



**Calhoun County Planning Commission  
Minutes  
May 6, 2019**

**1. The May 6, 2019 Planning Commission Meeting was called to order at 4:03 p.m.**

**2. Roll Call - called by the Program Assistant, Amber Herman**

Present: Commissioners Scott Fleming, Sarah Kelly, Ben Lark, Dan Livingston, Terance Lunger, John Sackrider, Kelli Scott, Gary Tompkins.

Staff in attendance: Jennifer Bomba, Community Development Director; Amber Herman, Program Assistant; Lucy Blair, Communications Manager.

Quorum was met.

Excused: Angela Kline, Ben Lark

**3. Approval of Agenda**

*Moved by Member Sackrider to approve the May 6, 2019, Calhoun County Planning Commission agenda, as presented, supported by Member Fleming.*

On a voice vote, Motion CARRIED.

**4. Public Comments**

There were none.

**5. Approval of Minutes**

*Moved by Member Sackrider to approve the March 25, 2019 meeting minutes as presented, supported by Member Scott.*

On a voice vote, Motion CARRIED.

**6. Communication**

There was none.

**7. Old Business**

There was none.

**8. New Business**

a. Recommendation for Appointment of Jen Rice to the County Planning Commission.

Jen Rice has applied for the open position representing recreation/tourism interests. She is currently the general manager for the Calhoun County Fairgrounds and market manager for the Marshall Area Farmers Market. Ms. Rice would serve the until May 31, 2022.

*Moved for recommendation by Member Fleming; supported by Member Tompkins.*

On a voice vote, Motion CARRIED.

- b. Recommendation for Reappointment of Sarah Kelly to the County Planning Commission.

Sarah Kelly, who fulfills the role of environmental health and human services interests, is interested in serving a new term through May 31, 2022.

*Moved for recommendation by Member Tompkins; supported by Member Fleming.*

On a voice vote, Motion CARRIED.

- c. Any other New Business to come before the Commission.

There was none.

## 9. Township Planning & Zoning Coordination

- a. 4-19-01, Newton Township: PA 116 Application re: Phillip Randall

Application for Farmland Agreement (PA 116) has been submitted by Phillip Randall for property located in Newton Township. The first application consists of approximately 28 acres located in Section 4. Approximately 18 acres are under cultivation with the remainder being classified as swamp/woodlands and building site. There are four buildings on this parcel: one residence, two barns, and one tool shed.

The second application consists of approximately 42 acres located in Section 27. This parcel is predominantly under cultivation with approximately 4 acres of wooded lands and/or building site. This parcel is occupied by one barn.

The subject parcels are zoned by Newton Township as Agriculture. The Newton Township Future Land Use Plan classifies the property as Agriculture; as does the Calhoun County Master Plan. The property owner has requested a 90 year contract for both parcels.

### **Department Recommendation**

The Calhoun County Community Development staff believe that the Application for Farmland Agreement submitted by Phillip Randall is valid and recommends for approval by the Michigan Department of Agriculture and Rural Development.

*Moved to accept the recommendation by Member Livingston; supported by Member Scott.*

On a voice vote, Motion CARRIED.

- b. 4-19-02, Marengo Township: Zoning Text Amendment re: Solar Energy Facilities

The Marengo Township Planning Commission has proposed zoning language to provide for solar energy facilities throughout Marengo Township. The new language defines a solar energy facility and provides for their use as a conditional use in the Light Industrial zoning district. A Solar Energy Facility is defined as follows:

**Solar Energy Facility:** The land, equipment, devices and hardware comprising a ground-mounted system and operation whereby energy from direct sunlight is transformed into electricity for distribution exclusively to a regulated public utility

for transmission to off-site customers. A Solar Energy Facility shall produce electrical energy only for off-site use. Such a facility may include solar photovoltaic cells on ground mounted panels and other equipment, including underground electric distribution lines and, if permitted, above ground connection to overhead utility transmission lines.

Such a facility may only be sited on property zoned as Light Industrial, and must follow the conditional use permit process which includes site plan review. In addition, the new language establishes regulations such as: minimum lot size, setbacks and buffers, signage, abandonment and decommissioning, etc. (see paperwork provided for details).

### **Department Recommendation**

The recent growth of renewable energy in Michigan is a result of Public Act 295 of 2008 and Public Act 342 of 2016. The 2008 Act required Michigan's energy providers to maintain at least 10% of their energy portfolio from renewable energy sources, including wind energy, geothermal energy, and solar energy. The 2016 Act increases this requirement, mandating that an energy provider's portfolio be 12.5% renewable energy by 2019, with a later increase to 15% in 2021. The ultimate goal of the 2016 Act is to have 35% of Michigan's electric needs met through energy waste reduction and renewable energy by 2025. To meet these requirements, utility companies have undertaken a rapid expansion in developing Michigan's renewable energy sources, including solar power. From this initiative, local units of government are establishing the appropriate means to manage these types of land uses in their communities.

The Community Development staff believes that the proposed policy amendments to the Marengo Township Zoning Ordinance regarding Solar Energy Systems are thorough and will provide the township with the proper means to manage this type of use. In conclusion, Community Development staff recommend for approval of the language by the Marengo Township Board.

Member Scott asked who is doing the Master Plan for Marengo to which Ms. Bomba gave the name of Bob Toland. Ms. Bomba added that Mr. Toland has also been using the county's GIS department to provide updated maps for the plan.

*Moved to accept the recommendation by Member Livingston; supported by Member Sackrider.*

On a voice vote, Motion CARRIED.

c. 4-19-03, Athens Township: PA 116 Application re: Barbara & Levi Lagrange

Application for Farmland Agreement (PA 116) has been submitted by Barbara and Levi Delagrange for property located in Athens Township. The first application consists of approximately 30 acres located in Section 23. Approximately all the acreage is under cultivation, with no buildings on the property.

The second application consists of approximately 30 acres located in Section 23. This parcel consists of 13 acres under cultivation, 10 acres of fenced or pasture and the remainder as building site. This parcel is occupied by one residence and four barns.

The subject parcels are zoned by Athens Township as Agriculture. The Athens Township Future Land Use Plan classifies the property as Agriculture; as does the Calhoun County Master Plan. The property owner has requested a 10 year contract for both parcels.

### **Department Recommendation**

The Calhoun County Community Development staff believe that the Application for Farmland Agreement submitted by Barbara and Levi Delagrang is valid and recommends for approval by the Michigan Department of Agriculture and Rural Development.

*Moved to approve by Member Fleming; supported by Member Tompkins.*

On a voice vote, Motion CARRIED.

- d. 4-19-04, Marengo Township: Zoning Map Amendment re: multiple parcels along Michigan Ave.

The Marengo Township Planning Commission has proposed an amendment to the zoning classification for approximately 191 acres of land in Sections 19 and 20 of Marengo Township. The majority of the subject property lies east of Rice Creek, north of Michigan Avenue and south of Interstate 94. There are approximately 30 acres north of Interstate 94 that are included in this proposal. The property is currently zoned as Agriculture and the request is to rezone it to Light Industrial. The Township Planning Commission has recommended for disapproval of this request.

The surrounding zoning consists of Agriculture to the north, south and east. The property to the west is zoned by the City of Marshall as Freeway Service Commercial. The Township Master Plan classifies the subject property as Agriculture. The four parcels making this proposal are largely undeveloped/vacant land. The largest of the parcels was previously altered when a golf course was proposed, but not brought to fruition. A portion of this larger parcel is currently being used as an outdoor event center.

Marengo Township is currently in the process of reviewing and updating their Master Plan and much discussion has occurred regarding this area. The proximity to public utilities and access to interstate transportation routes makes this location a prime site for future development. The area south of Interstate 94 falls within the future growth boundaries as detailed in the County Master Plan.

### **Department Recommendation**

Future development in the vicinity of Michigan Avenue and Partello Road is an appropriate plan for Marengo Township. The proximity to existing infrastructure and availability of property for sale make this an attractive site for development. However, Community Development staff believe that the township should consider the following recommendations to the proposal:

The parcel north of the highway should be eliminated from the proposal utilizing Interstate 94 as a development boundary, and safeguards should be considered to protect Rice Creek from future development of a higher intensity.

In conclusion, Community Development staff recommend for approval of the rezoning of the parcels south of Interstate 94 from Agriculture to Light Industrial and recommend language be developed to protect Rice Creek from future development.

Ms. Bomba informed the commission that this request is being made by the township, not the property owner, however, the township is in the process of updating their Master Plan and the possibility of growth is being addressed. Member Livingston asked if the parcel north of I-94 is currently under agricultural production, to which Ms. Bomba replied based on the available aerial photo it appears to be wooded. Scott Hill, property owner, offered to give more information if the commission was interested. He did not initiate the request, but is in support of it. He had sold the northern piece of property 18 months ago and it is landlocked. The southern piece of property is less than  $\frac{3}{4}$  of a mile from Exit 112 of I-94 and the southern line is Michigan Avenue, which is a designated MDOT Truck Traffic Road. There is nothing being currently agriculturally produced. Member Scott asked what benefit Marengo Township gets by making this request. Ms. Bomba responded that it is being driven by the land inventory for the ongoing update to the township's master plan, it is a prime area for development and while the township and the owner is in favor of the change, land owners on the south side of Michigan Avenue across from the property are not. Member Fleming shared the township planning commission had sent the request to the township, which returned it back to township planning who forwarded the request to the county planning commission to make an evaluation. He also added that Mr. Toland is in the process of educating the interested parties what the term "light industrial" includes. He stated that due to this educational process, the land owners are more relieved as to what type of business could be allowed. Member Fleming recommended language to state creating an easement for utilities to the property with the easiest route possible due to utility placement being cost prohibitive for any future developer. Member Sackrider asked for clarification regarding current light industrial zoned land in Marengo Township. Ms. Bomba replied there is a small property that is currently zoned, but not available at this time. Member Sackrider then discussed the need for planning for all contingencies in the township master plan based on the legal issues based on exclusionary language. Member Fleming stated Mr. Toland is currently educating property owners about that potential.

*Moved to approve with additional recommended comments by Member Livingston; supported by Member Sackrider.*

On a voice vote, Motion CARRIED.

e. 4-19-05, Convis Township: Zoning Text Amendment re: Solar Energy Systems

The Convis Township Board adopted ordinance language in July of 2018 to manage Solar Energy Systems within its community. At this time, the Township Planning Commission has proposed an amendment to that language regarding lot coverage. The current language indicates that the lot regulations (setbacks, coverage, etc) of the zoning district apply to the site standards for the solar energy system. The Township Planning Commission has proposed an amendment that eliminates the lot coverage regulation for Medium (and Large) Solar Energy Systems.

Lot Coverage refers to the portion of the lot that is covered by any part of any building or structure on or above the surface of the lot. It is common for lot coverage to be defined in the zoning ordinance as a maximum percentage and to increase with the density of development allowed in the zoning district (i.e. lower coverage in rural areas, higher coverage in urban areas). Medium and Large Solar Energy Facilities are being commonly permitted (as conditional uses) in agricultural zoning districts where lot coverage averages 15% or in industrial districts where the lot coverage parameter is exempted. When medium and large scale solar facilities are permitted it has been common for local units to exempt the lot coverage regulation maximizing lot use and relying on landscape buffers to mitigate visual nuisances.

**Department Recommendation**

The Community Development staff believes that the proposed zoning text amendment to the Convis Township Zoning Ordinance regarding Solar Energy Systems and lot coverage are acceptable given that the zoning regulations do require an extensive landscape buffer and increased plantings when such a facility is proposed adjacent to an existing dwelling. In conclusion, Community Development staff recommend for approval of the language by the Convis Township Board.

Member Fleming asked if the landscape buffer included natural berms or trees, to which Ms. Bomba responded that it did, even to the extent of the type and height of trees needed and maintenance required.

*Moved to approve by Member Fleming; supported by Member Scott.*

On a voice vote, Motion CARRIED.

f. 4-19-06, Marengo Township: PA 116 Application re: Blight Shady Lane Farms

Application for Farmland Agreement (PA 116) has been submitted by Blight Shady Lane Farms for property located in Marengo Township. The first application consists of approximately 94 acres located in Section 15. Approximately 86 acres are under cultivation, with no buildings on the property.

The second application consists of approximately 76 acres located in Section 22. This parcel is exclusively used for cultivation and no buildings are present.

The subject parcels are zoned by Marengo Township as Agriculture. The Marengo Township Future Land Use Plan classifies the property as Agriculture; as does the Calhoun County Master Plan. The property owner has requested a 20 year contract for both parcels.

**Department Recommendation**

The Calhoun County Community Development staff believe that the Application for Farmland Agreement submitted by Blight Shady Lane Farms is valid and recommends for approval by the Michigan Department of Agriculture and Rural Development.

Member Scott asked why the PA 116 is being asked for at this point in time. Ms. Bomba replied that it could be due to the purchase of new land or that the previous PA 116 has expired. Member Kelly confirmed the request was due to purchase of new land per documentation.

*Moved to approve by Member Sackrider; supported by Member Thompkins.*

On a voice vote, Motion CARRIED.

g. Any other Planning & Zoning Coordination to come before the Commission  
There was none.

**10. Township Planning & Zoning Coordination Follow-up**

CCPC #	Township	Twp Planning Commission Recommendation	CCPC Action	Twp Board Action
3.19.01	Bedford Charter	Zoning Text Amendment – Solar Energy Systems	Approved	Approved
3.19.02	Lee Twp	Zoning Text Amendment – Ag District/Schedule of Regulations	Approved	Approved

**11. Department Report**

Ms. Bomba reported the on the following topics:

- Alternative Energy Workshop: A flyer was handed out regarding a workshop which is being planned in this area and registration is necessary. Member Lunger asked if there will be presentations from both sides of the issue, to which Ms. Bomba believed to be so. Speakers include representatives of MSU Extension, Ranger Power and DTE. Member Livingston and Member Lark were

planning to attend. Member Lunger asked how many attendants might be there, to which Ms. Bomba said approximately 75 – 100 as there were going to be four counties in attendance.

- Map Updates: Community Development is working with townships to understand map use to help decision making in regards to land use and/or zoning.
- County Master Plan update: There is a need to update the county master plan. The previous plan was compiled by “neighborhood” and Ms. Bomba is considering compiling the next update by “use”. Ms. Bomba also has the goal of producing a large pamphlet similarly to one currently in use by the City of Battle Creek.
- Land Use Tour: Ms. Bomba recently took Lucy Blair, Calhoun County Communication Manager, on an agricultural tour to Blight Farms, which helped Ms. Blair understand agricultural usage.
- Art Grant: Ms. Bomba is currently working on a grant for public art in the county building courtyard.

## **12. Member Comments**

There were none.

## **13. Public Comments**

There were none.

## **14. Announcements:**

Member Lunger stated the next Calhoun County Planning Commission Meeting is scheduled for June 24, 2019, at 4:00 p.m.

## **15. Adjournment**

The meeting adjourned at 4:49 p.m.