document that the use of a lot and construction of a structure for such purposes on said lot shall be in conformance with adopted by-laws, deed restrictions, covenants, or other restrictions for non-residential use and development set forth by the State or any other entity that has jurisdiction of plats or site condominiums."* Junger asked Hanna if he had any suggestions to give to Preston.

Hanna discussed the possibility of a request ending up in court. You are asking staff to make a judgment on an application without outside council. The County could end up in a lawsuit. Hanna talked about the 5th Amendment Rights, the association and their by-laws. You are trying to make the language retro-fit areas that maybe don't have an area set aside for accessory buildings. Make language needs to include if a development was created after a certain date. The people out here are a wonderful group of people who have resided there for many years and now a division is being created amongst them because of this.

Preston replied that he agreed with Hanna, this is a complicated issue. It has not been litigated, but we are trying to say if it doesn't have enough information to accept then it can be sent on for further research. We would have to rely on legal council. The problem doesn't appear to be with new developments coming in; it is trying to retro-fit language to meet the needs of existing developments. The Rewrite Committee

can look at it again in more detail and we can review it with the Prosecuting Attorney if the board wants. We don't want to see anything litigated either.

OPPOSITION:

Speaker #1: Cheryl Plumley informed the board her property would be about the parcel where the barn is being proposed. She objected to the building as it would obstruct her view. The barn would take up 2/3rd's of the lot. Two other neighbors' already have pole barns. If it is on the property with a home, that is fine. Our by-laws state the lots are for single-family homes. She didn't want to have to stare out at a pole barn. She informed the board she had visited the neighbors in the general area and 80-85 percent of them did not want it. There are a lot of nice homes in the area; this will depreciate my property values.

Speaker #2: Tim Rudolph stated that his wife's parents resided on Lake Manitou and that he had started doing a deed research on this. This is an accessory use and discussed the definition within the zoning ordinance. He discussed previous Michigan Court cases that had been looked at. The language needs to be reviewed further to avoid future legal issues. He referenced E#6 which discusses the essential character of the lot. A structure shall not be permitted if it changes the area or enjoyment of the adjoining property. The parcel is already deed restricted. The building would be huge. Rudolph discussed E#8. You are going to let staff make a determination. There needs to be objective standards in place. If there are deed restrictions, they need to know exactly what they are approving. Rudolph presented the chairman with a petition of people objecting to the proposed building of a pole barn on recently acquired property by the association (approximately 25 signatures). The people did not know about this until this past Monday. He questioned if the township approved of this. Maybe it should go back to Bennington Township. Rudolph concluded that he agreed with Hanna and that the language still needed additional research and he would be willing to assist the committee or Preston if needed.

Chair Junger informed everyone that the planning commission has the option of not forwarding it on to the County Board of Commissioners if they feel it needs more research or editing. If it goes back to the Rewrite Committee and there are major changes, the Planning Commission will direct staff to mail it back out to the townships for another review period before another public hearing is held.

Dan Morrell, Lake Manitou. This was made known to us two weeks ago. The Association purchased a lot, which is zoned residential for a single-family home. Morrell stated he was opposed.

Chair Junger informed the audience that a lot of the conversation tonight was dealing with the Lake Manitou Association By-Laws. The issue before this board this evening is a text amendment to the County Zoning Ordinance. This body can recommend the proposed text amendment language to the Board of Commissioners for approval; we can table the proposal for further discussion or to send it back to the Rewrite Committee for further research.

Friess stated he was hoping to see an ordinance change. He currently has to drive 10 miles to work on the equipment when needed. It would be easier if the Association had a building close by.

Chair Junger stated the public hearing is to gather additional information after it has gone to the townships. This body then determines if it should be forwarded onto the Board of Commissioners for consideration of adoption or reject what has been presented and send it back to the committee for further research. Tonight's hearing has been very valuable to us. It may appear to be a sticky mess, but it is necessary. It appears that there may be some internal strife going on within the Association. Junger asked the board how they wanted to proceed.

Griffin said it was his belief that there was enough pertinent information received tonight to warrant sending the text amendment back to the Rewrite Committee for additional research and legal council.

This proposed amendment to the ordinance is not just for the Association, it would cover all fourteen townships. It would cover existing subdivision and associations as well as future developments.

Motion: John Griffin moved to send the proposed Text Amendment Section 5.3.1.A.1. and Section 5.3.2.E. back to the Rewrite Committee for further research and review by legal council. **Support:** Bonnie Ott. Motion carried: 5 ayes, 0 nays.

Chair Junger informed the public that any proposed changes will be brought back to this body for review and consideration to forward back to the townships for another 50 day review before it will come back here for another public hearing.

REPORTS OF OFFICERS and COMMITTEES:

a. Ordinance Revision (Rewrite): Martin informed the board that because of the latest legal action within the State legislation on medical marihuana, the committee has asked staff to see an extension on the moratorium by the Board of Commissioners. The proposed Land Division Ordinance that Bill Thelen, Don Dickinson, and Pete Preston was working on was reviewed by the committee. It's an ordinance that will be proposed to the townships. Plan are to update the Zoning Ordinance with all the changes have been adopted. Plans are to then place the ordinance on the County's website.

b. Future Planning Committee: Four (4) parcels were reviewed by the committee regarding applications to P.A. #116. The requests were recommended for approval and a letter sent to the County Clerk/Lauri Braid, Commissioner Ron Elder, and to Doug Piggott/Caledonia Charter Township Zoning Administrator as three of the applications were located within Caledonia Charter Township.

Chair Junger commented that staff probably would be seeing an increase in application requests for P.A. #116 due to the fact the State may be eliminating the program. Brief discussion followed about the application forms and whether or not they were complete or lacking information.

c. Gravel Committee: The committee has finished the review of the surface mining language within the Zoning Ordinance for updates. It will be passed on to the Rewrite Committee for review before coming before this body for approval to send out to the townships. The committee is hoping to view all gravel pits in July or August.

d. Land Division Ordinance: Chair Junger noted Bill Thelen wasn't present to give a report.

COMMUNICATIONS RECEIVED: Cordier informed the chair that staff had received two additional P.A. 116 requests this week and wondered if the committee wanted to meet after tonight's meeting to look them over. Love and Junger agreed to meet after the public hearing to review the applications.

BOARD MEMBER COMMENTS: None.

ADJOURNMENT: **Motion:** Love moved to adjourn the public hearing. **Support:** Martin. Motion carried: 5 ayes, 0 nays. Meeting adjourned at approximately 8:56 P.M.

Recording Secretary – Linda Gene Cordier

Fred Junger, Chairman
Shiawassee County Planning Commission

September 28, 2011

Date of Approval of Board Minutes

