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Mark Simon
Bob Kudwa



**CLINTON COUNTY
PLANNING COMMISSION**

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PLANNING COMMISSION MEETING MINUTES
Thursday, November 12th, @ 7:00 p.m.

1. Call to Order and Roll Call -

The November 12th, 2009 Planning Commission meeting was called to order at 7:00 p.m. with Madam Chair Shannon Schlegel presiding.

Members present: Mark Simon, Dave Pohl, Bing Barks, Shannon Schlegel, Pam Pohl, Jim Ostrowski and Bob Kudwa. All present and a quorum was reported.

Staff present: Wendy Ward, Assistant for the Planning Commission and Dan Leonard, Assistant Planner / Zoning Enforcement Officer, Community Development Department

Visitors: Brenden Miller, Robert & Nikki Pung, Richard & Terry James, Brent & Tonya Heyer, Marcia & Steve Pung, Deb Schafer, Garrett Miller, Glenn Ernst, Peggy Leonard, Ted Lewis, Dean Harper, Diane Burton, Doug George, Janice Spitzley, Dennis Spitzley, Linda Hopko, Steve Arwood, Dennis Miller, Cathy McCure, Rick McCure, Joe Thelen, James Foulds, Lyle Simon, Pete Clark, Bill VanElls, Beth VanElls, Stan Thelen, Paul McNamara, Jack Enderle Eugenia Pung, Paul Pung, Diane Simon, Scott Simon, Kathy Farley, Ken Farley, Keith Heezen, Lynn Heezen, Judy Huhn, Arleita Schafer, Deb Pung, Laureen Simon, Glenn Simon, Matthew Simon, Duane Pung, Darrell Buck, Lionel Olgonja, Kam Washburn, Richard Bates, Eric Harger, Deborah Gould, Bruce Gould, Theresa Feldpausch, Leon Feldpausch, Harold Rappuh, Vicky Hoark, Jordan Miller, Ken Wieber, Gerald Arens, Ed Martin, Becky Feldpausch, Mark Woodbury, Pete Buursta, Dave Feldpausch, Brenda Feldpausch, Cory Pung, Alyssa Miller, Bruce Feldpausch, Ryan Pung, Ruth Dow, Shirley Weber, Gale Rowell, Elizabeth Ayoub, Emmitt James, Charles & Gail Wadell, Luke Thelen, Gary Wieber. Joe Smith, Janet Feldpausch, Doug Feldpausch, Shari & Albert Koenigsnecht, Jerome Feldpausch, Lori Pung, Ray Rowell, Mike & Nancy Davenport, Stan & Heather Sillman, Michelle Wilsey, Kimberly Scott, Robin Currie, Terry Link, George Ayoub, Kathy Feldpausch, Greg Armbrustmacher, Jerry Pung, Paul Opsommer, and Robert Boettger. All those who submitted the request to speak during public comments has been entered into the record and placed on file.

2. Pledge of Allegiance -

The pledge of allegiance was given to the flag.

3. Approval of Agenda -

Dan Leonard stated that, under new business, there is a language amendment being proposed for discussion at tonight's meeting and that, in lieu of the number of people here to speak in regards to the proposed language, he recommended to amend the agenda and place the proposed language amendment, Item 9.A. PC-29-09 LA, for last item of discussion under New Business.

PLANNING COMMISSION ACTION

Moved by Dave Pohl, supported by Barks to approve the agenda, as amended. There being no further discussion, motion carried [7-0].

Madam Chair Schlegel stated that it is a policy with the Clinton County Planning Commission that after 10:00 p.m. they not take on any more agenda items. This does mean that they will cease discussion on the current item of discussion at that time.

4. Approval of Per Diem Vouchers –

PLANNING COMMISSION ACTION

Moved by Ostrowski, supported by Dave Pohl to approve the November 12th per diem vouchers. There being no further discussion, motion carried [7-0].

5. Approval of Planning Commission Meeting Minutes -

A. October 8, 2009

PLANNING COMMISSION ACTION

Moved by Ostrowski, supported by Kudwa to approve the October 8th meeting minutes, as presented. There being no further discussion, motion carried [7-0].

6. Communications -

There were no communications presented.

7. Public Comments -

There were no public comments presented.

8. Old Business -

A. PC-28-09 SP – Final Commercial Site Plan Review – Miller Sand & Gravel, LLC

An application for a final commercial site plan review has been submitted by Miller Sand & Gravel, LLC, to allow for a sand and gravel mining operation on the property located at 15805 West Howe Road (Parcel ID# 19-070-007-200-010-00), Section 7, Eagle Township. Map Amendment/Rezone Request **PC-19-09 MA (OR-62-09)**, to rezone this property from A-2 – General Agriculture District to MR – Mineral Resource Extraction District, took effect on **Sunday, September 13th, 2009**. The Planning Commission tabled Case PC-28-09 SP for 30 days on October 8th as per applicant's request.

Leonard presented staff's report. A brief discussion followed on a surety bond requirement. The smallest phase is 5 acres and the largest is 11 acres; need to discuss this with the applicant and the consensus of the Planning Commission is to allow staff to determine the surety bond amount; as per each phase. It's a \$2,000 per acre surety bond

bond requirement. Staff is comfortable with landscaping on site (buffering mostly on the north side). This is a 9-year completion project.

Pete Buurstra, PE, Project Manager Land Development Solutions, Engineer was present and approached the Board on behalf of the petitioner. Petitioner was also present. Discussion followed.

PLANNING COMMISSION ACTION

Moved by Barks to approve the final commercial site plan with the tree plantings as indicated on the site plan reviewed, 15 foot centers with 4' height, surety bond will be a \$2,000 per acre based on each phase, landscaping to the north. Ostrowski supported with a friendly amendment to include the Eagle Township Board's support, the hours of operation are spelled out and consistent with other mining operations in the County and based on the conditions for approval as outlined in staff's report. There being no further discussion, motion carried [7-0].

9. New Business -

(Amended agenda – 9.A will follow as last item of discussion under New Business)

B. PC-30-09 SLU / SP – Special Land Use / Final Commercial Site Plan Review – Nikki & Robert Pung

An application for a special land use / final commercial site plan review has been submitted by Nikki & Robert Pung to allow for a limited recreational retreat on property located at 1050 E. Taft Road (Parcel ID#19-034-200-030-00), Section 34, Bingham Township. *Language Amendment OR-64-09 – Limited Recreational Retreat (PC-25-09 LA) received final approval on October 18, 2009.*

Dan Leonard provided a review of staff's report. Updated site plans were received in the Community Development Department this afternoon and have been distributed to all Planning Commissioners this evening. A large concrete L-shaped piece (on original site plan) will be removed on the new site plan. On the eastern boundary, there is a residential parcel adjacent to the east and with this being a commercial entity now, some type of screening is needed here; there is no existing buffer. Applicants show on the new site plan that they will install a 6' high wood fence in this area. This should be adequate in this area; also could have a possibility of planting, if needed. The western side is unique. There aren't any trees or plantings here now; given the location, it's really not needed; screening is not a great need, either.

With the existing building, applicants will use four rooms with a maximum occupancy of twelve people; this criteria meets the applicants' situation. There will be no retail sales, the parking plans meet the new model set up in the zoning ordinance, proposed signage is new (just received this evening) and staff hasn't had a chance to review. Applicant will need to submit a sign permit application in the Planning & Zoning office. The Planning Commission may want to discuss lighting with the applicants, as it's not on the site plan and the initial site plan did not reference this. Bingham Township recommended approval of the special land use / final site plan. The Mid-

Michigan District Health Department did visit and inspect the site and found nothing wrong with the systems, it is adequate for its use. Applicants have worked with the health department on water and sewage concerns. The County Road Commission had no objections as this use would generate relatively small amounts of traffic. All parking spots should be outside of the road right-of-way and any planned work in the right-of-way would require a permit through the Road Commission. The County Drain Commissioner shared that none of the proposed improvements will encroach upon an existing county drain and he is not opposed to this project. The proposed additions do appear as they will increase the impervious surface area of the site significantly and the applicant should be required to demonstrate how the change in runoff from the site will be managed such that it does not negatively impact adjacent properties. Applicant will need to indicate specific efforts that will be taken to mitigate the storm water runoff that will result from the improvements.

Bob and Nikki Pung, petitioners, were both present and approached the Board. A brief discussion followed. The fence on the east side will be a solid wood fence, 6' high. There are currently four (4) motion activated lights that come on at each end of the building and aim towards the parking lot. There will only be one entrance / exit for the customers.

PLANNING COMMISSION ACTION

Moved by Ostrowski, supported by Simon to open the public hearing. There being no further discussion, motion carried [7-0]. There being no comments, the public hearing closed.

PLANNING COMMISSION ACTION

Moved by Barks, supported by Simon to close the public hearing. There being no further discussion, motion carried [7-0].

PLANNING COMMISSION ACTION

Moved by Dave Pohl moved to approve the final site plan based on the rationale of conditions for approval as listed in staff's report, the lighting issue has been addressed and agreed upon - there are currently four motion activated lights (two lights on each end of the building that point out directly to the parking lot) at this time and this is sufficient, and that applicants will install a solid 6' wood fence on the east side. Ostrowski supported based on the same rationale. There being no further discussion, motion carried [7-0].

PLANNING COMMISSION ACTION

Moved by Ostrowski to recommend approval of the special land use to the County Board of Commissioners based on the rationale that it meets the requirements and conditions as outlined in the zoning ordinance and staff's report, and the Bingham Township Board has recommended approval of this special land use / final site plan. Dave Pohl supported based on the same rationale. There being no further discussion, motion carried [7-0].

Madam Chair Schlegel called for a roll call vote. Those voting aye (7) – Kudwa, Simon, Pam Pohl, Barks, Dave Pohl, Ostrowski, Schlegel. Those voting nay (0).

There being no further discussion, motion carries [7-0].

Case PC-30-09 - final site plan for Nikki and Bob Pung was approved by the Planning Commission on November 12th, vote of [7-0].

Case PC-30-09 – special land use has been recommended for approval by the Planning Commission to the County Board of Commissioners for their review on Tuesday, November 24th, vote of [7-0].

C. PC-31-09 MA – Map Amendment / Rezone OR-67-09

An application for a rezone has been submitted by Clark Farms requesting to rezone properties located at 10641 W. Clark Road (Parcel ID#19-070-013-400-010-00 and #19-070-013-300-005-50), Section 13, Eagle Township, from A-2 – General Agriculture District to MR – Mineral Resource Extraction District.

Dan Leonard reviewed staff's report. There is an existing tree line on the western border of the eastern parcel on Clark Road. It will not be the two complete parcels requesting the rezone. We are looking at the 56 acres on the western parcel and the 25 acres on the eastern parcel.

PLANNING COMMISSION ACTION

Moved by Dave Pohl, supported by Barks to open the public hearing. There being no further discussion, motion carried [7-0].

Eric Harger, Trinity Engineering and representative of the applicant, Dean Clark, Clark Farms, were both present and approached the Board. A discussion followed. The parcel to the east has good heavy soil, more borings to be done with the 56 acres to the west. Mr. Clark proposes to change the haul route, to move away from the neighbors, move it out to the field and put in a buffer.

PLANNING COMMISSION ACTION

Moved by Barks, supported by Ostrowski to close the public hearing. There being no further discussion, motion carried [7-0].

Mr. Leonard stated that he has worked very well with Mr. Harger on this layout. This is much more streamlined and to the point - this will be a model used for future rezoning cases.

PLANNING COMMISSION ACTION

Moved by Barks, supported by Dave Pohl to recommend approval of the rezone request to the County Board of Commissioners. There being no further discussion, motion carried [7-0].

Madam Chair Schlegel called for a roll call vote. Those voting aye (7) – Dave Pohl, Simon, Barks, Pam Pohl, Kudwa, Ostrowski, Schlegel. Those voting nay (0). There being no further discussion, motion carries [7-0].

Case PC-31-09 MA, Rezone / Map Amendment OR-67-09, is recommended for approval by the Planning Commission to the County Board of Commissioners for their review on Tuesday, November 24th, 2009 at 9:00 a.m. [Vote of 7-0]

A. PC-29-09 LA – Language Amendment

The subject of the Public Hearing will be the consideration of the following language amendment (summation), **OR-66-09 (PC-29-09-LA)**, to the 2005 Clinton County Zoning Ordinance – Wind Ordinance. Dan Leonard provided a brief discussion on the proposed language; it has been a work-in-progress. The Definition section of the language is pretty standard and similar to State recommended language. Setbacks and sound are the two (2) biggest concerns. The utility scale of wind turbines has generated a lot of curiosity with the public.

PLANNING COMMISSION ACTION

Moved by Dave Pohl, supported by Simon to open the public hearing. There being no further discussion, motion carried [7-0]. The public hearing was opened.

Madam Chair Schlegel stated that all comments and questions are to be addressed directly to the Board and the public must limit comments to no more than 3-5 minutes so that all present receive opportunity to speak.

For public comments, refer to the attached ‘ATTACHMENT A’ – public comments for Case PC-29-09 LA, language amendment OR-66-09 from the November 12th Planning Commission public hearing.

PLANNING COMMISSION ACTION

Moved by Ostrowski, supported by Pam Pohl to close the public hearing. There being no further discussion, motion carried [7-0]. The public hearing was closed.

Madam Chair Schlegel thanked the public for attending the public hearing and sharing their comments. This is an emotional issue. She also commended the professionalism and courtesy shown by all.

Further discussion followed. Dave Pohl added to separate the commercial or the utility type projects in developing this ordinance from the onsite ones. We have 2 different issues to deal with; 2 separate ordinance processes. Barks added that what we heard here tonight, it looks like we need to revisit the setbacks and the decibels off of these generators and at least take another look at them. This seemed to be the highest ranking of their concerns; setbacks and noise – also blade flickering – this all enters into the same thing. Revisit these and make some revisions.

Simon – another issue, not as emotional at this point, what will this look like in 30 years; near the end of their life and for future generations, try to give this more consideration. Schlegel felt that there were bipolar thoughts on the standard that should be set. Dave Pohl added to at least review the standards and discuss this a little further. Set a bond level and revisit it every five or ten years; to keep it current in the market at that time; maybe there’s a 50 year life. Maybe tied into the comprehensive plan. Madam Chair added that the complaint process also needs to be flushed out and

clarified. Dave added that in all honesty, we need to shorten the ordinance and bring it down to something that everyone can quickly understand. Sometimes the simplicity and clarity with these things is very worth while. They should be able to stand on their own merits. Ostrowski added that the two are separate issues; the commercial wind farms versus the residential turbines, small factories powering it - these are two separate issues and could simplify. One is not as complex an issue as the wind turbine farm and also it is worth while to ask the Administrator in Huron County what they would do differently – this is the premier County in the state for this issue. It would be worthwhile to check with them. This is a draft language presented here tonight. It's going to come, we have to start somewhere. We just need to continue to refine it and get it as close to a final copy that is acceptable. We have to be pro-active and work towards a final copy. Dave Pohl added that we need to respect technology changes that have taken place even since the Huron County projects; there are significant changes since this and we need to be aware of these. Ostrowski added that in regards to the differing noise standards comment made, a changing standard is very difficult for a machine; we have to be more specific as to what our standard is and set one to the daytime and one to the nighttime so that the manufacturer will meet this.

PLANNING COMMISSION ACTION

Dave Pohl stated that with these thoughts in mind, to assume constant communication with the Planning Commission and obtain comments from Huron County, maybe a statement from the development / planning individuals in Huron County as to what they would do different and what would remain the same. With this in mind, he would move to table this case, PC-29-09 LA, not necessarily for action but to revisit it in December (December 10th Planning Commission public hearing), Ostrowski supported.

Madam Chair Schlegel called for a roll call vote. Those voting aye (7) – Kudwa, Dave Pohl, Simon, Ostrowski, Pam Pohl, Barks, Schlegel. Those voting nay (0). There being no further discussion, motion carried [7-0].

This matter is tabled until the December meeting not to make a decision but to revisit it at this time. Any further documentation must be submitted to either Wendy or Dan in a reasonable time frame to allow for review by staff and the Planning Commission before the next scheduled meeting.

10. Other Business –

- A. Farmland and Open Space Preservation – Completed Contracts

PLANNING COMMISSION ACTION

Moved by Barks, supported by Dave Pohl to accept and place on file. There being no further discussion, motion carried [7-0].

- B. Dan Leonard provided a brief discussion, as per the request of the Zoning Board of Appeals, on adjustments on accessory structure sizes on larger parcels. Adjustments have been made to the zoning ordinance on how to regulate these (language amendment was adopted in 2006). Our revisions have taken care of the majority of these issues on file and we have had maybe two cases since. We have a maximum limit on accessory

coverage of parcels five (5) acres or greater. We just reviewed a case; an equestrian barn to be placed on a ten (10) acre parcel (1600 sq. ft. – a 60' x 120' barn) and applicant already had a 30 x 40 pole barn on the same parcel and with the pole barn and the proposed building, it put the applicant over the allowable 7500 sq. ft. limit so he had to apply for a variance. The consensus of the ZBA was that this type of request is occasional, it's fine; it's healthy. If we find this type of request being presented a lot, then we would need to revisit the language. Ostrowski added that the big consideration was that 7500 sq. ft. on a five (5) acre lot is a lot different than 7500 sq. ft. on a ten (10) acre lot – this is what applicant argued and this is what the ZBA considered; the difference in the percentage of the lot coverage and the location and the area.

11. Community Development Report –

We received a couple of master plans this month. Watertown Township recently adopted their master plan, 10/19/09 and they thanked us for our comments. In lieu of all wind conversation, the building administrator has been working with Leonard because of the regulating and permitting process if the residential or utility scales come into the County. They both attended the Small Wind Conference held in Detroit last week. This is brought up for discussion only; no action is required. The community scale project was discussed in length (as Rep. Opsommer presented); a lot of focus was not on utility scale. A collective group of farmers go in and privately purchase their own single tower and invest on their own account; also schools doing smaller projects – this is the community scale projects. This is a new topic that has come up and is a new form of ownership that will be regulated pretty much the same.

Dave Pohl reiterated that, in his motion, he stated that the proposed language amendment will be revisited next month for discussion, not necessarily that definitive action needs to occur. Kudwa added that maybe we need to supply staff with more information as to where to go and what to do as far as the report itself. Maybe we need two documents; a supporting document to a more general policy and something we can reference for definition and clarity down the road. We will continue to have more information, more comments, more reports, more conversations thrown at us, we will need a point of reference as to why we made a certain decision or came to a certain conclusion. He also questioned as to whether we should bring someone in from Huron County to talk to the Planning Commission. Leonard responded that he has spoken with Russ Lumbart, Development Director of Huron County on the issues that have encompassed the County over the past two years. He is very willing to communicate and he could get some type of a statement from him. Legal counsel will be working with staff more, also. Staff does not need any further clarification at this time.

12. Adjournment –

PLANNING COMMISSION ACTION

Moved by Ostrowski, supported by Barks to adjourn. There being no further discussion, the November 12, 2009 planning commission meeting was adjourned at 9:55 p.m. on a vote of [7-0].

Respectfully submitted,

Wendy Ward, Assistant to the Planning Commission / Community Development Department