

Ford River Township Planning Commission

Regular Meeting Minutes June 1, 2017

1. The Meeting was called to order by Mr. Steve Nelson at 7:01 pm
2. Roll call was done. Present were Mr. Delor Wellman, Dr. Carol Kolinsky, Mr. Bruce Lippens

Also in attendance: Approximately 20 citizens and Supervisor Racheal Fountaine

3. Public Hearing: For Ray and Jason Livingston For Special Use started at 7:05 pm. Comments from the public were requested and none were given. The Planning Commission went through the requirements in Section 604 and all commissioner agreed that the proposed project met the requirements. See attached sheet for Motions and Seconds and the project was approved by all commissioners present. Discussion was asked for by Mr. Nelson and there being none the motion was approved. The public hearing was closed at 7:10 pm with motion by Mr. Delor Wellman and seconded by Mr. Bruce Lippens.

4. Public Hearing: Subject the proposed changes in Definitions the township zoning ordinances.

A. **Definition of attached garage.** Mr. Nelson asked for comments from the public and the board. Dr. Kolinsky asked if these changes were being made because of building code changes. Mr. Nelson stated they had definitions for attached and nonattached garages the Zoning Rules did not explain exactly what attached meant and this change is to clarify exactly how an attached garage is to be defined.

B. **Base site area.** We had used the language in the rules but never had a definition of it before so this language was to clarify what is to be meant by a base site area. Mr. Nelson asked for public and board comment. There was none.

C. **Private landing strip.** This is another one that we had in the ordinances but never had a definition of previously. This is to clear up exactly what is meant by that term. Mr. Nelson asked for public or board comment and there was none.

D. **Free standing Solar Array/Panel.** Mr. Nelson explained that there are two different types of Solar Arrays, one attached to the house and one freestanding. Supervisor Fountaine stated that as freestanding require a special use permit the definition is needed of what a freestanding Solar Array/Panel would look like. Mr. Nelson asked for any comments from the public and board and there was none.

E. **Private Roads.** Mr. Nelson explained that this was to keep our definition the same as the land division act. We had 5 or more houses on our definition and the Land Division Act, which is part of State rules, said was 3 or more houses. Mr. Shann asked if this affected anyone and Mr. Nelson responded that it would be mostly in the future as present private roads would be grandfathered in.

Section 604 guidelines. Mr. Shann from the audience was in favor of the changes. The audience was polled and the rest of the audience was in favor of the changes. It was brought up that all these changes have been reviewed by the township attorney and the Township Board.

J. Article IV: General Regulations Change 407B and remove R1. No questions : Section 409 Accessory Vehicle Storage decision was made to leave the wording as it presently is without making changes. No other comments or questions were made.

K. Section 412 Access to A Street(Lot of Record) : Change lot of record to “new lot” due to conflicting regulations due to grandfathered lots. No comments or questions were made.

L. Section 413 Existing Nonconforming Private Roads; Remove the word existing from: This section is also intended to allow new construction to occur on (existing) lots which front along such a road on the adoption date of this Section. This would allow grandfathering in of lots on roads that were there before prior restrictions were put in place. No comments or questions were made.

M. Article IV: Section 419 Quarries;

Add:

F. Michigan’s Part 91 law covers erosion control permits for earthwork. Removal of topsoil sand, gravel, peat, clay, rock or marl require a SESC permits from the County enforcing agency before the earth change can begin. No comments or questions.

G. No excavating activity will take place within 50 feet of adjoining properties and side-slopes will be at least 3:1 beginning at the 50’ setback and proceeding into the quarry. No comments or questions.

N. Article VI: Special Use Permits; Section 604 General Standards—Remove Group Day Care Homes from 604J and create new section 421 Group Day Care Homes. By State Law we cannot deny them. No comments or questions.

O: Section 606 Appeals; Change in language from Township Board to Zoning Board of Appeals. This was a typographical error that needed to be clarified. No Comments or questions.

P: Section 608 Personal use landing field; This is clarify what is expected of proposed personal landing fields. The zoning board never had any specific definitions before and this is to take care of that deficiency in the zoning rules. Comment from the public was if these new rules would take care of landing planes on the river. Mr. Nelson replied that we have no jurisdiction on the river. The DNR is in charge of that particular situation. No other comments or questions

Motion was made by Mr. Lippens to approve all the changes with a second by Mr. Wellman. All were in favor. Motion carried.

F. **Shared Driveway.** Mr. Nelson that our old definition was 4 or less and again we had to change it to 2 or less to be in compliance with State Rules. Mr. Nelson asked for any question or comment from the public or board and there was none.

G. **Group Daycare Homes.** Mr. Nelson state that due to new State Laws we cannot require a Special Use permit. We have to change our ordinance to reflect State rules. Mr. Nelson asked if there were any comments or questions and there were none.

H. **Freestanding Solar Arrays.** Supervisor Fountaine states that they are being discussed because they are going under Special Use Permit. It will be a new permit we are adding in to section 307 D9. Mr. Nelson asked the public and board members if there were any comments. Dr. Kolinsky asked if ones attached to homes would also need a special use and Supervisor Fountaine replied no, that they would remain a regular permit. No other questions.

I. **Article III Zoning Districts and Maps** Mr. Nelson state that one of the changes we are going to make is that instead of Home Occupation One being a special use permit that it would be a permitted use in all districts as its effect on the home is minimal. The occupation would have to be in the home or an attached garage and no employees, noise or other noticeable activities and it wouldn't be noticeable to neighbors in their district. Mr. Penokie wanted more elaboration on what that would allow and what that is changing. Mr. Nelson replied that instead of going for a special use permit to have a home occupation 1, the owner involved would just contact Supervisor Fountaine and get a permit and the owner would not have to come for a public hearing. Mr. Penokie wanted to know what the occupation would be and Mr. Nelson replied that it is not defined by what the occupation would be but rather by the activity around the home it would require. Home occupation 1 would not increase the traffic, noise, new buildings or equipment. Supervisor Fountaine brought up that the changes include changing Home Occupation 2 would require a Special Use permit in R2 areas and Home Occupation 1 is removed from needing a special use permit in any area including R1. Mr. Penokie state that this material doesn't define what Home Occupation 1 and Home Occupation 2 look like. Mr. Nelson said that they are in the definition in the Zoning Ordinance. Mr. Penokie asked what the difference was. This was explained by Mr. Nelson that Home Occupation 1 would have be done in the home or an attached garage and no employees except family members. Home Occupation 2 could occur in one other building on your property and you could have 1 outside employee. Mr. Penokie wanted to know if this would change the permissive uses in R2. He objected to allowing R2 to have even a small business as it would mean that neighbors would be living next to a business so that people would be forced to live next to a business. Mr. Nelson replied that it would be a limited business as defined by Home Occupation 2. Mr. Penokie objected saying it would affected the neighbor's property values having to be next to a Home Occupation 2 business. Another public member disagreed as they thought that no one could really know it was a business as it was so limited. Mr. Nelson stated that State Planning Meeting say this is the way of the future. Mr. Penokie thought it would be against the Master Plan. Mr. Nelson mentioned that whatever happens would still have to pass

Motion to end the public hearing made by Mr. Lippens with a second by Dr. Kolinsky. All were in favor and motion carried.

Public Comment on Agenda Items, None

Minutes of May Meeting: Motion was made by Mr. Lippens was made to approve the minutes with a second by Mr. Wellman. No discussion. All were in favor of approval.

Permits. Mr. Nelson asked Supervisor Fountaine if there were any Permits and she state there were none.

5.Unfinished Business:

1. Conditional use for cell tower on K Road. Supervisor Fountaine indicated that the party in question had not returned her calls concerning renewal of its special use. As the tower was built with a time limit on how long it can stand without a use as a cell phone tower. Supervisor Fountaine stated that she will send them a letter to renew the permit otherwise they would have to take it down. We will keep this on the agenda
2. Discussion of the meeting at Bay College on Marijuana. Mr. Nelson and Mr. Wellman attended and they stated that it was a researcher from Colorado who stated that it has created more problems than they anticipated. In the future, the township will be making the decision to allow/not allow the growth/extraction etc. of marijuana. It will not be treated as another agricultural product.

6.New Business: None.

7.Communications: Supervisor Fountaine had a discussion with Mr. Rory Mattson on ponds and he will get back to her in the near future and it may require a change in the zoning ordinance so this will be carried forward as unfinished business.

Supervisor Fountaine has a new deputy who will be doing all permits while she is on vacation.

8.Public Comment on Nonagenda Items: There was none.

9.Adjournment: Mr. Lippens made a move to adjourn seconded by Dr. Kolinsky. All in favor. Meeting was adjourned at 8:12PM

Bruce Lippens
Jul 7, 2017