

Birch Run Township Planning Commission Special Meeting Minutes November 16, 2021 11935 Silver Creek Dr, Birch Run, Michigan 48415

Call to Order of Special Meeting:

Chairman CJ Norris called the November 16, 2021 Special Meeting of the Birch Run Township Planning Commission to order at 7:00 p.m. with the Pledge of Allegiance.

Members Present:

C.J. Norris, Chair; Riley Kiessling, Vice Chair; Mike Marr, Secretary; Ed Munson, Fred Sheridan & Keith Jewell, Members.

Others Present:

Corey Trinklein, Recording Secretary; Doug Piggott & Jason Ball, ROWE Professional Services and Adam Flory, Township Attorney. Seven (7) people were in the audience.

Approval of Meeting Minutes October 11, 2021 Planning Commission Special Meeting: Motion by Sheridan seconded by Marr to approve the October 11, 2021 Planning Commission Special Meeting as amended.

Motion passed by unanimous voice vote

<u>Public Hearing for Event Barn Zoning Ordinance Amendment</u>: Public Hearing opened at 7:04 p.m.

Public Comment: 7:04 p.m. to 7:04 p.m. No public comments

Staff Comments: ROWE Professional Services Company provided their review of the Event Barn Zoning Ordinance Amendment (Attachment A).

Planning Commission Discussion and Recommendation: Member Keith Jewell asked if they should add a set noise decibel level. The other members did not feel this was necessary.

Public Hearing closed at 7:10 pm

Motion by Marr seconded by Sheridan to approve adding language to Article 14, Section 14.24 Event Barns; add definitions to Article 21; and add a table to Article 9.2 as presented. Ayes: Marr, Sheridan, Kiessling, Munson, Norris, Jewell Nays: None PASSED: Motion carried by unanimous roll call vote

Old Business:

- 1. Recreational Marijuana Retailers and Secure Transport: Attorney Adam Flory provided comments regarding his presented Zoning Ordinance Amendment, Police Powers Ordinance and Recreational Marijuana Scoring Results Form. Planner Jason Ball provided comments on the Number of Licenses for Marijuana Retailers and Transporters (Attachment B). The Planning Commission members along with the planners provided updates for Adam to incorporate and resend to the Township.
- 2. Master Plan Review Pre-Public Hearing Draft (Attachment C). Planner Doug Piggott provided comments on the Master Plan Draft.

Motion by Marr seconded by Kiessling to approve forwarding the Pre-Public Hearing Draft of the Master Plan with changes to the Township Board for review and to authorize a public hearing on the master plan. Ayes: Sheridan, Kiessling, Munson, Norris, Jewell, Marr Nays: None

PASSED: Motion carried by unanimous roll call vote

- 3. Lot Coverage / Front Setback Planner Doug Piggott commented that this item was previously postponed until the Planning Commission starts looking at the Zoning Ordinance at a later date.
- 4. Short-Term Rentals: Planner Jason Ball provided comments on Short-Term Rentals (Attachment D).

<u>Open Discussion for Issues not on the Agenda</u>: Public comments/correspondence received: None

Planning Commission Members: None

Members in the audience: 8:17 p.m. to 8:23 p.m. Scott Dianda – Tranquility Fields: Provided comment regarding their recreational marijuana franchising company. Joe Bologna – Tranquility Fields: Provided comment regarding their recreational marijuana franchising company.

Reports:

Township Board Representative (Fred Sheridan): Provided no comments.

Zoning Board of Appeals (ZBA) Rep. (Mike Marr): Commented that the regular October meeting was held.

New Business:

Capital Improvement Plan (CIP): Planner Doug Piggott commented that there will be work done in the near future to gather initial information that will be needed and that hopefully they will have some initial information available for the next Planning Commission Meeting.

Setting public hearing dates: No public hearing dates were set.

Other: None

Announcements:

Township Board Meeting – 2nd Tuesday of each month (Next meeting December 14, 2021) Planning Commission Meeting – Quarterly (Next meeting December 20, 2021) ZBA – Semi Annual - 3rd Tuesday of April and October (Next meeting April 19, 2022) DDA – Meetings are held as needed (Next meeting February 9, 2022) (All meetings are held in the Governmental Center unless noted)

<u>Adjournment</u>: Motion by Marr seconded by Sheridan to adjourn at 8:28 p.m. Motion passed by unanimous voice vote

Minutes respectfully submitted by: Recording Secretary Corey Trinklein

SIGN IN SHEET

	PLANNING COMMISSION MEETING
	November 16, 2021
1.	SCOT DIAWRA
2.	JOE DOLOGNA
3.	Ed Santingh
	Antheny Rennha
6.	
7.	
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16.	

Attachment A

Proposed Event Barn Amendments –Birch Run Township Zoning Ordinance

ADD to Article 14 Standards and Regulations for Specific Land Uses

Section 14.24 Event Barns.

- **A.** Additional Materials to be Submitted for Special Use Review: In addition to the information required by this ordinance for submission of site plans and special land use permits, each application shall be accompanied by plans, drawings, and/or written information addressing at a minimum:
 - 1. A description of the range of activities proposed, number of events a year, hours of operation, and days of the week the activities are proposed to be undertaken;
 - 2. Emergency services necessary based on the anticipated number of participants;
 - 3. Water supply and facilities;
 - 4. Toilet facilities;
 - 5. Noise control and abatement;
 - 6. Facilities for cleanup and waste disposal;
 - 7. Insurance and bonding arrangements;
 - 8. A security plan to address the issues outlined in Section 14.24.B.6; and
 - 9. Reviews of the proposed plans by the Township Fire Chief and Police Department.
- B. Special Performance Standards:
 - 1. Use of Dwelling. No dwelling on the property shall be used for events. All such dwellings shall continue to be used for single family occupancy purposes.
 - 2. Attendance. No event shall involve the presence of more persons than the maximum capacity of the Event Barn under the State Building Code.
 - 3. Number of Events. During each calendar year, not more than thirty-five (35) events shall be conducted. Every day in which any part of an event occurs at an Event Barn shall be considered a separate event, except for weddings held over a weekend only where the wedding shall consist of (i) a pre-wedding rehearsal dinner on Friday, (ii) a wedding and wedding reception on Saturday, and (iii) wedding cleanup on Sunday. In those circumstances, the three activities shall count as one event.
 - 4. Hours of Operation. Every event shall conclude by no later than 10:00 p.m. on Sunday through Thursday evenings, and by no later than 11:00 p.m. each Friday and Saturday evening; and no event shall commence or continue at an Event Barn earlier than 8:00 a.m. each day
 - 5. Food Service. There shall be no food preparation inside an Event Barn, but food may be prepared at another on-site location outside of the Event Barn. Any food served, provided, or consumed at the venue must be legally prepared in accordance with the Saginaw County Health Department rules. Dishwashing associated with any event at the venue must be accomplished off site.

- 6. Security. At all times when an event is taking place at an Event Barn, a sufficient number of security personnel and support staff shall be present to provide security, to direct traffic and parking, to prevent any intentional or inadvertent trespassing onto any properties outside the boundaries of the property, and to assure that all events begin and end at the times specified in this Ordinance.
- 7. Alcoholic Beverages. Where the Event Barn Sponsor intends to sell or provide alcohol or alcoholic beverages, the Event Barn Sponsor must provide an event insurance policy, naming the Township as an additional insured, and shall comply with all applicable liquor licensing and regulatory requirements. The Event Barn permit holder shall not sell or provide alcohol or alcoholic beverages.
- 8. Use of Outdoor Areas. All events shall take place principally in barns and other outbuildings on the property. Events shall not include outdoor activities, except accessory activities in area proposed and approved in the Site Plan for such activities.
- 9. Lighting. There shall be no outdoor perimeter lighting at an Event Barn, and no lines or light poles shall be installed or maintained for such purpose on the property. All lighting fixtures, including pathway lighting, shall be down-lit and directed in a manner as to not impact neighboring properties. Lighting in dormers must be extinguished at or before the same time as conclusion of the event. All lighting proposed at an Event Barn shall be addressed and approved as part of the Site Plan.
- 10. Trash. The Event Barn permit holder shall require that Event Barn Sponsors of every event remove all trash associated with the event immediately after the conclusion of the event. There shall be no dumpster maintained or used on the property.
- 11. Parking. There shall be no parking on any properties outside the boundaries of the property on which the Event Barn is located, without the express written permission of the property owner. Parking shall be provided on the property on which the Event Barn is located where such is designated as the "parking lot" on the Site Plan. The parking lot shown on the approved Site Plan shall be gravel, or gravel-type material or through the use of pervious brick pavers. The parking area shall not be paved with blacktop or concrete or any other impervious substance, in keeping with the rural character of the area except as necessary to provide the minimum number of barrier free spaces required. The number of parking spaces shall be in accordance with Township Ordinances and the Americans with Disabilities Act.
- 12. Temporary Structures; Bathroom Facilities. No temporary structures or tents shall be permitted in connection with any event unless the same is erected by the Event Barn Sponsor and is removed within 24 hours after the conclusion of the event. Adequate bathroom facilities shall be used at an Event Barn.
- 13. Retail Sales. Retail sales facilities shall be prohibited at Event Barns, unless conducted exclusively by the Event Barn Sponsor. Any such sales must terminate immediately after the conclusion of the event.
- 14. Insurance. Event Barn permit holders shall maintain general liability for personal injury and property damage in the amounts of \$1,000,000 per

occurrence and \$2,000,000 general aggregate limit. The Township shall be named as an additional insured on the policies and the venue shall provide evidence of insurance to the Township's Zoning Administrator annually or more frequently on request.

- 15. Permits from Review Authorities. It shall be the responsibility of the Event Barn permit holders to obtain all building permits and other approvals from agencies that have jurisdiction applicable to the Event Barn or the holding of the events on the property.
- 16. Location. Event Barns may only be located on parcels with direct access to paved roads.
- 17. The Planning Commission may impose limits on a proposed operation necessary to ensure compatibility with the surrounding land uses and to mitigate off-site impacts. Conditions may include the limit on the frequency of a particular activity and the operations hours of operation.

ADD to Article 21 Definitions

EVENT BARN. A use of accessory agricultural structures, including barns, for organized meeting space for uses including weddings, birthday parties, corporate picnics, and other such events.

EVENT BARN SPONSOR. The renter of an Event Barn, or the person(s) or entity responsible for hosting, operating, facilitating, organizing, or supervising an event taking place primarily within an Event Barn.

ADD to Article 9 Zoning Districts, Regulations and Map

Table 9.2 PERMITTED PRINCIPAL USES in CONSERVATION and RESIDENTIAL DISTRICTS

	Principal Uses	Zoning Districts & Permitted Principal Uses "BR" = Uses Permitted by Right "S" = Special Land Use "" = Prohibited Use "A" = Specific Accessory Uses Permitted		ight			
		A-1	R-1	R-2	R-3	R-MF	R-MHC
	Other Uses Not Listed Above						
7	Event Barns	S					

R:\Projects\05c0295\Doc\Planning Commission\Text Amendments\Wedding Barns\Event Barns Draft Ord PHD.docx

Attachment B

ORDINANCE NO.

TOWNSHIP OF BIRCH RUN

SAGINAW COUNTY, MICHIGAN

ADOPTED: _____

PUBLICATION DATE:

EFFECTIVE: _____

An ordinance of the Township of Birch Run, Saginaw County, Michigan, to amend the Birch Run Township Zoning Ordinance; to ratify and confirm the remainder of the Birch Run Township Zoning Ordinance unless otherwise stated; to provide a procedure for conflicts with other laws; to provide for sanctions; to provide that pending proceedings are not affected; to provide for severability; to repeal all Ordinances or parts of Ordinances in conflict herewith; to provide for an Effective Date; and to direct the publication of this Ordinance or a legally-permissible summary.

THE TOWNSHIP OF BIRCH RUN SAGINAW COUNTY, MICHIGAN

ORDAINS:

SECTION I AMENDMENT TO BIRCH RUN TOWNSHIP ZONING ORDINANCE

1. The Birch Run Township Zoning Ordinance is amended to add "Marihuana Establishment operating under the Michigan Regulation and Taxation of Marihuana Act Initiated Law 1 of 2018, MCL 333.27951 *et seq.*" as a use permitted with a Special Land Use Permit in a Zoning District. This shall be reflected in the applicable Table of Uses contained in the Birch Run Township Zoning Ordinance.

2. The Birch Run Township Zoning Ordinance is further amended so as to list "Marihuana Establishment operating under the Michigan Regulation and Taxation of Marihuana Act Initiated Law 1 of 2018, MCL 333.27951 *et seq.*" as a prohibited use in all zoning districts other in a ______ Zoning District where it shall be permitted the attainment of a Special Land Use Permit.

3. The Birch Run Township Zoning Ordinance is further amended so as to state that the Township of Birch Run hereby prohibits all recreational marihuana establishments within the boundaries of the Township of Birch Run pursuant to Initiated Law 1 of 2018, MCL 333.27951, et *seq.*, as may be amended, except for the following type(s) of recreational marihuana establishments, which are permitted within the boundaries of the Township of Birch Run pursuant to Initiated Law 1 of 2018, MCL 333.27951, et *seq.*, as may be amended and pursuant to Initiated Law 1 of 2018, MCL 333.27951, et *seq.*, as may be amended and pursuant to the regulations and constraints of the Township of Birch Run Prohibition of Certain Types and

Quantities of Recreational Marihuana Establishments Ordinance, the Birch Run Township Zoning Ordinance (as amended), and other applicable local and state law and regulations:

- a. Marihuana retailer, as defined by MCL 333.27953 as amended. Marihuana retailer marihuana establishment is hereby permitted within the boundaries of the Township of Birch Run pursuant to Initiated Law 1 of 2018, MCL 333.27951, et *seq.*, as may be amended, subject to all other applicable state and local laws and regulations including but not limited to the Birch Run Township Zoning Ordinance, as amended. The number of Birch Run Township Marihuana permits/licenses for a recreational Marihuana retailer establishment shall be limited to a total of two (2).
- b. Marihuana secure transporter, as defined by MCL 333.27953 as amended. Marihuana secure transporter marihuana establishment is hereby permitted within the boundaries of the Township of Birch Run pursuant to Initiated Law 1 of 2018, MCL 333.27951, et *seq.*, as may be amended, subject to all other applicable state and local laws and regulations including but not limited to the Birch Run Township Zoning Ordinance, as amended. The number of Birch Run Township Marihuana permits/licenses for a recreational Marihuana secure transporter establishment shall be limited to a total of four (4).

4. Except otherwise stated herein, words used herein in regard to the use or proposed use of recreational marihuana shall have the definitions as provided for in Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, as may be amended. The following words shall have the following specific definitions for purposes of this Ordinance:

- a. "Applicant" means a person who applies for a Township operating license or Special Land Use Permit. With respect to disclosures in an application, or for purposes of eligibility for a Township license, the term applicant includes an officer, director, and managerial employee of the applicant and a person who holds any direct or indirect ownership interest in the applicant.
- b. "Marihuana establishment" shall mean a Marihuana Retailer or Marihuana Secure Transporter as defined Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, as may be amended.
- c. "Person" means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.
- d. "School" means any public or private school meeting all requirements of the compulsory education laws of the state.
- e. "State operating license" or, unless the context requires a different meaning, "State License" means a license that is issued under the MRTMA that allows the licensee to operate as 1 of the following,

specified in the license:

- i. Marihuana Grower.
- ii. Marihuana Processor.
- iii. Marihuana Retailer.
- iv. Marihuana Secure Transporter.
- v. Marihuana Safety-Compliance Facility.
- vi. Marihuana Microbusiness.
- f. "Township" means the Birch Run Township.
- g. "Township operating license" or, unless the context requires a different meaning, "Township License" means a license that is issued by the Township under this Ordinance that allows the licensee to operate as 1 of the following, specified in the license:
 - i. Marihuana Grower.
 - ii. Marihuana Processor.
 - iii. Marihuana Retailer.
 - iv. Marihuana Secure Transporter.
 - v. Marihuana Safety-Compliance Facility.
 - vi. Marihuana Microbusiness.
- h. "Township Licensee" means a person holding a valid Township operating license.

5. The Birch Run Township Zoning Ordinance is further amended so as to state the following requirements regarding the attainment of a Special Land Use Permit:

- a. All Recreational Marihuana Facilities are subject to review and approval by the Birch Run Township Planning Commission in accordance with the Birch Run Township Zoning Ordinance.
- b. Any person or entity that wishes to operate a Marihuana Establishment in the Township shall obtain a Township Permit and must obtain a State Operating License prior to opening or operating.
- c. The Township shall assess an annual fee in the amount of \$5,000.00 per application to defray the costs incurred by the Township for inspection, administration and enforcement costs associated with the operation of the Marihuana Establishment(s) operating in the Township.
- d. No Permit issued under this section shall be transferrable unless first approved by Birch Run Township and the State of Michigan.

- e. All Permits issued under this section shall be renewed annually and subject to annual inspection and renewal fees as set from time to time by the Township by resolution.
- f. The Township may limit the number of Permits issued under this section and may revise this limit from time to time.
- g. No person or entity that has opened or operated a facility doing business or purporting to do business under any state law, this Ordinance or the MRTMA without first obtaining a Permit shall be eligible for a Permit.
- h. A person or entity that receives a Permit under this Ordinance shall display its Permit and, when issued, its State Operating License in plain view clearly visible to Township officials and authorized agents of the State of Michigan.

6. The Birch Run Township Zoning Ordinance is further amended so as to state the following requirements regarding the location of a marihuana establishment located in Birch Run Township:

- a. All Marihuana Establishments must be located in a ______ Zoning District.
- b. No Marihuana Establishment shall be located within 1,000 feet from a school, day care center, recreational facility, church, public or private park. The minimum required distance of 1,000 feet shall be measured as the shortest distance between the principal building unit that is occupied by the regulated use to the nearest property line of the protected use. For purposes of this ordinance "School" means any public or private school meeting all requirements of the compulsory education laws of the state.
- c. The Applicant location shall meet all applicable written and duly promulgated standards of the Township and, prior to opening, shall demonstrate to the Township that it meets the rules and regulations promulgated by the State of Michigan.
- d. The Applicant's location shall conform to all standards of the zoning district in which it is located.
- e. No person shall reside or permit any person to reside in or on the premises

of a medical marihuana facility.

7. The Birch Run Township Zoning Ordinance is further amended so as to state the following requirements regarding the operation of a marihuana establishment located in Birch Run Township:

- a. A Recreational Marihuana Establishment operating in the Township shall at all times comply with the operational requirements described herein, which the Township may review and amend from time to time as it determines reasonable.
- b. Scope of Operation. Recreational Marihuana Establishments shall comply with all respective codes of the local zoning, building, and health departments. The Marihuana Establishment must hold a valid Permit and State Operating License for the type of Recreational Marihuana Establishment intended to be carried out on the property. All Recreational Marihuana Establishments shall comply with all applicable state laws.
- c. Security. Permit Holders shall at all times maintain a security system that includes the following:
 - i. Security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the property.
 - ii. Robbery and burglary alarm systems which are monitored and operated 24 hours per day.
- d. All Recreational Marihuana in whatever form stored at the property shall be kept in a secure manner and shall not be visible from outside the property.
- e. Operating Hours. No Recreational Marihuana Establishment shall operate between the hours of \$200 p.m. and \$200 a.m., Monday through Saturday with no hours of operation to be held on Sunday unless otherwise determined by the Planning Commission.
- f. Sign Restrictions. It shall be prohibited for any Recreational Marihuana Establishment to display any signs that are inconsistent with local laws, regulations, or any other applicable laws. No pictures, photographs, drawings or other depictions of Recreational Marihuana shall appear on the outside of any property nor be visible outside the property. The words "Marihuana," "Cannabis" and any other words used or intended to convey

the presence or availability of Marihuana shall not appear on the outside of the Permitted Premises nor be visible outside of the Permitted Premises on the property.

- g. Use of Marihuana. The sale, consumption or use of alcohol or tobacco products on the Permitted Premises is prohibited. Smoking or consumption of controlled substances, including Recreational Marihuana, on the Permitted Premises is prohibited.
- h. Disposal. The disposal of Recreational Marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it.
- i. All Recreational Marihuana delivered to a patient shall be packaged and labeled as provided by applicable laws and Ordinances.
- j. Additional Conditions. The Planning Commission may impose such reasonable terms and conditions on a Recreational Marihuana Establishment's special use as may be necessary to protect the public health, safety, and welfare, and to obtain compliance with the requirements of this Ordinance and applicable law.

8. The Birch Run Township Zoning Ordinance is further amended so as to state the following requirements regarding the application of a marihuana establishment located in Birch Run Township:

- a. An Application for a Permit for a Recreational Marihuana Establishment and/or a Special Land Use Permit for a Recreational Marihuana Establishment shall be submitted to the Township Clerk, and shall contain the following information:
 - i. The name, address, and phone number of the proposed Applicant and the proposed Marihuana Establishment.
 - ii. The names, addresses, and phone numbers for all owners, directors, officers, and managers of the Applicant and the Marihuana Establishment.
 - iii. If the disclosed entity is a trust, the application shall disclose the names and addresses of the beneficiaries; if a corporation, the names and addresses of all shareholders, officers, and directors; if a partnership or limited liability partnership, the names and addresses of all partners; if a limited partnership or limited liability limited partnership, the names of all partners, both general and

limited; or if a limited liability company, the names and addresses of all members and managers.

- iv. The appropriate non-refundable application fee and the nonrefundable licensing fee in the amount determined by the Township.
- v. The address of the proposed Recreational Marihuana Establishment, proof of ownership of the proposed location where the Recreational Marihuana Establishment is to be operated or a copy of the lease for the premises, indicating use of the premises in a manner requiring licensure under this Ordinance, and any additional contact information deemed necessary and requested by the Township.
- vi. Proof of an adequate premise liability and casualty insurance policy in a minimum amount to be determined by the Township Board. This minimum amount may be adjusted from time to time as the Township Board finds appropriate.
- vii. Any other information required by the MRTMA or this Ordinance or deemed by the Township to be required for consideration of a Permit.
- viii. The Township Board shall not consider an incomplete application but shall, within a reasonable time, return the application to the applicant with notification of the deficiency and instructions for submitting a corrected application.
- b. Renewal. The same requirements that apply to all new Applications for a Permit apply to all renewal applications. Renewal applications shall require Township approval and shall be submitted to and received by the Clerk prior to expiration of the Permit.
- c. Upon approval of a Special Use Permit for any Establishment contemplated herein, the Planning Commission shall transmit their action to the Township Board. The Township Board shall, upon receipt of a complete Permit Application and approval by the Planning Commission along with all required fees, approve or deny the Permit Application within one-hundred-twenty (120) days of receipt of the complete Permit Application and approval by the Planning Commission along with all required fees, or within one-hundred-fifty (150) days if the location of the Permitted Premises is proposed to be amended. The processing time may be extended upon written notice by the Township for good cause, and any failure to meet the required processing time shall not result in the automatic granting of the Permit. Any denial must be in writing and must

state the reason(s) for denial. Any final denial of a Permit may be appealed to a court of competent jurisdiction; provided that, the pendency of an appeal shall not stay or extend the expiration of any Permit. The Township has no obligation to process or approve any incomplete Permit Application, and any times provided under this Ordinance shall not begin to run until the Township receives a complete Permit Application, as determined by the Township Board. A determination of a complete Permit Application shall not prohibit the Township from requiring supplemental information.

SECTION II RATIFICATION AND CONFIRMATION OF REMAINDER OF BIRCH RUN TOWNSHIP ZONING ORDINANCE

Except as otherwise stated herein, the remainder of the Birch Run Township Zoning Ordinance is hereby confirmed and ratified.

SECTION III CONFLICTS WITH OTHER LAWS OR REGULATIONS

If any provision of this Ordinance differs from a provision of any other applicable law, ordinance, rule, or regulation, both the provision of this Ordinance and the differing provision shall apply if possible. If the two (2) provisions are in conflict, then the provision establishing the higher or stricter standard shall apply.

SECTION IV PENDING PROCEEDINGS NOT AFFECTED.

Nothing in this ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION V SEVERABILITY

Should any section, clause or provision of this Ordinance be declared to be invalid by a court of competent jurisdiction, the same shall not affect the validity of the Ordinance as a whole or any other part thereof other than the parts so declared to be invalid. The Birch Run Township Board of Trustees hereby declares that it would have enacted this Ordinance even without whatever provision may be declared invalid by a court of competent jurisdiction.

SECTION VI REPEAL OF CONFLICTING ORDINANCES

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION VII EFFECTIVE DATE

This Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect the day following publication as required by law following adoption by the Township Board.

SECTION VIII TOWNSHIP PUBLICATION

The Township Clerk is hereby ordered and directed to cause a Notice of Ordinance adoption to be published in a newspaper of general circulation within Birch Run Township.

This Ordinance is hereby declared to have been adopted by the Birch Run Township Board of Trustees, County of Saginaw, State of Michigan, at a regular meeting held on the _____ day of _____ 2021 and ordered to be given publication in the manner prescribed by law.

Ray Letterman, Supervisor

Corey Trinklein, Clerk

Date of Publication:

Newspaper:_____

The Township Clerk's Certification is contained on the following page ***The balance of this page is intentionally left blank***

CERTIFICATION

ADOPTED		
YEAS:		
NAYS:		
ABSENT:		

State of Michigan, County of Saginaw,

I the undersigned Township Clerk for the Township of Birch Run, Saginaw County, Michigan, certify that the above Ordinance No. ______, adopted by the Township Board of Trustees of the Township on the ______ day of ______ 2021, and was recorded in full in the Minutes of the Meeting of the Township Board of Trustees on said date. It was signed by the Supervisor and Clerk of the Township.

Dated:

Corey Trinklein, Clerk

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TOWNSHIP OF BIRCH RUN

COUNTY OF SAGINAW, STATE OF MICHIGAN

ORDINANCE NO.

ADOPTED:_____

EFFECTIVE: ____

BIRCH RUN TOWNSHIP PROHIBITION OF CERTAIN TYPES AND QUANTITIES OF RECREATIONAL MARIHUANA ESTABLISHMENTS ORDINANCE

The Township of Birch Run hereby Ordains the following: To provide an intent and purpose for this Ordinance; to provide a title for the ordinance; to define words; to prohibit certain types and/or quantities of recreational marihuana establishments within the boundaries of the Township of Birch Run pursuant to Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, as may be amended; to require an operating license; to prescribe fees; to provide a procedure for the granting of adultuse/recreational marihuana licenses; to provide a procedure for license renewal; to provide location requirements; to provide operational requirements; to provide a procedure for revocation; to provide penalties for violation of this ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict herewith; and to provide an effective date.

TOWNSHIP OF BIRCH RUN SAGINAW COUNTY, MICHIGAN

THE TOWNSHIP OF BIRCH RUN ORDAINS:

I. <u>Section I. Purpose and Intent.</u>

1. This ordinance is adopted for the purpose of promulgating Township rules, requirements, and regulations for Recreational/Adult-Use Marihuana Facilities in a manner that promotes and protects the public health, safety and welfare, mitigates potential impacts on surrounding properties and persons, and that conforms with the policies and requirements of the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 *et seq.*, as amended (hereinafter "MRTMA") (as well as other applicable law) and the State Administrative Rules, as amended, adopted pursuant to the MRTMA. In the event of any conflict between any provision of this Ordinance and state law, state law shall be controlling regarding any entirely conflicted provision(s) of this Ordinance.

2. It is also the intent of this ordinance to help defray administrative and enforcement costs associated with the operation of a Marihuana facility in the Township through imposition of an annual, nonrefundable fee of not more than \$5,000.00 on each recreational Marihuana facility licensee. Authority for the enactment of these provisions is set forth in the MRTMA.

3. Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty, or sanction for the cultivation, manufacture, possession, use, sale, or distribution of Marihuana, in any form, that is not in compliance with the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 *et seq*; the Marihuana Tracking Act, MCL 333.27901 *et seq*.; and/or all other applicable rules promulgated by the state of Michigan.

4. As of the effective date of this ordinance, Marihuana remains classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act, 21 U.S.C. Sec. 801 *et seq.*, which makes it unlawful to manufacture distribute, or dispense Marihuana, or possess Marihuana with intent to manufacture, distribute, or dispense Marihuana. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under federal law(s).

II. <u>Section II. Name.</u> This ordinance shall be known as and may be cited as the Township of Birch Run Prohibition of Certain Types and Quantities of Recreational Marihuana Establishments Ordinance.

III. <u>Section III. Definitions.</u> Except otherwise stated herein, words used herein shall have the definitions as provided for in Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, as may be amended. The following words shall have the following specific definitions for purposes of this Ordinance:

1. "Applicant" means a person who applies for a Township operating license. With respect to disclosures in an application, or for purposes of eligibility for a Township license, the term applicant includes an officer, director, and managerial employee of the applicant and a person who holds any direct or indirect ownership interest in the applicant.

2. "Person" means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.

3. "School" means any public or private school meeting all requirements of the compulsory education laws of the state.

4. "State operating license" or, unless the context requires a different meaning, "State License" means a license that is issued under the MRTMA that allows the licensee to operate as 1 of the following, specified in the license:

- a. Marihuana Grower.
- b. Marihuana Processor.
- c. Marihuana Retailer.
- d. Marihuana Secure Transporter.
- e. Marihuana Safety-Compliance Facility.
- f. Marihuana Microbusiness.
- 5. "Township" means the Birch Run Township.

6. "Township operating license" or, unless the context requires a different meaning, "Township License" means a license that is issued by the Township under this Ordinance that allows the licensee to operate as 1 of the following, specified in the license:

- a. Marihuana Grower.
- b. Marihuana Processor.
- c. Marihuana Retailer.
- d. Marihuana Secure Transporter.

- e. Marihuana Safety-Compliance Facility.
- f. Marihuana Microbusiness.
- 7. "Township Licensee" means a person holding a valid Township operating license.

IV. <u>Section IV. Certain Marihuana Establishments and Quantities thereof</u> <u>Prohibited.</u> The Township of Birch Run hereby prohibits all recreational marihuana establishments within the boundaries of the Township of Birch Run pursuant to Initiated Law 1 of 2018, MCL 333.27951, et *seq.*, as may be amended, except for the following type(s) of recreational marihuana establishments, which are permitted within the boundaries of the Township of Birch Run pursuant to Initiated Law 1 of 2018, MCL 333.27951, et *seq.*, as may be amended and pursuant to the regulations and constraints of this Ordinance, the Birch Run Township Zoning Ordinance, and other applicable local and state law and regulations:

1. Marihuana retailer, as defined by MCL 333.27953 as amended. Marihuana retailer marihuana establishment is hereby permitted within the boundaries of the Township of Birch Run pursuant to Initiated Law 1 of 2018, MCL 333.27951, et *seq.*, as may be amended, subject to all other applicable state and local laws and regulations including but not limited to the Birch Run Township Zoning Ordinance, as amended. The number of Birch Run Township Marihuana permits/licenses for a recreational Marihuana retailer establishment shall be limited to a total of two (2).

2. Marihuana secure transporter, as defined by MCL 333.27953 as amended. Marihuana secure transporter marihuana establishment is hereby permitted within the boundaries of the Township of Birch Run pursuant to Initiated Law 1 of 2018, MCL 333.27951, et *seq.*, as may be amended, subject to all other applicable state and local laws and regulations including but not limited to the Birch Run Township Zoning Ordinance, as amended. The number of Birch Run Township Marihuana permits/licenses for a recreational Marihuana secure transporter establishment shall be limited to a total of four (4).

V. <u>Section V. License Required.</u> A person shall not engage in the business or occupation of a Marihuana Facility within the Township without first obtaining: (1) A State operating license for the Marihuana Facility, and (2) A Township operating license issued by the Township pursuant to the requirements and procedures set forth in this ordinance and other appliable Township law and regulations.

VI. <u>Section VI. Fees.</u> An application fee in the amount of \$5,000 must be paid at the time of filing an application for a Township operating license to defray the administrative costs of processing and reviewing an application. Except as expressly provided by this Ordinance, application fees are non-refundable. In the event an application is referred for a consultant review, the applicant shall pay all consultant review fees. Upon approval or renewal of a Township operating license, the Township Licensee shall pay to the Township an annual nonrefundable operating fee in the amount of \$5,000 or as may be otherwise established by the Township Board, to help defray Township costs associated with the operation of a Marihuana Facility within the Township.

VII. <u>Section VII. Requirements and Procedure for Granting Adult-</u> <u>Use/Recreational Marihuana Licenses.</u>

1. Any Person who desires to obtain an Adult-Use/Recreational Marihuana License to operate a Recreational-Marihuana Establishment within the Township of Birch Run shall submit an Application to the Township on an Application form to be provided by the Township Board. The Applicant shall also submit all other documentation requested by the Township to support the application. The Applicant's application and supporting documentation shall be reviewed and scored by the Township, or the Township's designee. The scoring criteria shall be developed and promulgated by the Township. No Person may be awarded an Adult-Use/Recreational Marihuana License to operate a Recreational-Marihuana Establishment within the Township of Birch Run unless that person attains a minimum score of at least 60 following the reviewing and scoring of the Applicant's application. In the event that the number of applicants for a given Adult-Use/Recreational-Marihuana License exceeds the number of available licenses, the license(s) will be awarded to the Person(s) who submitted the highest-scoring application(s), subject to the minimum-scoring requirements.

2. Application for a Township Operating License shall be made to the Township Clerk upon Township application forms for a Township Operating License and signed by the applicant verifying:

- a. The truth and accuracy of all information and representations in the application, and;
- b. The Applicant's legal authority to make application for the proposed Marihuana Facility at the proposed location. Applications including information and documentation provided pursuant to an application shall be subject to the disclosure provisions under the MRTMA or other applicable law or regulations. In addition to information and submittals required by this ordinance, the application shall include payment of an application fee in the amount of \$5,000.

3. Operating Requirements. Any land use, site plan or other zoning approval of a Marihuana Facility granted under any provision of this Ordinance or the Township's Zoning Ordinance shall be deemed conditional upon the timely approval and issuance of both a State and Township Marihuana Facility Operating License. Revocation or denial of a required Marihuana Facility Operating License shall render any approval of a Marihuana Facility granted under any provision of the zoning ordinance null and void.

4. Approved Site Plan Required. Use of any property or structure as a Marihuana Facility requires Site Plan Review and approval of a site plan by the Planning Commission pursuant to the Birch Run Township Zoning Ordinance. Marihuana Facilities shall be operated and maintained in compliance with the approved site plan for the facility. Any use of property or a structure without, or in violation of, an approved site plan shall constitute a violation of the zoning ordinance and a nuisance per se subject to abatement by a court of competent jurisdiction.

5. Site Plan Application and Review Criteria. A site plan and site plan approval application for a Marihuana Facility shall comply with the Birch Run Township Zoning Ordinance. A site plan application for a Marihuana Facility shall be processed in accordance with the Planning Commission Review procedures prescribed by the Birch Run Township Zoning Ordinance. In addition to the criteria set forth in the Birch Run Township Zoning Ordinance, the following shall apply to a site plan/application for a Marihuana Facility:

- a. Identification of the type of Marihuana Facility applied for (e.g. retailer, secure transporter) and a detailed description of all services, products, items, uses, operations or merchandise produced, sold, offered, conducted or provided by the proposed Marihuana Facility.
- b. Marihuana Facility uses, operations and activities shall comply with all rules and operating regulations adopted pursuant to the MRTMA and other applicable law. A description of an operating plan for the proposed Marihuana Facility shall be provided including the following:
 - i. A description of the products and services to be provided by the Marihuana Facility, including retail sales of food and/or beverages, if any, and any related accommodations or facilities.
 - ii. A floor plan, drawn to scale, showing the layout of the Marihuana Facility and the principal uses of the floor area depicted therein, including a detailed depiction of where any uses other than Marihuana related uses are proposed to occur on the premises.
 - iii. A detailed description of all Marihuana storage facilities and equipment including enclosed, locked facilities, if any, as may be required by the MRTMA or other applicable law. Storage of Marihuana shall comply with applicable rules adopted pursuant to the MRTMA and other applicable law.
- c. A description of waste disposal procedures, methods and facilities for Marihuana waste products including, but not limited to, usable and nonusable Marihuana. Waste product disposal and storage shall comply with applicable rules adopted pursuant to the MRTMA and other applicable law.
- d. A description of any proposed signs including a detailed depiction of sign language or displays, dimensions, locations, quantity, configuration, and illumination. Signs shall comply with applicable provisions of the Township's Sign Ordinance and any marketing/advertising restrictions for Marihuana products and facilities adopted pursuant to the MRTMA and other applicable law.
- e. Signed and dated verification by the property owner, or his/her duly authorized agent, of the premises where the proposed Marihuana Facility will be located certifying that the property owner has been provided with and reviewed a complete copy of the application and consents to use and occupancy of the premises as a Marihuana Facility as described and referenced in the application. A detailed description of the proposed security plan for the facility including identification of all proposed security measures, equipment, and devises. A security plan shall comply with rules and security regulations adopted pursuant to the MRTMA and other applicable law. Security plans require review and approval by the Chief of Police. The Chief of Police may require review and recommendation of a proposed security plan by an independent

consultant with credentialed expertise in the field of site/facility security measures. The cost of an independent review by an independent security consultant shall be paid entirely by the applicant.

- f. A Marihuana Facility shall not be located less than one thousand feet (1000') from a school, day care center, recreational facility, church, public or private park. The minimum required distance of 1,000 feet shall be measured as the shortest distance between the principal building unit that is occupied by the regulated use to the nearest property line of the protected use. For purposes of this ordinance "School" means any public or private school meeting all requirements of the compulsory education laws of the state.
- g. Unless otherwise authorized pursuant to any rules adopted pursuant to the MRTMA and other applicable law, all facility operations, transactions, and activities shall be conducted within an enclosed structure. Other than waste disposal, outdoor storage is prohibited.
- h. An area map, drawn to scale, shall be provided indicating, within a radius of one-thousand feet (1,000 ft.) from the boundaries of the proposed site, the proximity of the site to any school, existing marihuana site, day care center, recreational facility, church, public or private park.

6. Action by Planning Commission. The Planning Commission shall review the proposed application for a recreational Marihuana facility, together with any reports and recommendations from staff, the Township Department heads, the Township Planner, Township Attorney, other Township consultants, and any public comments. The Planning Commission shall identify and evaluate all relevant factors and shall report its findings and recommendation in writing to the Township Board.

7. The Township Board shall then make a determination based on the requirements of this Ordinance and the Township Zoning Ordinance, including the Township's Standards for Special Use Approval, as codified in the Township's Zoning Ordinance. The Township Board is authorized to table, approve, approve subject to conditions or deny the special use as outlined in the Township's Zoning Ordinance.

8. An application for site plan approval of a Marihuana Facility that is materially incomplete or would result in a violation of state or local law shall be denied. Approval of a site plan for a Marihuana Facility does not guarantee, represent, or imply approval of a Marihuana Facility Operating License or any other permit or local approval that may be required by Township codes or ordinances for the proposed facility.

VIII. <u>Section VIII. License Renewal.</u>

- 1. A Township operating license expires one (1) year after issuance or renewal.
- 2. A Township operating license may he renewed if:
 - a. The Township Licensee submits a written request for renewal to the Township on forms prescribed by the Township on or prior to expiration and pays the yearly operating fee of \$5,000.

- b. The Township Supervisor, or his/her designee, verifies that at or immediately prior to expiration, the information, conditions, and representations contained in the original approved application remain materially correct, true and accurate.
- c. The State operating license for the Marihuana Facility has not been suspended or revoked.
- d. The Marihuana Facility passes inspection and is in compliance with all applicable laws, local building codes, ordinances and zoning regulations.

3. If a renewal application is not submitted on or before the expiration date, the Township operating license may be renewed within 60 days after expiration upon application and payment of the renewal application fee. If the Township operating license is renewed within 60 days after expiration, the Township Licensee may continue to operate under the expired Township operating license during the 60 days following expiration.

4. An approved renewal of a Township operating license shall be held in escrow by the Township until the Applicant provides, or the Township receives, written verification that the Township Licensee has obtained:

- a. A valid renewal of a State operating license for a Marihuana Facility authorized by the Township operating license including identification of the true party in interest named as the State Licensee, and;
- b. Payment of the annual operating fee, and;
- c. The Marihuana Facility passes all required inspections. In the event the Township Licensee fails to provide verification of the above requirements within 60 days of notification of approval of a renewed Township operating license, the renewal of the Township operating license shall he deemed canceled unless the Township extends the time for providing verification of the above requirements upon a showing of good cause. Upon obtaining timely verification of the above requirements and receipt of the Township Licensee's annual operating fee, the Township shall deliver the renewed Township operating license to the Township Licensee. An approved renewal of a Township operating license shall not be valid until delivered to the Township Licensee by the Township and the Township Licensee pays all required fees.

IX. <u>Section IX. Location Requirements.</u> No person shall reside or permit any person to reside in or on the premises of a recreational marihuana facility. All Recreational/Adult-Use Marihuana Facilities/Establishments located in the Township of Birch Run shall fully comply with the Township of Birch Run Zoning Ordinance.

X. <u>Section X. Operational Requirements.</u>

1. No permit or license issued under this Ordinance shall be transferrable unless first approved by the State of Michigan and the Township Board.

2. A person or entity who/which receives a permit/license under this Ordinance shall display its permit and, when issued, its State Operating License in plain view clearly visible to Township Officials and State Marihuana Licensing Board authorized agents.

3. Permit/License Holders shall at all times maintain a security system that includes the following:

- a. Security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the property.
- b. Robbery and Burglary alarm systems, which are monitored 24 hours per day.
- c. All recreational marihuana in any form whatsoever stored at the property shall be kept in a secure manner and shall not be visible from the outside of the property.
- 4. The sale, consumption or use of alcohol or tobacco products on the permitted/licensed premises is prohibited.
- 5. No Retailer shall operate between the hours of 8:00 p.m. and 8:00 a.m.

XI. <u>Section XI. Revocation.</u> A permit/license issued under this section may be revoked for any of the following non-exhaustive list of reasons:

1. Fraud or misrepresentation contained in the permit/license application.

2. Any known violation of this Ordinance or other Township Ordinance(s) or regulations.

3. Loss of the Applicant's State of Michigan Operating License.

4. Failure of the Applicant to obtain a State of Michigan Operating License within a reasonable time after obtaining a permit under this Ordinance.

5. Conducting business in an unlawful manner, or, in such a way as to constitute a menace to the health, safety or general welfare of the public or community.

XII. <u>Section XII. Violations and Penalties.</u>

1. Any person who disobeys, violates, neglects or refuses to comply with any provision of this ordinance or who causes allows or consents to any of the same shall be deemed to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.

2. A violation of this ordinance is a municipal civil infraction, for which the fines shall be not more than \$500, in the discretion of the Court. The foregoing sanctions shall be in addition to the rights of the Township of Birch Run to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay the Township of Birch Run's costs which may include all expenses, direct and indirect which the Township of Birch Run incurs in connection with the municipal civil infraction, including but not limited to the attorney fee incurred by the Township of Birch Run in connection with the municipal civil infraction.

3. Each day during which any violation of this Ordinance continues shall be deemed a separate offense.

4. In addition, the Township of Birch Run may seek injunctive relief against a person or persons alleged to be in violation of this Ordinance, and such other relief as may be provided by law.

5. This Ordinance shall be administered and enforced by the Township Supervisor, Township Code-Enforcement Officer, or by such other person(s) as designated by the Township Board from time to time.

XIII. <u>Section XIII. Prohibition of Medical Marihuana Establishments.</u> Nothing herein shall be deemed to permit medical-marihuana establishments established pursuant to the Medical Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*, as all such medicalmarihuana establishments are prohibited in Birch Run Township.

XIV. <u>Section XIV. Severability.</u> The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

XV. <u>Section XV. Repeal.</u> All ordinance or parts of ordinances in conflict herewith are hereby repealed.

XVI. <u>Section XVI. Effective Date.</u> This Ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect after the expiration of 30 days following publication as required by law following adoption by the Township Board.

XVII. <u>Section XVII. Publication.</u> The Township Clerk is hereby ordered and directed to cause this Ordinance to be published, either in full or in the form of a legally-permitted summary, in a newspaper of general circulation within Birch Run Township.

Made and passed by the Birch Run Township Board of Trustees this _____ day of _____ 2021.

RAY LETTERMAN TOWNSHIP OF BIRCH RUN SUPERVISOR

COREY TRINKLEIN TOWNSHIP OF BIRCH RUN CLERK

> ***The certification of the Township Clerk is contained on the following page*** ***The balance of this page is intentionally left blank***

CERTIFICATION

Yeas:

Nays:

ORDINANCE DECLARED ADOPTED

STATE OF MICHIGAN) COUNTY OF SAGINAW)

I, the undersigned, Township Clerk for the Township of Birch Run, Saginaw County, Michigan, do hereby certify that Ordinance No._____, adopted by the Township of Birch Run Board of Trustees on the _____ day of _____, 2021, was recorded in full in the Minutes of the Meeting of said Township Board on said date, and was signed by the Supervisor and the Clerk of the Township of Birch Run.

Dated:

Date of Publication: _____, 2021

COREY TRINKLEIN, Clerk

Newspaper: _____

The balance of this page is intentionally left blank

Applicant:
Address:
License:
Date:

Recreational Marijuana Scoring Results

Recrea	Recreational Marijuana Facilities Scoring Criteria				
Description	Criteria	Maximum Points	Earned Points		
Business Ownership					
Ownership Structure	Content and sufficiency of information; Professionalism of submitted documentation including clear labeling of required items.	1			
Organizational Chart Provided	Organizational chart provided with application materials.	1			
Ownership Interests	At least 1 owner is an honorably discharged military veteran.	1			
	At least 1 owner has an advanced medical degree.	1			
Detailed Business Plan	Plan must be detailed with at least 3 years' valid pro forma included.	1			
Owner-Occupied Building	At least 1 owner owns the building where the recreational marijuana facility is located.	1			
Owner—Resident of Disproportionately-Impacted Community.	At least 1 owner resides in a municipality that has been disproportionately impacted by marijuana prohibition and enforcement (as defined by the Marihuana Regulatory Agency) and has so resided at least 5 years of the last 10 years.	1			
Total - Business Ownership		7			

Description	Criteria	Maximum Points	Earned Points
II. Financial Stability			
Applicant has disclosed and documented sources and total	At least \$300,000	1	
amount of capitalization to	At least \$500,000	1	
operate and maintain facility of:	At least \$1,000,000	1	
Sufficient Financial Resources	CPA attested financial statements attached	1	
	Applicant, or any owners of Applicant haven't filed for bankruptcy in the last seven (7) years	1	
	Applicant, or any owners of Applicant have not had IRS liens placed upon any financial accounts or property	1	
Tax Return History	Applicant has filed both personal and corporate income tax returns for the past five (5) years	1	
Total - Financial Stability		7	

Description	tional Marijuana Facilities Scoring Criteria	Maximum Points	Earned Points
II Business Experience			
Documented Business History	Nature and type of prior business, years of operation,	1	
Current Business Ownership Documentation	Description of current business ownership,	1	
Business Diversification	Applicant holds other commercial licenses	1	
Medical Certifications	Applicant holds and maintains documented medical certifications or licenses	1	
Compliance History	Applicant has not had a permit or license revoked (including for medical or recreational Marijuana) by any state or municipality	1	
	Applicant has not engaged in an unapproved medical or recreational Marijuana provisioning center or dispensary in any Michigan municipality	1	
	Documented history or regulatory compliance at federal, state, and local levels	1	
	No history of federal, state, or local complaints/incidents	1	
Business Litigation	Applicant has not been involved and is currently not involved in any business litigation	1	
Total - Business Experience		9	1

Description	Criteria	Maximum Points	Earned Points
V. Business Operations			
Job Creation	Applicant plans to create three (3) or more full-time jobs	1	
Applicant Describes a Staffing Plan to:	Employ one (1) or more Saginaw County residents	1	
	Employ one (1) or more Township residents	1	
	Employ the chronically underemployed	1	
	Ensure safe dispensing, adequate security, theft prevention, and maintenance of confidential information	1	
	Provide training and educational opportunities for employees including best practices for patient confidentiality, tracking, fraud etc.	1	
	Requires employees to take cannabis-training courses	1	
	Provides equipment, standards, and procedures for safe operation of its facilities and engages employees on best practices	1	
Employee Compensation	Applicant proposes to pay a living wage (at least 200% of the Federal Poverty Level for a family of two (2))	1	
	Applicant describes employing three (3) or more employees at more than \$15/hour	1	
	Applicant describes a plan to offer employee benefits in addition to wages or salary	1	
	Applicant describes a plan to provide employer paid health insurance	1	
Employee Integrity	Applicant has a documented code of ethics and plan to ensure honesty and integrity of employees	1	
Total - Business Operations		13	

Description	Criteria	Maximum Points	Earned Points
Ficility Improvements	Maintenance, Use and Security		
Capital Improvement	Applicant proposes facility capital improvement in excess of \$100,000	1	
	Applicant proposes facility capital improvement in excess of \$500,000	1	
Building	Applicant has provided rendering and/or blueprints or plans of facility as proposed to be used	1	
Maintenance Plan	Applicant provides plan to inspect to ensure interior and exterior integrity and maintenance	1	
	Applicant provides plan to keep exterior free of trash, graffiti, loiterers, etc.	1	
Traffic	Applicant describes expected daily number of Patients and proposed volume of vehicular traffic	1	
acility Plan Provides for:	Secure storage of recreational Marijuana	1	
	Preventing visibility of recreational Marijuana from facility exterior or common public are within a building or structure	1	
	Back-up power generation	1	1

nsurance Plan	Applicant demonstrates access and ability to insure facility,	1	
	•		
	contents, and employees		
	through property, business,		
	general liability, and auto and		
	worker's compensation		
	insurances and demonstrates		
	willingness to name Township		
	as additional insured.		
Waste Management	Applicant describes a plan	1	
	for disposal of waste		
	Applicant describes "green"	1	
	business practices and energy		
	conservation techniques		
Security Plan	Applicant provided a detailed	1	
	security plan		
	Applicant provided copies of	1	
	material safety data sheets for		
	hazardous compounds		
	Applicant has 24/7 video	1	
	monitoring of the interior and		
	exterior of the facility		
	Applicant has employed a	1	New York Contraction of the
	security guard during		
	business hours		
	If no security guard, then	1	
	applicant has a security	1	
	system in place to alert		
	owner and police to possible tampering with the facility or		
12	its contents.		
Facility will be equipped with	Facility entry and exit	1	
the following alarms:	Glass breakage	1	
	Panic buttons	1	
	Motion sensors	1	
Total - Facility		21	
Improvements,			
Maintenance, Use and			
Security			

Description	Criteria	Maximum Points	Earned Points
VI Community Outrea	th and Relations		
Applicant has Demonstrated and Described:	A plan to meet with neighborhood organizations, business association, crime watch and other neighborhood organizations to provide contact information for questions, concerns, issues, etc.	1	
	Aplan to provide on-going public information program to inform Township residents of cannabis issues and proper/safe/legal use of cannabis products	1	
	A community commitment program and volunteerism plan	1	
	Past acts of volunteerism and community involvement	1	
Applicant has identified:	A specific owner and/or employee to serve as a liaison with the Township	1	
	A specific owner and/or employee to serve as a liaison with the surrounding community	1	
Total - Community Outreach and Relations		6	

1 0 64	Jana Facilities Scoring Criteria	••••••	Provide State
Description	Criteria	Maximum <u>Points</u>	Earned Points
VII. Compliance with Mas	ster Plan Objectives		
Promote General Business in the Township	Redevelop vacant commercial building	1	
Improve quality of aging infrastructure	Utilize Low Impact Development Practices for stormwater management (rain gardens, bioswales)	1	
	Use 25% permeable pavement for parking surface	1	
	Use 50% permeable pavement for parking surface	1	
	Use 100% permeable pavement for parking surface	1	
	Utilize solar energy for onsite energy usage	1	
Township Beautification.	Donate at least \$30,000 to the Birch Run Township Beautification fund. Affirmation of this donation requires the Applicant to tender the donation within 180 days of being awarded a recreational marijuana license.	1	
Open Space Preservation	Provide 10% additional greenbelt landscaping	1	
	Provide 25% additional greenbelt landscaping	1	
	Provide 50% additional greenbelt landscaping	1	
Public Safety	At least 500 feet from another medical or recreational marijuana facility	1	
Public Safety Complete Streets	At least 1,000 feet from another medical or recreational marijuana facility	1	

	At least 1,500 feet from another medical or recreational marijuana facility	1	
	Provide a sidewalk/ pathway along frontage of facility	1	
Complete Streets Fotal - Master Plan	Provide at least 500 feet of pathway	1	
	Provide at least 1,000 feet of pathway	1	
	Provide at least 1,500 feet of pathway	1	
		17	

Summary Results

Criteria		Maximum Points Available	Earned Points	
I.	Business Ownership	7		
II.	Financial Stability	7		
111.	Business Experience	9		
IV.	Business Operations	13		
V.	Facility Improvements, Maintenance, Use and Security	21		
VI.	Community Outreach and Relations	6		
VII.	Compliance with Master Plan	17		
FINAL TOTAL:		80	1. 我们,就是你们不停了。""你们	



Large Firm Resources, Personal Attention.

MEMORANDUM

To: Birch Run Township Planning Commission

From: Jason Ball, AICP, ROWE Professional Services Company

Date: November 4, 2021

Subject: Number of Licenses for Marijuana Retailers and Transporters

In response to a request from the Birch Run Township Planning Commission, ROWE Professional Services Company (ROWE) is providing this memorandum to offer the Planning Commission information to inform its decision regarding the licensing of marijuana retailers and secure transport facilities according to the Michigan Regulation and Taxation of Marijuana Act.

LICENSES IN OTHER COMMUNITIES

A selection of other communities that have limited the number of licenses available to retailers or secure transporters are summarized in the table below. Note, not all communities included in this table are actively granting licenses, as some ordinances have been delayed due to pending legal decisions.

Community			Provisioning Inters	Secure Transport	
	2020 Population*	# of Licenses	Licenses/ 1,000 people	# of Licenses	Licenses/ 1,000 people
City of Lansing	112,644	28	0.25	n/a	-
City of Traverse City	15,678	4	0.26	n/a	11
City of Bay City	32,661	50	1 53	25	0.77
Mt. Morris Township	20,224	10	0.49	5	0.25
City of Detroit	639,111	75	0.12	Unlimited	

*Source, U.S. Census Bureau 2020 Decennial Census

According to the 2020 Decennial Census, the population of Birch Run Township, excluding the Village of Birch Run, is 4,363. Utilizing the number of licenses granted per 1,000 in the table above, this would translate to a range of 1 - 7 retailer/provisioning centers and 1 - 3 secure transporters.

SIMILAR USES

Another way of determining an appropriate limit would be to consider the number of existing uses that might be considered similar. Other uses that might reflect a similar demand or need among the general population could include drug stores, tobacco shops, and liquor stores.

Birch Run Township Planning Commission November 4, 2021 Page 2

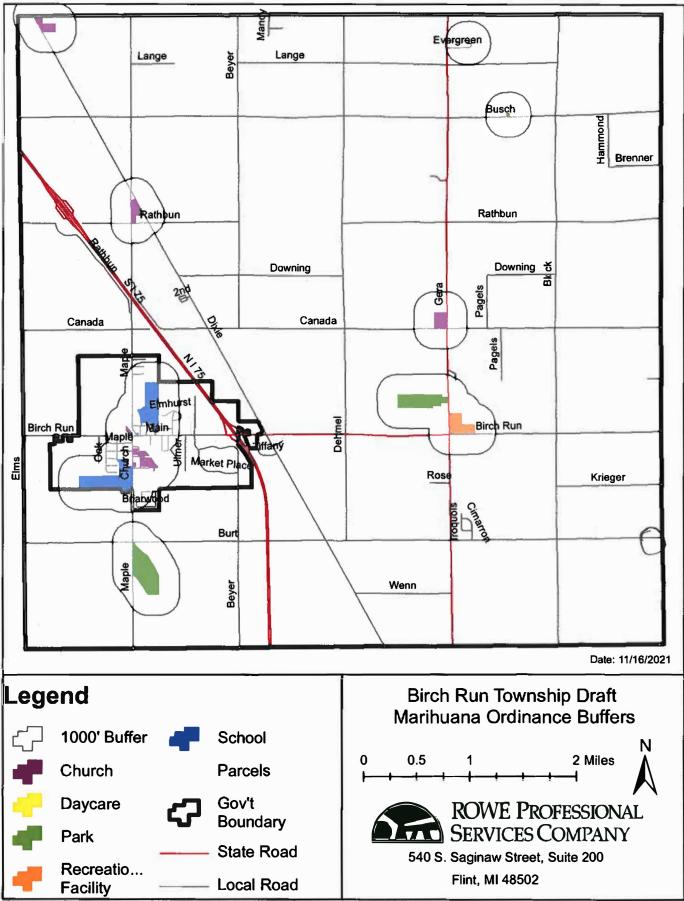
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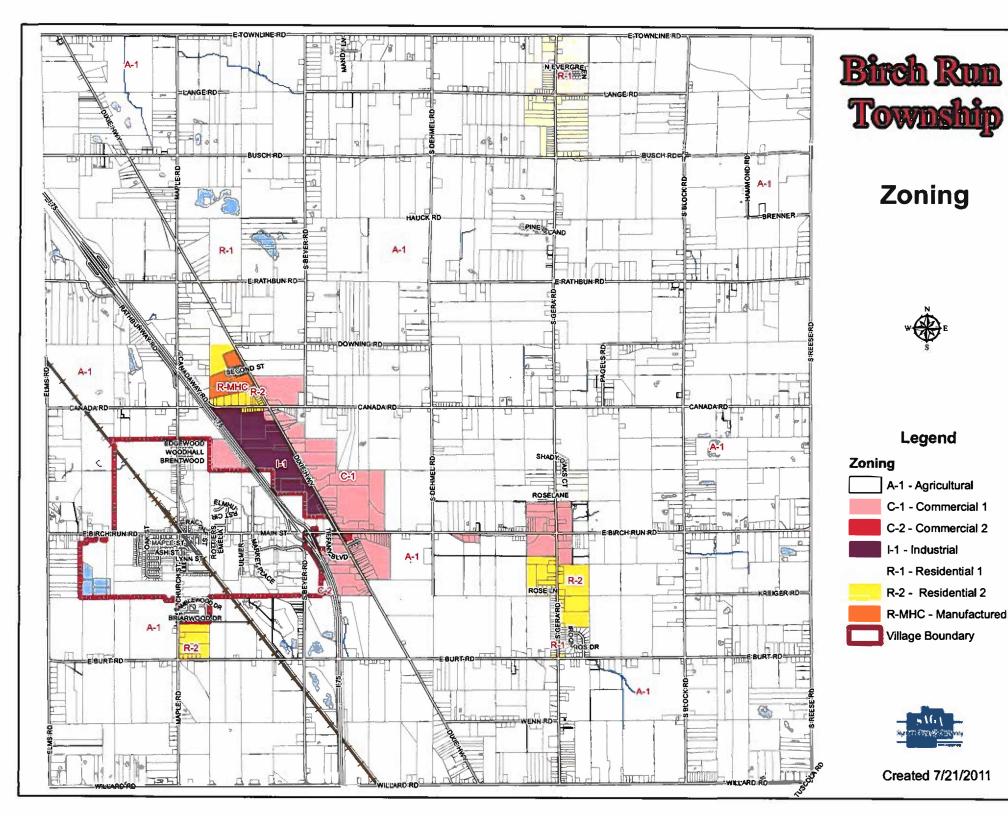
Outside of the Village of Birch Run, there are no drug stores or tobacco shops in the Township, and just one liquor store.

Because secure transport is a rather unique combination of services (transport and storage of both product and cash) there were no comparable uses identified.

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Sources: Saginaw Area GIS Authority; Michigan Geographic Data Library



Attachment C

Birch Run Township

Master Plan

Pre-Public Hearing Draft – June 2021

Adopted:

Acknowledgements

Township Board

Supervisor:	Ray Letterman
Clerk:	Corey Trinklein
Treasurer:	Karen Parlberg
Trustee:	Kurt Kiessling
	Pam Moore
	Brady Totten

Planning Commission

Chairperson:	C.J. Norris
Vice Chairperson:	Steve Schaar
Members:	Mark Marr
	Helen Morse
	Ed Musson
	Elaine Parlberg
	Fred Sheridan

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Chapter 1 Community Description

Community Profile

A community can take on many shapes and forms, but ultimately, it's comprised of history, county government, school district, and the residents who live there. The community description chapter will go over the brief history of Birch Run Township and Saginaw County.

A brief history of Birch Run Township



Birch Run Township, first organized in 1853, is a community located in the south-east corner of Saginaw County featuring a creek that runs through a large patch of Birch trees, it's no mystery how Birch Run Township got its name. Its rich history begins with the first Annual Meeting of the Electors held on April 4, 1853 Joseph Matheson was elected the first supervisor. In 1863, the Township was renamed Deer Lick and remained so until 1868 when it reverted to Birch Run and the name has remained since. The Township and Village have evolved over time. As the lumber industry cleared the land of trees, agriculture became the predominant land use, with the Village serving as the site for merchants and grain elevator

serving the local farmers. As Saginaw and Flint grew and the auto industry provided jobs, the Township developed into a mix of agricultural and residential development. Today, Birch Run Township, is a family friendly community with a quaint, rural characteristic. The village serves as a home to parks with sports fields and green space, the area school system, a downtown that has held its integrity over the years, and a regional shopping mall and event center. What was once home to Native American tribes, Birch Run Township has evolved with the times, while aiming to limit urban expansion to certain areas in order to maintain a rural feel.

Saginaw County

Saginaw County holds a strong Native American History due to the its extensive network of waterways leading to the Saginaw River, and ultimately giving access to Lake Huron. As Euro-American settlers

entered the area, the Ojibwe (Chippewa) Tribe remained and for years lived alongside the settlers, it is said they even aided each other protecting against attacks. Today, Saginaw County has both rural and urban aspects, and continues to grow. Saginaw County is a part of the Flint/Tri-Cities region of Mid-Michigan and is home to twenty-seven Townships, five Villages, and three cities. It is also home to Saginaw Valley State University and Delta College. It's included in the Saginaw-Midland-Bay City Combined Statistical Area, the fifth largest metropolitan area in Michigan.



Chapter 2 Demographic Analysis

The purpose of this section is to analyze key indicators of change in Birch Run Township. Birch Run Township is in Saginaw County and located along I-75 (see Map 2-1). The degree of change within the township will enable community leaders to better understand current and projected trends taking place. It is with this understanding and knowledge that informed decisions can be made regarding "future growth" within the community.

Key indicators that are analyzed can be grouped in the following categories:

- Population Demographics;
- Housing Demographics;
- Economic Demographics; and
- Population Projections.

These indicators are analyzed, over time, in order to identify trends and make projections that may have a significant impact on future land use planning in the community. Of greater importance to the township may be the impact on future services and programs needed to accommodate and manage growth.

Population Demographics

The population demographics evaluates the past and present characteristics of residents in the township and compares them to surrounding municipalities, Saginaw County, and the State of Michigan. The below list are the different characteristics that will be evaluated.

- Size of Population/Population Growth;
- Household Size;
- Number of Households;
- Household Composition; and
- Age Distribution.

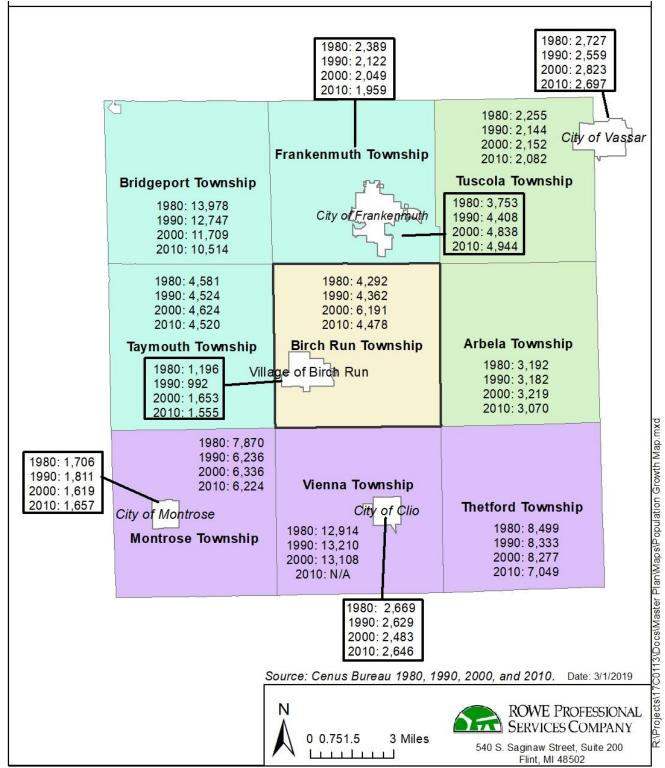
Population Growth

During the last three decades, population growth has been slow and in some areas, negative as shown on Table 2-1. Between 1980 and 1990, Birch Run Township gained only 70 new residents, for a modest increase of just 2 percent. However, from 1990 to 2000, the township experienced a population increase of 42 percent, or 1,829 additional residents. In comparison, Census data indicates that, between 1980 to 1990, the village lost 204 people, which represents a drop of 21 percent over the 10year period. However, between 1990 and 2000, the Village of Birch Run also experienced a marked increase in population of 67 percent, or 661 additional residents. In fact, the only community in Saginaw County documented in Table 2-1 that experienced a drop in population was Frankenmuth Township. The drop in Frankenmuth Township was only 3 percent, or a loss of 73 persons in the community. The four neighboring municipalities in Genesee County all experienced a reduction in population between 2000 and 2010. Between 2000 and 2010, all communities besides the City of Frankenmuth experienced a decline in population.

Community	1980	1990	2000	2010	Total Chng. 2000-2010	% Chng. 2000-2010	
SAGINAW COUNTY							
Birch Run Township	4,292	4,362	4538	4,478	-60	-1.3%	
Village of Birch Run	1,196	992	1,653	1,555	-98	-0.6%	
Bridgeport Township	13,978	12,747	11,709	10,514	-3,464	-24.8%	
Buena Vista Township	12,768	10,903	19,321*	8,676	-4,092	-32.0%	
Carrollton Township	7,482	6,521	6,602	6,103	-1,379	-18.4%	
City of Frankenmuth	3,753	4,408	4,838	4,944	1,191	31.7%	
Frankenmuth Township	2,389	2,122	2,049	1,959	-430	-18.0%	
Taymouth Township	4,581	4,524	4,624	4,520	-61	-1.3%	
GENESEE COUNTY							
City of Clio	2,669	2,629	2,483	2,646	-23	-0.9%	
City of Montrose	1,706	1,811	1,619	1,657	38	2.3%	
Montrose Township	7,870	6,236	6,336	6,224	-1,646	-20.9%	
Thetford Township	8,499	8,333	8,277	7,049	-1,450	-17.1%	
Vienna Township	12,914	13,210	13,108	N/A			
TUSCOLA COUNTY							
Arbela Township	3,192	3,182	3,219	3,070	-122	-3.8%	
City of Vassar	2,727	2,559	2,823	2,697	-126	4.7%	
Tuscola Township	2,255	2,144	2,152	2,082	-173	-7.7%	
Source: US Census 1980, 1990, 2000, and 2010 * Indicates a weighted average is used that includes factoring in the CDPs located in these townships.							

Table 2-1: Population of Birch Run Twp. and Surrounding Communities, 1980–2010





Household Size

Household size decreased in the township, as well as in all adjacent municipalities, since 1980. Between 1980 and 1990, the number of persons per household declined from 3.06 to 2.95 in Birch Run Township, as shown in Table 2-2. Household size continued to decrease between 1990 and 2000 with a drop to 2.65 persons per household. Between 2000 to 2010, this number continues to drop to 2.44. The surrounding municipalities show the same trend besides the village. This follows a nationwide trend that has seen a consistent drop in average household size since the turn of the century with smaller families, childless couple families, and more single-parent households. The number of persons per household is an indicator of the size and composition of families. The figures indicate that there are likely more single-parent families and empty nester families in the village than in the township.

Table 2-2: Household Size. 1980-2010

Community	1980	1990	2000	2010			
Saginaw County		2.61	2.54	2.44			
Birch Run Township	3.06	2.95	2.65*	2.56*			
Village of Birch Run	2.98	2.38	2.35	2.37			
Bridgeport Township	2.98	2.51	2.56*	2.42*			
Buena Vista Township	2.53	2.37	2.62*	2.44*			
Carrollton Township	2.78	2.42	2.58	2.47			
City of Frankenmuth	2.32	2.01	2.16	2.14			
Frankenmuth Township	3.29	2.7	2.79	2.71			
Taymouth Township	3.39	2.98	2.89*	2.74			
Source: Census Bureau 1980, 1990, 2000, and 2010							
* Indianton a uniabted an even a in used that includes fastering in the CDDs leasted in these terms him							

* Indicates a weighted average is used that includes factoring in the CDPs located in these townships.

Number of Households

One result of a decreasing household size is that municipalities may decrease or remain relatively constant in total population and still experience an increase in the number of households in the community (Table 2-3). Between 2000 to 2010, the township had an increase of 72 or 4.4 percent of households. Many of the surrounding communities besides the City of Frankenmuth had a decrease in households. The trend of decreasing persons per household continued between 2000 and 2010, while the total population increased. These changes indicate a continuing need for new housing.

Community	1980	1990	2000	2010	Total Chng. 2000-2010	% Chng. 2000-2010
SAGINAW COUNTY						
Birch Run Township	1,077	1,481	1,628	1,700	72	4.4%
Village of Birch Run	402	416	699	655	-44	-6.3%
Bridgeport Township	3,208	4,514	4,669	4,281	-388	-8.3%
Buena Vista Township	2,219	4,039	4,211	3,500	-711	-16.9%
Carrollton Township	1,816	2,404	2,559	2,457	-102	-4.0%
City of Frankenmuth	920	1,838	2,123	2,200	77	3.6%
Frankenmuth Township	641	711	728	721	-7	-1.0%
Taymouth Township	1,170	1,461	1,661	1,640	-337	-17.0%
Source: US Census 1980, 1990, 2000, and 2010						

Table 2-3: Household 1980 – 2000

Household Composition

The term "household composition" is used to describe the general structure of households. The US Bureau of the Census divides households into several categories:

- Total Households.
- Family Households which includes married-couples and single household households.
- Married Couple Families composed of both spouses, with or without children.
- Female Householder, with no husband present.
- Male Householder, with no wife present.
- Nonfamily Households where the compositions are unmarried couples or people that are not related sharing housing.
- Householder is Living Alone
- One person Household and 65+ years of age.

Table 2-4 shows that a significantly large proportion (65 percent) of households in Birch Run Township consisted of married couple families. By contrast, the Village of Birch Run had a smaller share of its households (39 percent) made up of married couple families in 2010. Single householders with no partner present in the township are 11 percent of all households. The village has a larger proportion of 21 percent. The nonfamily households are 23 percent in the township, while the village is 39 percent. There is a smaller proportion of the population living alone (19 percent) and householders that are living alone and over 65 years (9 percent) than in the village.

One of the reasons for this difference was a relatively large number of low cost dwellings such as apartments or mobile homes in the village, which were suitable for households with one income or a fixed income. These high-density residential developments are often inappropriate for rural areas without municipal services. Most of the housing in rural areas, such as Birch Run Township, is composed of single family homes on large lots. They are often inappropriate or too expensive for single person or single parent households.

Household Types	Birch Run	Township	Village of	of Birch Run	
Household Types	#	%	#	%	
Total households	1,700	100	655	100	
Family households (families)	1,303	77%	398	61%	
Married-couple family	1,105	65%	255	39%	
Female householder, with no husband present	124	7%	107	16%	
Male householder, with no wife present	74	4%	36	5%	
Nonfamily households	397	23%	257	39%	
Householder is living alone	323	19%	205	31%	
One person household and 65 years and over	147	9%	75	11%	
Source: US Census 2010					

Table 2-4: Composition of Households for 2000

This trend is nationwide and will likely continue into the future. One of the potential results of this trend could be a shift in the types of housing being constructed. Due to a shrinking household size, a significant proportion of housing characterized by a smaller floor area and two or fewer bedrooms could be constructed in the future.

Age Distribution

The age distribution of the community suggests maturing families with children and a relatively moderate number of persons 65 years and over as shown in Table 2-5. Most the population is between ages 35 and 59 years (38.5 percent). The following largest proportion of the population is between the ages of 5 and 19 years (21.3 percent). This is reflective of national trend in age distribution, which result from the "baby boom" of the late 1940s to late 1950s. The population segment born during this period has impacted American society dramatically as they have aged, affecting demands for products, housing, and jobs. This trend impacts could be seen in the village, township, county, and state.

Tuble 2-5. Age Distribution, 2010									
Age Groupings	Birch F	Run Twp.	Village of	Birch Run	Saginaw	County	State of N	lichigan	
Age Groupings	#	%	#	%	#	%	#	%	
Total population	4,478	100.0%	1,555	100.0%	200,169	100.0%	9,883,640	100.0%	
Under 5 years	216	4.8%	90	5.8%	11,854	5.9%	596,286	6.0%	
5-19 years	955	21.3%	346	22.3%	42,223	21.1%	2,052,599	20.8%	
20-24 years	211	4.7%	146	9.4%	13,982	7.0%	669,072	6.8%	
25-34 years	394	8.8%	205	13.2%	21,940	11.0%	1,164,149	11.8%	
35-59 years	1722	38.5%	508	32.7%	67,596	33.8%	3,471,193	35.1%	
60-64 years	285	6.4%	71	4.6%	11,973	6.0%	568,811	5.8%	
65-74 years	432	9.6%	91	5.9%	16,031	8.0%	724,709	7.3%	
75 years and over	263	5.9%	98	6.3%	14,570	7.3%	636,821	6.4%	
Median Age 41.3 34.6 39.5 38.9							9		
Source: US Census 20.	10								

Table 2-5: Age Distribution, 2010

The median age of the township closely parallels the county and state figures. The 2010 median age in the township was 41.3 years, the village was 34.6 years, the county was 39.5 years, and the state 38.9 years.

Housing Demographics

The housing demographics evaluates the past and present characteristics of housing stock in the township and compares them to surrounding municipalities, Saginaw County, and the State of Michigan. The below list are the different characteristics that will be evaluated.

- Housing Tenure;
- Housing Value;
- Dwelling Unit Type; and
- Building Activity.

Housing Tenure

The total amount of housing stock between 1990 and 2010 has decreased slightly as seen in

Table 2-6. In 2010, the total housing available was 1,804; in 2000, it was 1,688; and in 1990, it was 1,997. The number of vacancies in 2010 are similar to what they were in 1990. The majority of the housing within the township is occupied and over 94 percent from 1990 to 2010. There has been an increase of owner-occupied housing within the township from 1990 (66.4 percent) to 2010 (84.3 percent).

···· · · · · · · · · · · · · · · · · ·									
	19	990	20	000	2(010			
	#	%	#	%	#	%			
Total Housing	1,997	100.0%	1,688	100.0%	1,804	100.0%			
Vacant	100	5.0%	60	3.6%	104	5.8%			
Total Occupied Housing	1,897	95.0%	1,628	96.4%	1,700	94.2%			
Owner Occupied	1,327	66.4%	1,494	88.5%	1,520	84.3%			
Renter Occupied	154	7.7%	134	7.9%	180	10.0%			
Source: US Census 1990, 2000, and 2010									

Table 2-6: Housing Tenure, 1990-2010

Home Value

This data was collected by using the American Community Survey (ACS), where a proportion of the population is sampled over four years to give estimates of different aspects of the community. The data collected is between 2011 and 2015. At the time the 2010 Census data was collected, Table 2-7 shows that a majority of the township's home value is between \$50,000 to \$199,999. Most of the village's home values are between less than \$50,000 and \$99,999. The median value for the township includes the village's home values but is \$40,000 higher than the village's.

Tuble 2-7. Home value, 2011-2015							
Value Ranges	Birch Run	Township	Birch Ru	n Village			
	#	%	#	%			
Specified owner-occupied units	1,593	100.0%	397	100.0%			
Less than \$50,000	121	7.6%	102	25.7%			
\$50,000 to \$99,999	376	23.6%	114	28.7%			
\$100,000 to \$149,999	375	23.5%	74	18.6%			
\$150,000 to \$199,999	381	23.9%	74	18.6%			
\$200,000 to \$299,999	291	18.3%	33	8.3%			
\$300,000 to \$499,999	39	2.4%	0	0.0%			
\$500,000 to \$999,999	0	0.0%	0	0.0%			
\$1,000,000 or more	0	0.0%	0	0.0%			
Median (dollars) \$133,000* \$93,000							
Source: American Community Survey, 201	1-2015		·				
* Includes the village's population.							

Table 2-7: Home Value, 2011-2015

Dwelling Unit Type

Most of the dwelling unity types within the township are single-unit detached homes (93.9 percent) as seen in Table 2-8. The next largest proportion of housing type is mobile homes with 4.2 percent. About 2 percent of the housing is three to nine units in one building. The village shows a larger variety of housing opportunities. This is more possible for the village to have higher density of housing units due to having and controlling the capacity of utilities such as water and sewer. Due to the rural nature of the township, it may not be appropriate for the high density dwelling units.

Table 2-8: Dwelling Unit Type, 2011-2015

Dwelling Unit Type	Birch Run	Township	Birch Ru	n Village
Dwening Onit Type	#	%	#	%
Total housing units	1,750	100.0%	743	100.0%
1-unit, detached	1,643	93.9%	324	43.6%
1-unit, attached	0	0.0%	36	4.8%

Demographic Analysis

	Birch Run	Township	Birch Run Village			
Dwelling Unit Type	#	%	#	%		
2 units	0	0.0%	9	1.2%		
3 or 4 units	17	1.0%	33	4.4%		
5 to 9 units	17	1.0%	112	15.1%		
10 or 19 units	0	0.0%	92	12.4%		
20 or more units	0	0.0%	3	0.4%		
Mobile home	73	4.2%	130	17.5%		
Boat, RV, van, etc.	0	0.0%	4	0.5%		
Source: American Community Survey, 2011-2015 * Includes the village's population.						

Building Activity

Table 2-9 presents recent building permit activity in the township. The majority of the development within the township is single-family housing. The largest increase is in 2017 where a total of 11 homes were built. This would indicate that the township is now seeing a full recovery from the housing crisis experienced back in the early 2000s. There has been slight commercial growth in 2013 and 2017. National trends show the demand for retail spaces is decreasing, so the commercial building activity is not likely to increase dramatically.

Table 2-9: Building Activity 2010-2017

		5 /		
Year	Resid	ential	Commercial	Industrial
	SF	MF		
2010	-	-	-	-
2011	-	-	-	-
2012	-	-	-	-
2013	2	-	1	-
2014	1	-	-	-
2015	1	-	-	-
2016	-	-	_	_
2017	11	-	1	-
Source: Pirch Pup Tou	unchin Ruilding Donartr	nant December 2017		

Source: Birch Run Township Building Department, December 2017

Economic Demographics

The economic demographics evaluates the past and present characteristics of economic characteristics of residents in the township and compares them to surrounding municipalities, Saginaw County, and the State of Michigan. The below list are the different characteristics that will be evaluated.

- Median Household Income;
- Income of Households; and
- Occupations.

Median Household Income

Table 2-10 shows that the median household income for the township was \$53,780 based on the ACS 2015 report. The township is higher than the village, county, and state. In the 2010 ACS estimates, the township was slightly higher (1.5 percent) with \$45,622. The village experienced a similar trend of decreased median household income, but by 2.2 percent. The county and state had an increase in the median household income.

Demographic Analysis 2-9

Table 2-10: Median Housenola Income, 2006-2015									
Year	Birch Rι	un Twp.	Village of Birch Run		Run Saginaw County		State of Michigan		
	\$	% Chng.	\$	% Chng.	\$	% Chng.			
2010	\$54,622*	-	45,990	-	42,235	-	48,432	-	
2015	015 \$53,780* -1.5% 45,000 -2.2% 43,042 1.9% 49,576 2.4%								
Source: American Community Survey 2006-2010 and 2011-2015									
* Includes	the villane's n	onulation							

Table 2-10: Median Household Income, 2006-2015

* Includes the village's population.

Income of Households

Table 2-11 shows levels of income for households in the Birch Run community. Birch Run Township's residents' household incomes are primarily between \$35,000 to \$99,999 (55.6%).

Table 2-11: Household Income, 2011-2015									
	Birch	Run Twp.	V	illage of	Saginaw	County	State of M	ichigan	
		Birch Run							
	#	%	#	%	#	%	#	%	
Total Households	1,683	100.0%	678	100.0%	77,925	100.0%	3,841,148	100.0%	
Less than \$10,000	114	6.8%	7	1.0%	7,502	9.6%	308,959	8.0%	
\$10,000 to \$14,999	47	2.8%	43	6.3%	4,777	6.1%	209,973	5.5%	
\$15,000 to \$24,999	85	5.1%	114	16.8%	9,824	12.6%	440,712	11.5%	
\$25,000 to \$34,999	192	11.4%	109	16.1%	9,823	12.6%	420,568	10.9%	
\$35,000 to \$49,999	294	17.5%	89	13.1%	12,554	16.1%	553,936	14.4%	
\$50,000 to \$74,999	342	20.3%	157	23.2%	13,961	17.9%	708,689	18.4%	
\$75,000 to \$99,999	300	17.8%	61	9.0%	8,686	11.1%	457,326	11.9%	
\$100,000 to \$149,999	147	8.7%	85	12.5%	7,266	9.3%	453,851	11.8%	
\$150,000 to \$199,999	122	7.2%	9	1.3%	1,949	2.5%	154,454	4.0%	
\$200,000 or more	40	2.4%	4	0.6%	1,583	2.0%	132,680	3.5%	
Source: American Commu		y 2006-2010) and 20)11-2015					

* Includes the village's population.

Occupations

The occupations within the township is primarily sales and office occupations (25.9%). Close behind is management, professional, and related occupations (25.3%) (

Table 2-12). These top occupations are also seen in the village and the county. It is important to keep in mind that these numbers are the types of jobs the residents have. Residents often commute into other communities for their place of work but have chosen to live in Birch Run Township.

	Birch Run Twp.		Vill	age of	Saginaw	v County		
			Bir	ch Run				
	#	%	#	%	#	%		
Employed civilian population 16 years and over	1,951	100.0%	718	100.0%	81,106	100.0%		
Management, professional, and related	493	25.3%	189	26.3%	24,622	30.4%		
occupations								
Service occupations	321	16.5%	161	22.4%	17,247	21.3%		
Sales and office occupations	506	25.9%	228	31.8%	20,648	25.5%		
Natural resources, construction, and	248	12.7%	53	7.4%	6,238	7.7%		
maintenance occupations								
Production, transportation, and material	383	19.6%	87	12.1%	12,351	15.2%		
moving occupations								
Source: American Community Survey 2006-2010 and 2	011-2015	5.						

Table 2-12: Occupations, 2011-2015

Projections

Projections are based on population and household projects. These trends are important to monitor because they impact many policies decisions to either preserve agricultural land, expand residential areas, or dramatic increases in density of homes.

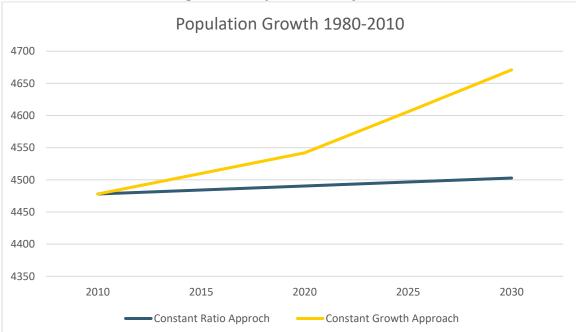


Figure 2-1: Populations Projections

The first projection method is called the constant ratio approach and used 2010 Census data (see Figure 2-1). This method assumed that the growth experienced by both the township and village would continue proportional to the changes between 1980 and 2010. Based on these projections, it appears between 2010 and 2030, the township will experience a 0.01 percent increase or an increase of 25 persons. The average is an estimated six new persons per year.

The second projection method used is the constant growth approach. This approach is used to calculate growth over 10-year periods of time. The 2010 population count of 4,478 is from the 2010 Census Data

whereas the 2020, 2030, and 2040 are estimates based on the constant growth approach. Based on these projections, it appears that in 2020, it is estimated that the population will be 4,542; in 2030, that population will be 4,606; and then will increase to 4,671 in 2040.

The third projection method that is used is called the housing approach, this approach uses both housing and population data to determine population projections. The housing data that is used to determine these projections include number of household, average household size, and total dwelling units. The calculations of this approach use 2010 Census data and estimate that the population of Birch Run Township will be 3,817 by 2020.

Chapter 3 Existing Land Use

The existing land use in a community, and the distribution of that land use throughout the community, is the principal influence on future development. It is essential to understand the current pattern of land use in a community to identify how those land uses impact each other, the demand for municipal services created by those uses, and their impact on a community's natural resources.

To identify current land use, the township staff used tax records to identify the predominant land use for each parcel in the village and the township. In instances where a residence was located on a large agricultural parcel, it was classified as agricultural uses. Parcels that were primarily woodlots were included in the "vacant/fallow" category.

In the previous plan, ROWE staff acquired 1 inch equals 2,000 feet aerial photography of the area flown in 1978 and 1988 and, by interpreting those photos, they created land use maps for those two years. The data was then entered into a GIS system, and the area of each land use was calculated by year.

ROWE conducted an existing land use inventory off aerial imagery and did a windshield survey to determine the land use classifications.

Land Use Categories

The land use categories used in this inventory are:

Agricultural — Land used primarily for pasture or crop production.

Commercial — Retail commercial activities and professional offices.

Industrial — Light and heavy industrial activities including warehousing, assembly, and fabrication activities.

Public/Quasi Public — Public institutions such as public uses, cemetery, schools, and park space; non–public institutional uses such as fraternal organizations and meeting halls

Multi-Family — Structures or groups of structures each containing two or more residences.

Single Family Residential — Single family detached structures on individual lots.

Vacant/Fallow — Land not currently used for any of the above uses, including vacant wood lots.

Existing Land Use Comparison

Agriculture land use within the township is the largest land use category at comprised 60.8 percent of the land in the 2017 inventory, whereas in 1978, 62.5 percent of the land use was agricultural. While analyzing agricultural land use, it can be concluded that there has been a small amount of variation between 1978 and 2017 but, overall, the agricultural land use in Birch Run has remained constant.

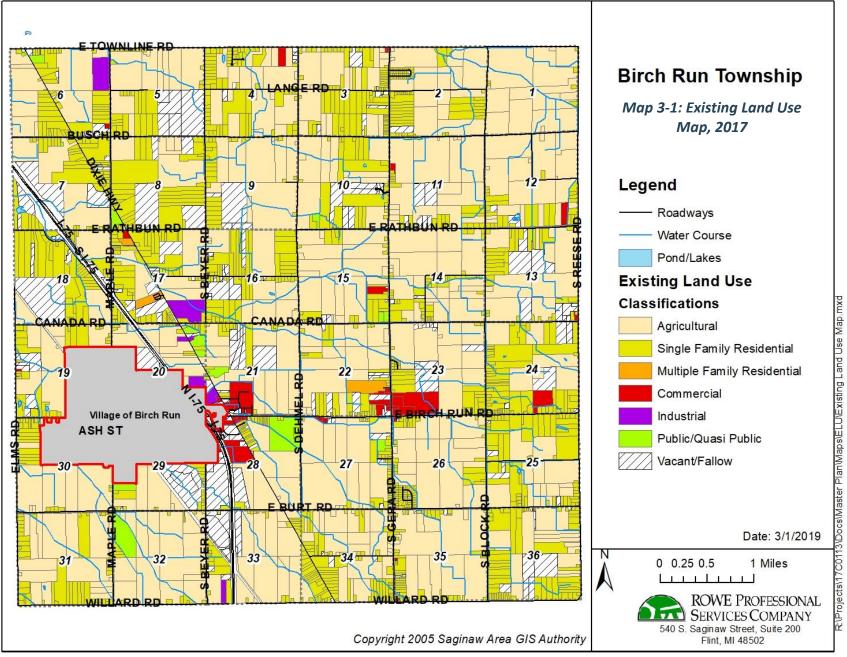
Single family residential uses are the second largest category at 5,542 acres and covering 26.2 percent of the township in 2017 and 19.7 percent of the township in 1978. In 1997, the single family residential land use covered 23.4 percent of land use. Table 3-1 indicates that between 1978 and 2017, the number of acres of the township that was single family residential has continuously increased. Vacant land is the third largest existing land use category, covering 9.7 percent of the total land area in 2017 and 15.4 percent of land area in 1978. Although vacant land is the third largest existing land use from 1978 to 2017, Table 3-1 indicates that there has been a decrease in the amount of vacant land from 1978 to 2017.

Commercial is another land use in the township, with 1.4 percent of the existing land use being commercial in 2017. Table 3-1 indicates that commercial land use decreased from 1997 to 2017. In 1997, 362 acres of land use was commercial and then decreased in 2017 to 288 acres. The Multi-Family residential uses located in the township totaled 60 acres of land area in 2017. The Industrial land uses have significantly increased between 1978 and 2017. In 1978, 3 acres in Birch Run Township were Industrial land uses. Whereas in 2017, 132 acres of land was used for Industrial land uses.

The Multi-Family land use has increased by 150 percent from 1978 to 2017, going from 24 acres in 1978 to 60 acres in 2017. Table 3-1 also shows that the largest percentage increase was in Industrial land use that went from 3 acres in 1978 to 132 acres in 2017. Whereas the largest percent decrease in land use was in Vacant/Fallow land at -35.2 percent.

Land Use Classification	1978	1988	1997	2017	% Change from 1978 and 2017		
Agricultural	12,844	12,683	12,617	12,889	0.038%		
Single Family Residential	4,056	4,522	4,800	5,542	36.6%		
Multi Family	24	36	36	60	150%		
Commercial	235	261	362	288	22.5%		
Industrial	3	10	10	132			
Public/Quasi Public	231	220	153	222	-3.9%		
Vacant/Fallow	3,178	2,807	2,518	2,059	-35.2%		
Total	20,571	20,539	20,496	21,192	3.02%		

Table 3-1: Existing Land Use (acres)



Existing Land Use

Changes in State Equalized Value (SEV)

All land in the State of Michigan is classified by use to estimate its value for taxing purposes. The change in value of each class of land in a community can provide some insight into changes in land use and development of land.

While analyzing the taxable value for Birch Run Township in 2001 and 2013, the 2013 residential uses comprise 61.7 percent of the real tax property tax base. Whereas in 2001, the residential uses comprised 59 percent of the real property tax base, indicating a 2.7 percent increase from 2001 to 2013.

Commercial uses had the largest percentage increase; 19.6 percent from 2001 and 2013. Industrial uses have increased by 1.38 percent, with a taxable value of \$2,514,680 in 2013 and \$32,400 in 2001. The agricultural use did not indicate a significant change, due to the equalization value being \$13,668,150 in 2001 and \$13,951,588 in 2013.

When analyzing the SEV, residential uses comprise 59 percent of the real property tax base in 2001, representing an SEV of \$86,531,566. Commercial uses make up 33 percent of the tax base with an SEV of \$47,724,815. Industrial SEV is \$93,232 (less than 1%) and agricultural SEV is \$12,169,937 (8%).

Table 3-2: Birch Run TownshipState Equalized Values, 2001 & 2013

						Total Real	
	Agricultural	Residential	Commercial	Industrial	Timber	Property	
2013	13,951,588	114,423,851	54,453,676	2,514,680	Eliminated	185,343,795	
2001**	13,668,150	93,166,300	11,724,900	32,400	Eliminated*	118,591,750	
* according to Township Assessor, category has been eliminated.							
** provided by Township Assessor in November 2001.							

Chapter 4 Natural Features

(This chapter was not revised as part of the 2019 Master Plan update)

Natural features are studied in the development of land use plans for two reasons: (1) they impose limitations on the development potential of some areas, because of the existence of such elements as flood plains, steep slopes, or wetlands; and (2) they enhance the community, development potential, and value of some areas due to the existence of such elements as river/lake access or views, mature woodlots, and easily "piercing" soils. A major concern, in preparing the plan, is to protect the community's environmental assets while allowing appropriate development.

In order to adequately address this concern, specific areas are analyzed:

- Flood plains
- Wetlands
- Woodlands
- Soils

Floodplains

Areas adjacent to creeks, streams, and rivers are susceptible to periodic flooding. Due to the property damage flooding causes and the effect that construction has in certain parts of floodplains, regulation of development in floodplains is important to sound planning.

There has not been a Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) prepared for the township, indicating that the area does not have a history of flood damage to property. Township soils were analyzed based on their flooding characteristics. Less than 60 acres in the township were soils characterized as prone to frequent or intermittent flooding.

Generally speaking, floodplains within the township appear to be limited and do not pose a significant barrier to development. Current state and federal regulations, in conjunction with local building code enforcement, represent adequate regulation of development within the township.

Wetlands

Wetlands include marshes, swamps, and the areas between dry land and open water. These are areas typified by poor drainage and standing water. They are important community resources for several reasons. Wetlands provide a filter to keep inorganic materials out of the water supply, act as a sponge to retain water during dry periods, and to hold water during floods. One (1) acre of marsh is capable of absorbing 300,000 gallons of water. Wetlands provide this holding capacity inexpensively. If destroyed, they can be replaced only with expensive structural public improvements. Wetlands also function as critical wildlife habitats.

Because wetlands are a valuable natural resource, they are protected by the Wetlands Protection Act, a part of the Michigan Natural Resources and Environmental Protection Act (PA 451 of 1994 as amended). The act requires that permits be acquired from the Michigan Department of Environmental Quality (DEQ) prior to altering or filling a regulated wetland. The Wetland Protection Act defines wetlands as:

"land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and is contiguous to the Great Lakes, an inland lake or pond, or a river or stream."

Regulated wetlands include all wetland areas greater than 5 acres or those of any size contiguous to waterways. Wetlands which are hydrologically connected (i.e., via groundwater) to waterways are also regulated. Activities exempted from the provisions of the act include farming, grazing of animals, farm or stock ponds, lumbering, maintenance of existing non-conforming structures, maintenance or improvement of existing roads and streets within existing rights-of-way, maintenance or operation of pipelines less than 6 inches in diameter, and maintenance or operation of electric transmission and distribution power lines. Permits will not be issued if a feasible or prudent alternative to developing a wetland exists.

There are no official state wetland maps that will conclusively identify which areas are wetlands and those that are not. One of two types of maps that are commonly used as references in determining wetlands are the Michigan DEQ's Michigan Resource Inventory Systems' (MIRIS) Land Use/Land Cover Maps, which show wetlands mapped using 1978 infrared aerial photography. The program normally did not map land uses/cover under 5 acres in size, which means that small wetlands contiguous to a lake, stream, or pond, which are regulated, often don't show up. The other type of map is the US Fish and Wildlife Service wetlands maps. Although these maps are not based on Michigan's definition of a wetland, they do identify small wetlands that do not show up on the MIRIS maps. A map of wetlands based on the DEQ's land use/cover inventory is illustrated on Map 4-1.

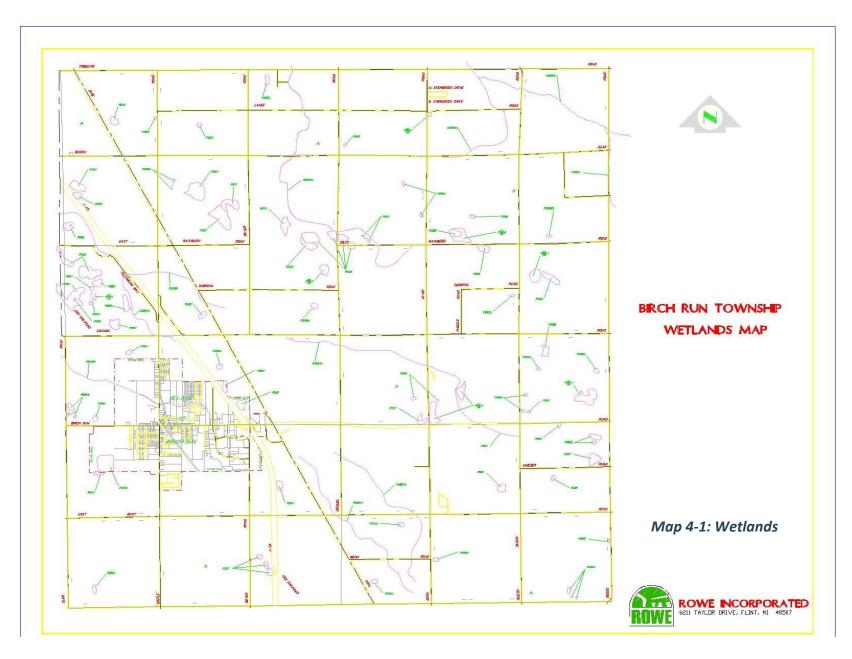
The Wetlands Map (Map 4-1) shows the wetlands identified by the US Fish and Wildlife Service. Small wetlands are scattered throughout the township with the majority of the wetland area in the northwest quadrant of the township, particularly Sections 8, 9, and 18.

With the exception of Sections 8, 9, and 18, none of the wetland areas appear concentrated or large enough to pose anything more than local limitations on development. The extent of wetlands in these three sections may justify the use of tools such as cluster development or a reduction of overall development to protect the wetland areas.

Woodlands

The importance attached to woodlands is a function of their demonstrated ability to stabilize slopes, retard erosion, conserve water quality and quantity, maintain local micro-climates, filter the atmosphere, decrease noise levels, and provide wildlife habitats. Mature trees represent a valuable resource in maintaining the aesthetic character of a community. Future development should not occur at the expense of existing tree cover. Wooded areas should be managed to ensure their long-term existence and to help preserve the rural character of the community.

The 1978 MIRIS land use/land cover map for the township shows large tracts of Aspen, White Birch, and associated species in the northern two thirds of the township. Comparison of this information with aerial photography and 1997 land use information indicates that significant residential development has occurred in these areas but has normally taken the form of development within the wood lot, rather than clear cutting the wood lot for development.



Natural Features 4-3

Soils

One of the natural characteristics of a community affecting its development potential is the suitability of the soils. Soils in a given area can vary widely in their capacity to handle various types of development. Some soils may be excellent for raising crops but provide a poor foundation for roads. Other soils may provide good foundations for roads but are inadequate for buildings with basements. Knowing the limitations of the community's soils for development should serve as a basis for future land use planning.

The Soil Survey of Saginaw County, Michigan, prepared by the United States Department of Agriculture's Soil Conservation Service (SCS) and published in 1994, maps the various soil types in the county and evaluates them according to their physical properties and soil suitability. Physical properties identified include the soils permeability, soil reaction, shrink-swell potential, slope, erosion factor, fertility, frequency of flooding, and average/seasonal height of the water table. Based on these characteristics, the soils are classified as to their suitability for various crops, recreational uses, as natural habitat for various types of wildlife, for building sites, for sanitary facilities, and as a source for construction materials such as sand and gravel.

Land Use and Soils

Each soil type has unique characteristics, which pose opportunities for some uses and limitations for others. The most important characteristics making the soil suitable or unsuitable for development are limitations on dwellings with basements, limitations on septic tank absorption fields, and suitability for farming. The degree of soil limitations reflects the hardship and expense of developing the land. Soil limitations can be classified into four categories:

- **Slight:** Relatively free of limitations or limitations are easily overcome.
- **Moderate:** Limitations need to be considered but can be overcome with good management and careful design.
- Severe: Limitations are severe enough to make use questionable.
- **Mixed:** Limitations vary within the soils group.

The soil types present in the township are shown on the Map 4-2: Soil Types. Soil types found are essentially glacial deposits, acted upon by soil formation processes such as wind and water. As a result of glaciation, soil types vary widely from site to site. This, coupled with the fact that soil depths on United States Department of Agriculture soil survey maps average 3 to 5 feet, make conclusive and accurate delineation of areas with severe limitations difficult. Site visits and inspections are necessary, in nearly all instances, to establish actual site conditions.

Limitations for Septic Systems

One of the soil characteristics important to consider in planning for future development is the suitability for use as septic tank absorption fields. In areas where public sewer systems are not available, septic systems with septic tanks and absorption fields are the most common method used to dispose of sewage from private residences. Absorption fields disperse the effluent from septic tanks through a series of subsurface tiles and perforated pipes. The liquid then percolates down into the ground, the soil and micro-organisms in the soil acting to filter and clean the effluent before it reaches the groundwater below it.

Map 4-2: Soil Types

Map 4-3: Soil Limitations for Septic Tank Absorption Fields

The soils in the village and township were categorized based on the SCS's system for evaluating soils according to the limitations the soils pose to construction and operation of septic tank absorption fields. Table 4-1 shows the various soil types and their classification, while the soil suitability map shows the distribution of the various soil types (see Map 4-3: Soil Limitations for Septic Tank Absorption Fields).

Soil Name	and Map Symbol	Septic Tank Absorption Fields
5A	Sumava	Severe: wetness
10C	Grattan	Severe: poor filter
12	Corunna	Severe: ponding, percs slowly
13	Belleville	Severe: ponding, percs slowly, poor filter
14	Pella	Severe: ponding
15B	Wixom	Severe: wetness, percs slowly, poor filter
17B	Frankenmuth	Severe: wetness, percs slowly
18	Lenawee	Severe: ponding, percs slowly
19	Tappan	Severe: ponding, percs slowly
22B	Parkhill	Severe: ponding, percs slowly
15B	Wixom	Severe: wetness, percs slowly, poor filter
23A	Сарас	Severe: wetness, percs slowly
24	Parkhill	Severe: ponding, percs slowly
26A	Pipestone	Severe: wetness, percs slowly, poor filter
31A	Pipestone	Severe: wetness, poor filter
33	Granby	Severe: ponding, poor filter
41A	Shiawassee	Severe: wetness, percs slowly
45A	Fabius	Severe: wetness, poor filter
46B	Cadmus	Severe: wetness, percs slowly
55B	Gagetown	Severe: wetness, percs slowly
57B	Pella	Severe: ponding
17B	Frankenmuth	Severe: wetness, percs slowly
58B	Covert	Severe: wetness, poor filter
60B	Arkona	Severe: wetness, percs slowly, poor filter
62A	Tappan	Severe: ponding, percs slowly
76A	Londo	Severe: wetness, percs slowly
64A	Sanilac	Severe: wetness, percs slowly
65A	Shiawassee	Severe: wetness, percs slowly
70	Udipsamments	Severe: poor filter
71	Udorthents	Variable
72	Aquents	Severe: ponding
75B2	Strawn	Severe: percs slowly
75C2	Strawn	Severe: percs slowly
76A	Londo	Severe: wetness, percs slowly
77	Chesaning	Severe: flooding, wetness, poor filter
77	Cohoctah	Severe: flooding, wetness, poor filter
82	Granby	Severe: ponding, percs slowly, poor filter
84A	Parkhill	Severe: ponding, percs slowly
98A	Poseyville	Severe: wetness, percs slowly

Table 4-1: Soil Types/Suitability

Natural Features

88B	Boyer	Severe: poor filter	
89	Roundhead	Severe: ponding, percs slowly	
Source: USDA, Soil Survey of Saginaw County, Michigan.			

The map clearly identifies the fact that almost the entire township is comprised of soils that pose severe limitations to septic tank absorption fields. This does not mean that the soils cannot be used for absorption fields (since they currently are). It does mean that adequate land should be set aside with each new home in those areas to ensure an area of land for a functioning septic system. Medium- and high-density development should be limited to areas where future sewer service is planned, or through use of other sewage disposal methods such as sewage lagoons or package plants serving a cluster of homes or businesses. These systems, however, raise long-term maintenance and responsibility issues that need to be carefully considered before they are permitted.

Municipal sewer systems are necessary when residential densities exceed the inherent ability of soils to prevent wastes from reaching ground water supplies. For most soil types, that means densities of approximately four dwelling units per acre. With less dense development and soils without extreme limitations for septic systems, sewage can generally be disposed of safely by individual private systems on lots with a minimum lot size of around 22,000 square feet.

Basement Limitations

Limitations for dwellings with basements are shown on Map 4-4: Soils Limitations for Construction of Basements. Some soils are rated by the SCS as having severe limitations on basements because of excessive wetness, low strength, excessive slope, or shrink-swell potential. The map shows that a slightly smaller area poses severe limitations to basements than to septic fields. This means that if basements are to be constructed, special measures will be needed to keep them dry.

Hydric Soils

Hydric soils present another limitation to development. They are very poorly drained, saturate easily, and retain large quantities of water. They are generally unsuitable for structures. The SCS defines hydric soils as:

"A soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part."

Artificially drained, hydric soils can be suitable for farmland use. Map 4-5: Soil Runoff Potential of Hydric Soils shows where these hydric soils are located. Most of the hydric soils are found near water sources and correspond to present or former wetlands. Hydric soils represent 38.1 percent of the total land area. Residential, commercial, and industrial development in areas containing hydric soils should be discouraged.

Map 4-4: Soils Limitations for Construction of Basements

Map 4-5: Soil Runoff Potential of Hydric Soils

Chapter 5 Transportation

(This chapter was not revised as part of the 2019 Master Plan update)

Road Network

The county road network is the principal transportation system in Birch Run Township (Map 5-1). The road system is divided into state trunk lines, local, and primary roads. The primary road system is designed to provide routes for movement within the county. Generally, road networks are designed so that people live within 1 to 1½ miles from a primary road. Local roads are any road other than a primary road and principally provide access from property to primary roads.

The primary roads in Birch Run Township are:

- Dixie Highway
- Rathburn Road, from Reese to Gera Road;
- Busch Road, from M-83 to Elms Road;
- Elms Road from Willard to Birch Run Road;
- S. Beyer Road from the village limit to E. Burt Road; and
- E. Burt Road from Beyer east to Dixie Highway.

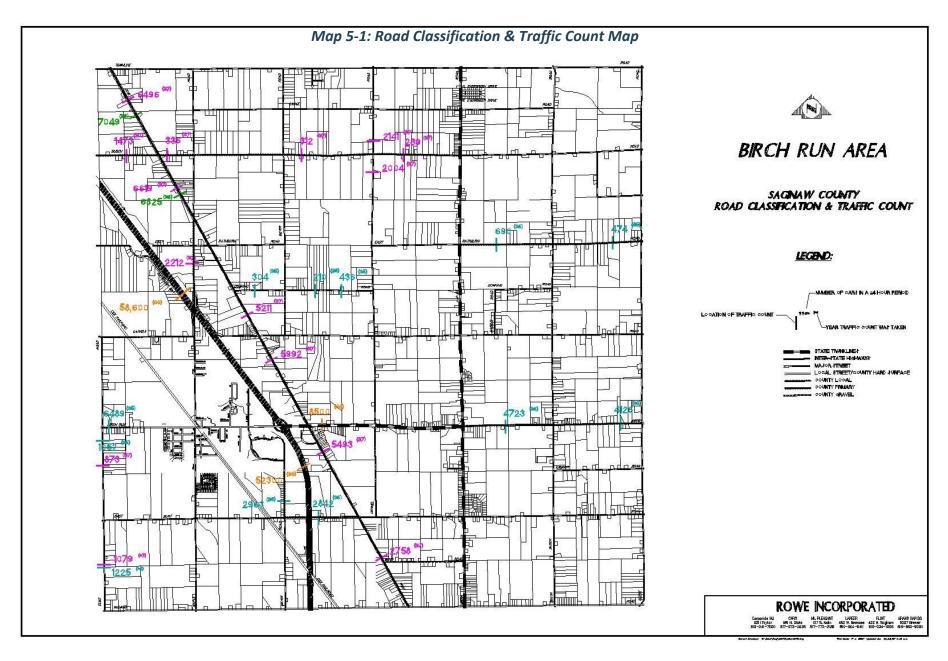
Highways

The Birch Run community is heavily impacted by I-75, a major north/south corridor between the Detroit Metropolitan area and northern Michigan. The State of Michigan produces an annual average 24-hour traffic count volumes for all state and federal expressways and roads. According to the 2000 publication, traffic volumes of 52,300 vehicles per day just south of the Birch Run Road exit were documented by the Michigan Department of Transportation (MDOT). Just north of this exit, a traffic volume of 58,600 has been documented. The interstate highway provides convenient access to the Flint and Saginaw Metropolitan areas. This, combined with the fact that the I-75/Birch Run Road interchange is on the way to the City of Frankenmuth, one of the state's leading tourist destination, has made Birch Run the site of rapid commercial development over the past ten years. Paralleling I-75 is an older Saginaw/Flint connector, Dixie Highway, which is a county primary road. In addition, the construction of the Birch Run Outlet stores has added a significant amount of traffic to the Birch Run area. These shops draw visitors from Saginaw and surrounding areas north of the Birch Run area as well as those communities to the south. It is safe to assume that the addition of this commercial outlet is responsible for some of the high traffic volumes.

Coming north out of Genesee County is M-54. At the intersection with Birch Run Road, it becomes M-83 and continues north, bisecting the township and continuing into Frankenmuth Township and the City of Frankenmuth.

All Weather Roads

Most roads in Michigan are designed to accommodate heavy loads for most of the year except during spring when the frost in the ground begins to melt. During this period, which averages about six weeks, the base of most roads is susceptible to damage from heavy trucks. As a result, road commissions have adopted "frost laws" which restrict heavy vehicle movement on these roads during the spring thaw. Some roads have been built up to permit heavy truck traffic during this period. Generally, communities linked to all weather roads are the preferred location for industrial and commercial development since they can be used throughout the entire year.



The Saginaw County Road Commission maintains a complete list of All Season Special Roadways in Saginaw County. The all-weather roads in Birch Run Township are Dixie Highway, M-83, and Birch Run Road between M-83 and I-75.

Bridges

Bridges can restrict development by forming "choke points" where weight limitations restrict heavy vehicles and prevent trucks from being able to move conveniently from place to place. There are a number of bridges and box culverts in Birch Run Township. Only two bridges have weight restrictions. One is located on the town line, between Block Road and M-83, with a weight restriction of 42,700 pounds. The other bridge is on Birch Run Road, between Block Road and M-83, with a restriction of 23,600 pounds.

Road Capacity

A road's capacity and current volume of traffic can affect the suitability of land for various uses. The road capacity is measured by delay, such as how close actual speed is to posted speed, length of wait at traffic signals and intersections, and frequency of adequate gaps in traffic to allow turns. A road with a relatively low capacity should not be used to access uses with high traffic generation rates such as commercial or high-density residential uses. The same is true for a road with relatively high capacity and relatively high traffic volumes.

Map 5-1 shows the most recent 24-hour traffic counts for the primary roads in the township. They vary from 7,049 vpd (vehicles per day) to 210 vpd. A standard 26-foot-wide paved county road is estimated to have an average daily traffic capacity of 10,400 vpd. Generally speaking, the primary roads in the township appear capable of handling existing traffic without major widening or other improvements.

Traffic Accidents

Studying the location and type of traffic accidents over a period of time is a useful tool for determining transportation system problem areas. A significant pattern of accidents at one particular location could identify a design problem.

Traffic accident reports for Birch Run Township from 1996 to 1997 were studied. Of the accidents reported, there was no established pattern of type of accidents. It is assumed that driver error rather than roadway design was a contributing factor in most accidents.

Traffic Circulation and Vehicular Parking Study

The State, Saginaw County, Village of Birch Run, and the Horizon Group, have spent more than \$3.5 million on improvements to Birch Run Road and the I-75 interchange. They have revamped Beyer Road (twice), widened lanes and bridges, improved entrance and exit ramps, and installed traffic signalization devices in an attempt to reduce traffic congestion.

Still, there is more traffic than the present roadway network can handle. MDOT has considered construction of a new freeway interchange at Burt Road. This would alleviate congestion at Birch Run Road, but the amount of dollars needed does not make this project feasible in the near future.

Chapter 6 Downtown Analysis

The "downtown" in the Birch Run community can be identified as the commercial uses centered near the church, main streets, and the commercial uses centered near the I-75 interchange and development further to the east in the township and around Dixie Highway/M-54 intersection.

The major changes in the commercial area of the township over the last 10 years are due to an incremental increase in commercial development east of the I-75 interchange that builds on the development of the outlet mall, gas stations, and restaurants on the eastern edge of the village. The nature of the original village downtown area has not changed because of the expansion of commercial development east, along and adjacent to Birch Run Road.

The original downtown has maintained its integrity and still provides a broad base that supports the vitality of the village businesses, with high vehicle accessibility provided by Birch Run Road (east to west); along with continued smaller business development that continues to attract residents and visitors for convenience products and related business type services.

The expansion of commercial development east of Church Street, along Main Street, over the past 25 years has created an evolution in the orientation of the downtown area from a small town, convenience shopping center to a major retail, entertainment, and specialty center. With a large population market size and physical regional economic characteristics, the Birch Run community exhibits a dominant location with continued potential for future growth.

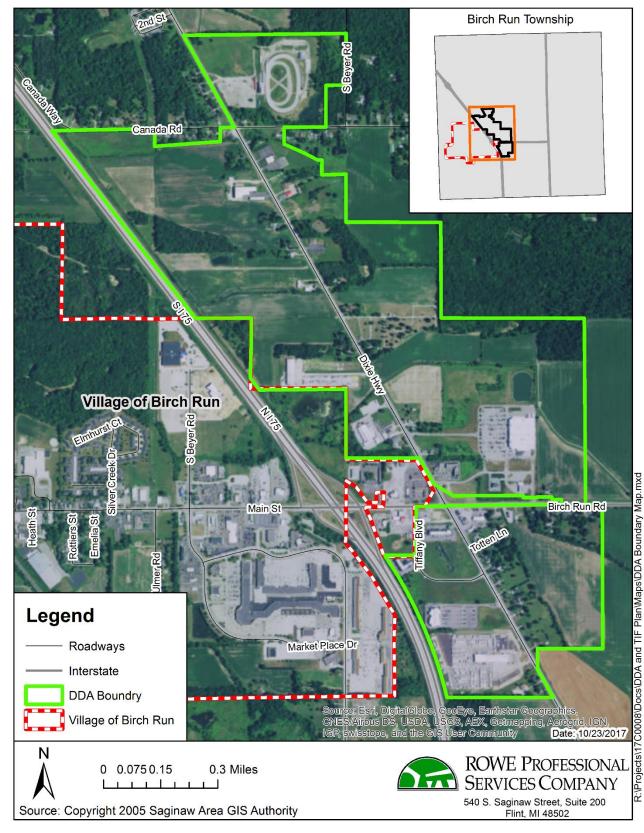
By recognizing that the downtown area of Birch Run is no longer identified as a "traditional downtown area", the community can begin answering the questions, "Where are we headed?" and "What do we want to be?"

Township Downtown Development Authority Plan

Birch Run Township created a Downtown Development Authority (DDA) in April 1989. The authority's Development and Tax Increment Financing (TIF) Plan was amended in September of 1996 and in 2017. The 2017 amendment extended the plan for an additional 30 years. The district is comprised of land lying east of I-75. Dixie Highway is the major road running south and north through the district. The south boundary is just south of Birch Run Road, and the north boundary is Canada Road. The plan calls for a range of improvements including extension of the sanitary sewer along Dixie Highway, possible construction of a municipal building continued reimbursement for police service in the DDA, efforts to market the DDA, development of an entrance feature to the DDA, and streetscaping within the district (Map 6-1).

This area is evolving into a major commercial center for the township. Being adjacent to the developments west of I-75 has allowed this area to capture many spin-off projects.

The construction time table for the projects is dependent, to a large extent, on tax increment revenues which in turn are dependent primarily on new construction in the development area. It is not anticipated in the current plan, but a supplemental or amended Development Plan and Tax Increment Financing Plan will be submitted for approval, if necessary, prior to the commencement of any future projects.



Map 6-1: Downtown Development Authority

Today's Commercial and Downtown Trends

The commercial vitality of the Birch Run area as a whole is stronger today than ever. This strength can be attributed to a change in new commercial development, strategy, and location.

Throughout the 80s and 90s, a shift in commercial strategy and development surfaced across the United States. It involved the general consolidation of convenience, comparison, and specialty commercial markets into large scale, multi-use, developments. The trend also occurred locally, as new commercial developments, such as the Outlet Mall, were built on the perimeter of the village. The driving reasons for locations of these types of developments are the availability of freeway access and larger tracts of land to allow for the expansive building footprint and area required for off-street parking areas.

Comparison shopping for the local and regional market of the Birch Run area was enhanced with these big retail centers, offering more product variety, lower cost, and increased ease and efficiency to purchase goods. Other commercial comparison and service industry followed this trend such as fast food restaurants, convenience stores, and hotels/motels, all of which opted for village perimeter development, encouraged by local zoning requirements and the ease and efficient access of vehicle and consumer traffic.

In the early 2000s, due to the economic recession, much development halted in Michigan. In the late 2000s, that market has started to bounce back in some areas. In the early 2010s, this can be seen in the DDA by the increase in development and new businesses. A new trend from previous generations is that the need for retail space has decreased. This is due to a variety of factors including use of online retail, less of a need for traditional brick and motor establishments, etc.

The appearance of this commercial activity in the Birch Run area is positive, from the stand point that the investment by these businesses, into the community and region, strongly confirms the existence of the large market that Birch Run area provides. However, with the intensive level of commercial development on the outer limits of the village, within the last 10 years, transitions have occurred in local shopping preference. Regionally, large convenience shopping districts and online retail have evolved in the Saginaw and Flint areas, which have added to the nearby shopping opportunities available to township residents.

Chapter 7 Agricultural Resources (This chapter was not revised as part of the 2019 Master Plan update)

A major component of the 1984 and current Township Land Use Plan was the preservation of agricultural land. It is recognized that the trend to fragment prime agricultural land with residential development interspersed among it, poses a danger to the long term viability of the agricultural land uses.

Parcels of 10 to 20 acres are uneconomical to farm. Conflicts between agricultural practices and residential land use adds to the strain of farming. The demand for extension of municipal services imposes costs on the farmer that he can often pay for only by selling his property for non-agricultural land uses.

The Status of Agriculture in the State and Saginaw County

A 1995 report prepared by the Michigan Society of Planning Officials, entitled "Trend Future Project," outlined the importance of farming to the state's economy. It noted that agriculture is the second largest industry in Michigan. It contributes \$37 billion to the state economy and employs one in every eight people.

All of this is despite the fact that, from 1982 to 1992, Michigan lost 854,000 acres of farmland. This represents an average loss of 133 square miles per year. Today, Michigan has one-half of the number of farms that existed in 1964, and less than 25 percent of the number in 1940.

Table 7-1 shows the major trends in farming over the period 1982 to 1997. Total number of farms decreased over this period, while average farm size rose and total farm acreage decreased. The total value of products sold increased between 1982 and 1997.

	1982	1987	1992	1997	
Number of Farms	58,661	51,172	46,562	46,027	
Total Farm Acreage	10,942,172	10,316,861	10,088,170	9,872,812	
Average Farm Size (acres)	187	202	217	215	
Total Value of Products Sold in (1,000s)	\$2,588,317	\$2,545,078	\$3,028,547	\$3,567,825	
Source: Michigan Agricultural Census					

Table 7-1:Agriculture in Michigan

Generally, Saginaw County is associated with the manufacturing industry. Saginaw County farms produced \$84 million in products sold in 1997.

	1982	1987	1992	1997	
Number of Farms	1,702	1,424	1,294	1,163	
Total Farm Acreage	323,000	308,269	318,125	297,842	
Average Farm Size	190	216	248	256	
Total Value of Products Sold	\$68 million	\$63 million	\$74 million	\$84 million	
Source: Michigan Agricultural Census					

Table 7-2: Agriculture in Saginaw County

Table 7-2 shows that the total farm acreage in Saginaw County decreased slightly from 1982 to 1987. In 1992, total farm acreage shows a gain of 10,000 acres over 1987. However, in 1997, the trend reversed and total farm acreage decreased by over 20,000 acres. These gains and loses correlate to the steady

decrease in number of farms. At the same time, the county's average farm size has increased by 66 acres since 1982.

Birch Run Township Agricultural Base

Unfortunately, agricultural census information is not available on a township by township basis. The information for the county does not provide insight into the part agriculture plays in the Birch Run Township economy.

Prime Farmland

"Prime farmland" soil types have been identified by the SCS as those best suited for food production. They require minimal soil enhancement measures such as irrigation and fertilizer. Some soils are considered prime farmland only if they are drained. "Unique farmlands" are based on certain soil types as well as other factors, such as landscape position (proximity to water supply, orientation to sunlight, slope, etc.), moisture supply, and present management practices. "Prime farmland" soils are shown on Map 7-1: Prime Farmlands Map. Prime farmland soils comprise approximately 72 percent of the area.

Value of Agriculture in the County

The assessed value of agricultural land has risen modestly in the last six years. In 1991, the assessed value of agricultural property was 9,125,200. In 2001, the value has risen to 12,169,937. Since 1991, values have increased by 33 percent (see Table 18 [KC1]).

Farmland Fragmentation

The fragmentation of farmland into large rural residential lots is a major cause of the loss of prime agricultural land. In the past, this fragmentation could be blamed, in part, by requirements in the Subdivision Control Act of 1967. Under the act, subdivision of a parcel of land over a 10-year period, into five or more lots of 10 acres or less, required that the subdivision go through the plat approval process, which can be costly and time consuming. This provided land owners with an incentive to divide parcels into lots of 10.1 acres in size to prevent triggering the act's requirements. Recent amendments to the act, now called the Land Division Act, have eliminated some of the incentive to create large lots inherent in the previous act, but allows even more parcels to be created without plat review after 10 years has elapsed.

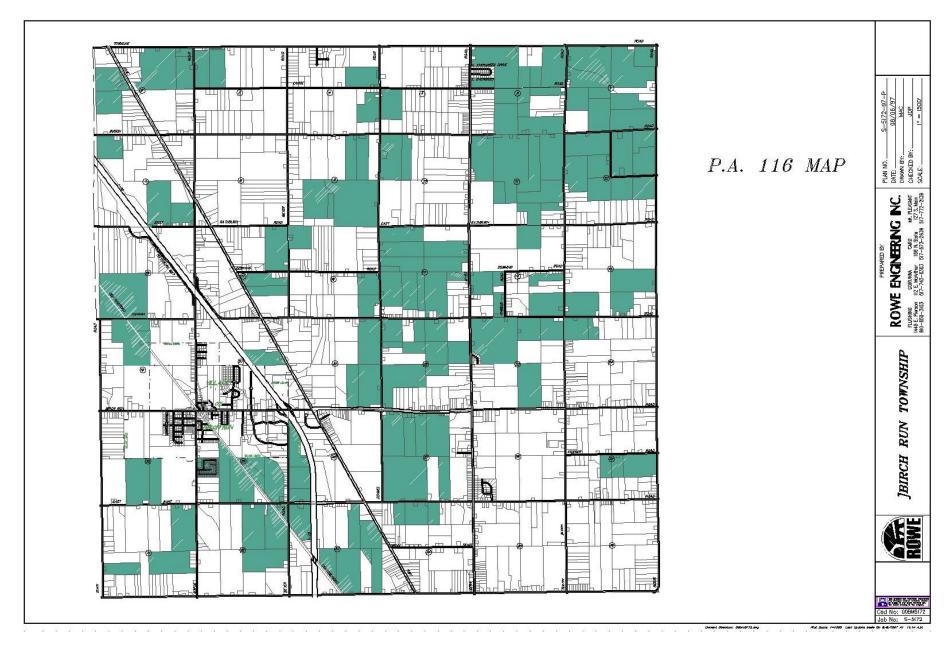
The second factor is the extension of water lines into rural areas. These extensions encourage development along the line because of the access it provides to relatively "good" water for household use, as well as, for firefighting purposes.

Map 7-1: Prime Farmlands Map

Tools in Place to Protect Farmland

The 1984 and current Township Land Use Plan identified the establishment of urban uses in areas of prime farmland as a significant problem and established two policies to prevent it. The first policy states that "public water and sanitary sewer lines should not be extended to areas designated as prime agricultural lands." Comparison of the 1984 Agricultural Plan, showing areas to be preserved for agricultural purposes, with the current water system map shows that this policy was not followed.

The second policy encourages farm owners' participation in the Farmland and Open Space Preservation Act, also known as PA 116 of 1978. This act provides the landowner with certain tax benefits and in return, the landowner gives up non-agricultural development rights in the property for a set period established under a contract entered into between the State of Michigan and the landowner. The minimum period is 7 years, the maximum is 99. This program has the potential of preserving prime farmland but, since it is voluntary, there is nothing to ensure that all of the property owners in a community's prime agricultural area will enroll. Recent changes in school financing in the State of Michigan have reduced the tax burden on agricultural property and reduced the incentive to participate in the program. Because of this change in conditions, the State of Michigan provided a 1-year "window of opportunity" for participants to withdraw from the program. Although it was anticipated that many of the current participants would withdraw, it is obvious from Map 7-2 that a significant number of farmers in Birch Run Township chose to stay in the program. Map 7-2: PA 116



Agricultural Resources 7-5

Chapter 8 Public Facilities and Services

Water System

The Village of Birch Run constructed a public water system in 1964. Water was supplied to the system from two wells. Much of the water main in the village was constructed at that time. Most of the water mains in the village are 6-inch diameter. There are some 8-inch diameter lines, and some are only 4-inch. In recent years, the village has expanded the distribution system to serve the commercial development in the eastern part of the village and to the Silver Creek Apartments.

In 1976, the water transmission line to Birch Run Township, from the City of Saginaw, was completed. A booster pump station was built at the north township limits on Dixie Highway and a transmission line was constructed along Dixie Highway to the Village of Birch Run. Since that time, the City of Saginaw has supplied water to both the village and the township.

All water mains in the township have been constructed since 1976. Most of the water mains are extensions of dead end lines off the transmission main. Most of these water mains are 8-inch diameter lines.

Water Use

Water usage can be classified into the following three general categories:

- Residential
- Commercial/Institutional
- Unaccounted for

Residential customers are houses, apartments, and mobile home parks. Commercial/Institutional users include such uses as a car wash, laundromat, retail store, office, restaurant, school, church, and various businesses. Water usage by each customer is metered. Meters are read by village/township personnel quarterly and customers are billed for the quantity of water used.

Water that is pumped into the system but is not sold to customers is termed "unaccounted for". It may be used to fight fires, lost through leakage, or consumed in other manners.

The rate at which water is used constantly changes. It varies hour to hour, day to day, and season to season. For example, water use will be greater on hot, dry summer days than during a cold, wet autumn. Also, water use during the day, will generally be greater than late at night. To properly meet the needs of its customers, the water system must be able to supply water at a sufficient rate to meet the customers' peak demands.

Water System Considerations

The water system is generally able to meet the demands of existing and future customers. The system is somewhat limited in its ability to provide the higher flow rates needed to fight fires and in its ability to meet maximum day usage with one of the two booster pumps out of service. The water system currently purchases water from the City of Saginaw. The facilities related to water include one storage tank (water tower) located on Birch Run Road near Dixie Highway that helps supply water to the whole township and village and a pump station with two pumps.

The system, in recent history, has added several improvements which should help in the pressure of the water system, which has previously been an issue. Due to needing supply water from the City of

Saginaw to Taymouth Township, the pressure along the mainline must stay a consistent 900 gallons per minute (gpm) to provide sufficient flow. Based on the preliminary engineering report for an elevated water storage tank completed in 2010, the current booster station is adequate for the current usage and future growth because it has the capacity to do one million gallons per day.

One of the primary deficiencies of the water system is the layout of the distribution piping. The township and village are divided by the I-75 expressway, the CSX railroad tracks, and several large county drains. Construction of a water main across such obstacles can be quite expensive. The development of the existing water main network has minimized the number of crossings of these obstacles, at least somewhat for economical considerations. This has in part contributed to the construction of the large number of dead end lines. Much of the water main in the township is dead end extensions off the main transmission main. The water main system in the west part of the village is fed from the central part of the system by a single line crossing the railroad tracks. Pressure losses are greater in dead end lines than in interconnected systems. As a result, when large demands are imposed on dead end lines such as a fire flow, the friction losses significantly reduce the pressure and the quantity of water available.

As future development occurs in the area, it is recommended that more effort be put toward the interconnecting or "looping" of water mains. Interconnecting the existing piping system will improve the capacities and residual pressures in the outlying portions of the system. This can help improve capacity where existing problems exist and will help prevent future deficiencies from developing.

Sanitary Sewer System

The Birch Run area sewer system has two components. The village-maintained lagoon in the southwest quadrant of the village was built in 1972 and is connected to the Genesee County Sanitary Sewer System.

The village lagoon system is primarily for village's residents while the main Genesee County Sanitary Sewer System primarily takes the commercial and industrial waste from within the village.

The remainder of the system was rerouted in 1994 to connect to the Genesee County Sanitary Sewer System. The Village of Birch Run, in conjunction with Birch Run Township, purchased capacity from Genesee County. Of the possible 1,000,000 gpd allowable, they currently utilize approximately 200,000 gpd. The system, connecting to Genesee County, carries all flows east of Ulmer Street with approximately 3.2 miles gravity sewer and 4,350 linear feet of force main and four lift stations. The previous system was rerouted at Ulmer Street with the placement of a lift station and an 8-inch force main which carries flows south to the railroad tracks, then follows the tracks south to East Burt Road. The township completed a 10- and 12-inch force main, which combines with the village force main, at the railroad crossing on East Burt Road, and then continues as a 12-inch force main flowing west along East Burt Road and then south on Maple Road to Genesee County.

The current system handles all flows without major problems. There is capacity to handle additional flows in both systems. Currently, undeveloped areas could be serviced with systems that combine gravity sewer, lift stations, and possibly some force main.

Should problems arise in the future with the lagoon, a connection from the force main at the lagoon to the existing force main flowing to Genesee County could be made by placing under 1 mile of sanitary sewer force main along the Briggs Drain, which is the shortest route between the two systems.

Birch Run Township • Master Plan

Additionally, if the sanitary sewer system were to be increased in the township, an additional lift station may be required to provide adequate service due to the increased sanitary sewer waste.

Police Protection

The township uses the Saginaw County Sheriff's Department and the Michigan State Police Department for its protective services. This provides 24-hour, 7 days a week coverage for the township. The village's police force is contracted to provide some police patrols of the Birch Run Township DDA district. This contract is reviewed annually to determine the number of hours and cost.

Fire Protection

Birch Run Township provides fire service to both the village and township. The department is staffed by an on-call fire and rescue team. The department operates out of the fire station located at Birch Run Road and Silver Creek Drive. Currently, the fire department is supported by 23 to 30 on-call volunteers, utilizing four fire trucks, two rescue vans, and necessary equipment. Overall, firefighting capability is good; however, it is necessary to closely monitor future needs and capabilities. The township has recently constructed a new fire hall to be located on Dixie Highway.

Public Land and Buildings

Governmental Facilities

The Township Hall/Complex is located on Birch Run Road adjacent to Silver Creek Drive. The complex consists of a new 6,000-square-foot library, the Birch Run Community Fire Station, and administrative office space for the township.

Cemeteries

The township maintains two cemeteries. The Hammond Cemetery is located on Busch Road, between Block and Gera Roads. A second township cemetery is located off Dixie Highway between Birch Run Road and Canada Road. The township cemetery is the primary cemetery for the township. These two cemeteries should accommodate future needs. When expansion is required, the township should acquire land adjacent to the cemeteries to reduce expansion costs.

Educational Facilities

The Birch Run School District facilities are located within the Village of Birch Run. School facilities consist of the Birch Run High School, Marshall Greene Middle School, North Elementary, and the School District's administrative offices. Other school districts that service parts of the township include Frankenmuth School District and Clio Area School District. The Frankenmuth School District services the northeast side of the township. The Clio Area School District services a small area in the center of the southern border in the township.

Park and Recreational Facilities

Recreational facilities include a park in the township at Burt and Maple Roads, a village park at Church and Main, and facilities at the public schools in the village.

Birch Run Township Park

The Birch Run Township Park contains the following facilities:

Active:

4– Regulation Baseball Diamond

1– Concrete Basketball Court1– Playground Equipment Area

- 3– Soccer Fields2– Hard Surfaced Tennis Courts
- **Public Facilities and Services**

Passive:

- 1– Picnic
- 2– Pavilion
- 3- Outdoor Grills

The facilities at the schools include:

Birch Run High School

Active:

- 1– Regulation Baseball Diamond
- 1- Regulation Softball Diamond
- 1– Regulation Outdoor Football Field*
- 1– Outdoor ¼ Mile Oval, All Weather Track*
- 2– Outdoor Basketball Court
- * Not available for public use.

Marshall Greene Middle School

Active:

- 2– Soccer Fields
- 1– Playground Area
- 2– Swing Sets w/10 seats
- 1– Large Activity Center
- 48– Basketball Nets
- 2– Non–regulation Softball Diamonds (grass infields)

North Elementary School

Active:

- **Playground Equipment**
- 6– Basketball Nets
- 2- Climbing Centers
- 1–6' x 15' Concrete Wall for Dodgeball and
- Tennis
- 1-3 Level Balance Beams
- 1- Wooden Activity Center
- 3– Softball Diamonds for Children Only
- Walking in Halls– Allowed for Public Citizens
- Before Classes Being in the Morning.

In addition to the public and semi-public facilities, there are a few private recreation facilities located within the township, they are as follows:

Evergreen Subdivision

There is a small playground located within the Evergreen Subdivision (section 2) which is utilized only by the residents of this subdivision.

The residents of the township also travel to the Clio/Montrose area and Bridgeport area to utilize indoor swimming facilities. Currently there are no swimming facilities located within Birch Run Township.

Passive:

Grass Field

Support Facilities:

1– Hard Surfaced Parking Lot

2– Restrooms (when rented with pavilion)

Classrooms

Passive:

- Grass Field
- Classrooms

Passive:

- Grass Field
- Classrooms

Chapter 9 Goals and Policies Draft Goals and Objectives

Introduction

Goals and objectives play a fundamental role in the Birch Run Township Master Plan. The goals and objectives chart the plan's direction and form. Policies, a later step in development of a plan, present key implementation strategies to assure the plan's direction is followed. The relationship between goals, objectives, and policies is as follows:

A **GOAL** is a destination, a final condition which a community seeks to attain. A goal is the most general level of policy and, by itself, is often not very helpful to decision makers. It needs further refinement to assist decision makers to reach their selected destination. At the individual level, a goal is like saying, "I want to take a vacation once each year."

An **OBJECTIVE** is a benchmark which specifies in general terms the way (route) by which the goal (destination) can be reached. An objective indicates the kinds of actions that should be used to achieve the goal. It is like deciding to set aside "\$X" by "Y date" to travel to "Z location".

A **STRATEGY** is a course of action which, if followed, will achieve an objective. A policy is more detailed than an objective and can be readily translated into specific action recommendations or design proposals. It is like saving \$100 extra dollars a month by reducing spending on non-essentials and entertainment in order to afford the vacation.

Land Use

Goal: Manage growth to prevent sprawl beyond the edge of developed areas, to promote new development at urban densities adjacent to the village, and to encourage reinvestment in older areas of the community.

Objectives:

Encourage compact development that uses land and infrastructure efficiently.

Strategies:

- Review standards to approve site plans in the zoning ordinance to be located nearby existing utilities or do not cause a financial hardship for the township.
- Establish an urban services boundary as part of the future land use plan.

Protect environmentally sensitive areas and agricultural land.

- Amend the zoning ordinance to include a setback for features as well as buildings along natural features such as lakes, ponds, rivers, streams, and wetlands for all zoning districts (Sec. 10.05.F-Open Space Community Overlay).
- Adopt a provision to limit non-agricultural development in the AG Agricultural zoning district.
- Promote distinctly different development patterns/densities to maintain a clear boundary of urban and rural areas within the township.
- Review the zoning ordinance district locations and requirements to make sure it conforms to the boundary of the urban and rural areas.

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Encourage highest densities around key activity centers and along major transportation routes.

- Review the zoning ordinance district requirements to have high densities that are located along major transportation routes and other key activity centers.
- Review the future land use criteria and map to locate appropriate locations for high densities along major transportation routes and other key activity centers.

Provide a linked system of planned open space that connects newly developing and existing neighborhoods.

- Explore the creation of walking/biking trails to connect new developments to existing neighborhoods.
- Provide incentives to developers to include walking paths to existing infrastructure.

Promote relationships between jobs, housing, and transportation that are convenient, efficient, healthy, and mutually supportive.

• Explore and amend the zoning ordinance to include more varieties of mixed-use developments in the township.

Separate new businesses from residential areas by landscaping, fencing, and other methods which minimize noise, lights, dust, ground vibration, and other nuisances.

- Continue to apply standards for buffer areas (Sec. 17.04) and lighting (Sec. 18.04).
- Review environment protection standards in the zoning ordinance to ensure they include these elements of potential nuisances. (Currently, does not have one for dust and noise.)

Industrial Development

Goal: Birch Run Township has an ample supply of competitively located and appropriately sized industrial sites.

Objectives:

Identify and reserve land for future industrial growth in planned business park settings with access to major roads and appropriate buffering from residential uses.

Strategies:

- Conduct an inventory of existing Industrial (I-1) district to determine the availability of vacant parcels for development of an industrial park.
- Review the zoning ordinance for appropriate locations and requirements for the Industrial (I-1) zoning district.

Ensure an adequate range of uses within the Industrial (I-1) district.

• Review the list of permitted and special land uses allowed in the Industrial (I-1) zoning district

Encourage the number of industrial uses, new businesses, and expansion of existing businesses.

- Develop a marketing plan for available industrial properties.
- Coordinate job creation and expansion with county, regional, and state agencies and programs.

Commercial Development

Goal: Birch Run Township has clearly defined nodes of commercial activity, appropriately distributed and scaled to serve state/regional, community, and neighborhood needs.

Objectives:

Encourage commercial development in compact clusters/planned centers and discourage strip commercial development

Strategies:

- Evaluate areas proposed for future commercial development to determine their adequacy for more commercial development.
- Review the number of zoning districts that allow compact cluster/planned centers.

Ensure new commercial development is designed to give the same consideration to the needs of pedestrians, bicyclists, and bus riders as to the needs of motorists and trucks.

• Encourage internal sidewalks and pedestrian traffic between commercial developments.

Focus economic development efforts on retaining existing businesses.

- Coordinate with Saginaw County Chamber of Commerce, Birch Run Chamber of Commerce, Birch Run Township DDA, and Village of Birch Run DDA to help advertise existing businesses in the area.
- The township and township DDA work to implement the township's DDA Development and TIF Plan.

Residential Development/Neighborhoods

Goal 1: Birch Run Township provides a range of housing choices in safe and attractive environments to accommodate a variety of lifestyles.

Objectives:

Encourage a variety of housing choices in neighborhoods through a balance of preservation, rehabilitation, and new construction of both affordable, middle income, and upper end housing.

Strategies

- Amend the zoning ordinance to include "missing middle" housing types such as four-plex, triplex, duplexes, etc.
- Review zoning ordinance procedures on historical home improvements or other additions.
- Zone land to offer a variety of density and housing types to optimize dwelling choices.
- Ensure the design of new neighborhoods has a street system that is fully integrated with the existing public street system.
- Modify zoning regulations to encourage use of conservation zoning and/or similar cluster zoning options.

Strengthen the livability of existing neighborhoods through improved safety, upkeep, reinvestment, and community involvement.

• Review Capital Improvement Plan (CIP) to review the development and replacement of sidewalks and roads.

• Ensure the design of new neighborhoods has a street system that is fully integrated with the existing public street system.

Preserve historic structures and neighborhoods where feasible.

• Explore the use of a historic overlay zoning district.

Goal 2: New housing in agricultural areas is designed to minimize impacts on farmland and on public service costs.

Objectives:

Modify zoning regulations to encourage use of conservation zoning and/or similar cluster zoning options.

Strategies:

- Review zoning district minimum lot sizes for Agricultural (A-1) district to determine its consistency with the OSD overlay district and the goal of limiting expansion of public infrastructure.
- Amend the zoning ordinance to include buffering requirements of native vegetation along agricultural land that matches the character of the area.

Open Space, Parks, and Recreation

Goal 1: Birch Run Township offers a wide variety of indoor and outdoor recreation opportunities for families and persons of all ages.

Objectives:

Encourage neighborhood open space areas within new residential neighborhoods as they are developed.

Strategies:

• Review zoning ordinance to provide incentives for the OSC overlay district to encourage recreational use of open space.

Work in cooperation with the schools and the village to meet community recreation and cultural needs.

- Explore the development of a joint committee with members from the township, village, and school district.
- Coordinate with Birch Run Area Schools, and Frankenmuth School District, Village of Frankenmuth, and City of Frankenmuth for improvements.

Promote a well-developed plan for the current and future parks and recreation programming.

- Base recreational planning/programming decisions on regularly updated parks and recreation plan. (Moved from Objectives.)
- Review the CIP to help implement physical improvements based on the Parks and Recreation Plan.

Encourage additional private sector involvement in providing open space and recreation opportunities to the residents of Birch Run Township.

• Evaluate zoning district requirement to ensure the maximum adequate opportunity for private recreational development.

Infrastructure

Goal1: Birch Run Township has fiscally responsible maintenance and improvement of infrastructure.

Objectives:

Establish an annually updated CIP.

Strategies:

- The township will annually prepare, coordinate, and adopt as a part of the budget cycle a schedule of proposed capital improvements for the next 6 years and a capital budget for the next year.
- Prepare, adopt, and periodically update a map of future public facility improvements in the township.

Birch Run Township continually maintains and upgrades its roadway infrastructure serving the community to provide safe, convenient access and to complement balanced, orderly growth.

- Balance the preservation of neighborhood quality with community-wide access needs. (Moved from Objectives.)
- Promote the creation of at least one grade separated crossing of the railroad. (Moved from Objectives.)
- Coordinate with the Michigan Department of Transportation (MDOT) Saginaw County Road Commission in future improvements and rehabilitation of existing roadways.

Goal 2: Birch Run Township provides local travel alternatives to automobile use, including bikes, walking, and bus.

Objectives:

Encourage an efficient and pleasant bicycle and pedestrian system that safely connects residential areas with most desired destinations.

Strategies:

• Explore and develop a non-motorized transportation plan for the community.

Goal 3: Local storm sewer, sanitary sewer, and water systems are upgraded and extended to support balanced, orderly growth.

Objectives:

Closely monitor the condition of all infrastructure to ensure early detection and correction of problems.

• Coordinate improvements in the CIP.

Improve storm water systems to solve existing problems and meet growing needs. Correct spot drainage problems first.

• Coordinate improvements in the CIP for storm water systems.

Maintain the quality of water supply wells.

• Coordinate improvements in the CIP for water supply

Coordinate utility construction with road construction.

• Coordinate meetings with the Department of Public Works, county roads commission, and utility companies.

Public Services

Goal: Birch Run Township provides high quality, rapid response, and cost-effective public safety services.

Objectives:

Provide comprehensive and cost-effective police protection, fire protection, and emergency medical response service to all parts of the township.

Strategies:

- Explore the feasibility of a joint Village/Township Police Department.
- Explore the feasibility of a Fire Department with round-the-clock personnel and a full-time fire chief/fire marshal/inspector.

Cooperate regionally in the provision of public safety facilities and programs.

• Coordinate public safety facilities with the village and county.

Visual Character

Goal: Birch Run Township is a beautiful and well-maintained community.

Objectives:

Promote a high standard of building, landscape, and other property maintenance across the entire township.

Strategies:

- Maintain a consistent enforcement program for building and zoning.
- Evaluate the adoption of housing, rental, and/or property maintenance codes.
- Encourage property owners and businesses to make improvements consistent with adopted design guidelines. Key guidelines should be incorporated into regulations to ensure conformance.

Ensure that all publicly-financed infrastructure repairs are of high quality.

- Review the procedure for accepting bids for improvement projects.
- Encourage developers to bury all overhead utility wires.

Incorporate open spaces, landmark, and historic structures, natural land forms, and stream courses as part of the design of new development. This will help ensure a high-quality visual environment that is compatible with these important elements of the existing community.

• Explore the use of "placemaking" to create a unique environment.

Integrate new development with design guidelines prepared for the area with the scale, architecture, and design of nearby quality buildings and landscaping to ensure compatibility and harmony in appearance.

- Review zoning ordinance to have design standards for the different zoning districts or types of development.
- Adopt uniform sign regulations that restrict the size, number and placement of new signs and billboards in the township.
- Revise zoning ordinance to adopt design standards for future development.

Citizen Attitudes/Opportunity

Goal: Birch Run Township benefits from the cooperation and contributions of all groups within the community.

Objectives:

Birch Run Township should assist in fostering civic activities and promoting public relations.

Incentives:

- Civic and special interest groups, the village, township, and school district all cooperate in community projects such as the 4th of July parade.
- A Civic Events Council is created to manage community-wide events, to encourage civic participation and to liaison between the needs of residents and local government.

Promote transparent government practices.

- Continue to post minutes, agenda, and important township documents on the website.
- Explore the use of social media platforms to communicate to residents.

Chapter 10 Future Land Use Plan

LAND USE CLASSIFICATIONS AND LOCATIONAL CRITERIA

The future land use map for Birch Run Township provides for open space / agriculture, dispersed residential, low density single family residential, medium density single family residential, high density residential, mobile home park, community commercial, highway services commercial, and industrial areas. These land use classifications, their purpose and locational criteria are outlined below.

OPEN SPACE / AGRICULTURAL

The purpose of this classification is to protect farmland and rural character by controlling residential and other non-farm development in primarily agricultural and open space areas. It is the intent that agricultural areas will be maintained. The maximum single-family density should be 1 home per acre.

Single family dwellings and accessory uses will be permitted by right in this district, while a limited number of non-farm uses will be permitted by special use permit. Cluster or open space development, in which residences are grouped together and a large portion of the original site is kept as open space, will be encouraged through zoning incentives. Other non–farm uses shall be excluded or restricted. Existing commercial uses approved through special use permits issued by the township are recognized, and it is not the intention of this district to encourage their elimination

The locational criteria for agricultural areas include:

- Areas where large parcels (40+ acres) are common.
- Areas not proposed for water or sewer services.
- Areas with predominantly prime agricultural lands, comprised of prime soils and reasonable slopes, as delineated in the Soil Survey for Saginaw County.
- Areas used primarily for agriculture.
- Areas adjacent to residential areas of similar density.
- Areas properly buffered from existing or proposed commercial or industrial areas.

DISPERSED RESIDENTIAL

The purpose of this classification is to control the development of non-farm uses within areas comprised primarily of open space and agricultural uses. Uses permitted by right in the agricultural/open space classification will also be permitted, while additional non-farm uses will be permitted by special use permit. Cluster or open space development in which residences are grouped together and a large portion of the original site is kept as open space, will be encouraged through zoning incentives. Other non-farm uses shall be excluded or restricted. Existing commercial uses approved through special use permits issued by the township are recognized, and it is not the intention of this district to encourage their elimination

The locational criteria for agricultural areas include:

Areas where large parcels (40+ acres) are common.

- Areas not proposed for water or sewer services.
- Areas with prime agricultural lands, comprised of prime soils and reasonable slopes, as delineated in the Soil Survey for Saginaw County.
- Areas used characterized by a mix of agriculture and single family residential uses.
- Areas adjacent to residential areas of similar density.
- Areas properly buffered from existing or proposed commercial or industrial areas.

LOW DENSITY SINGLE FAMILY RESIDENTIAL

The purpose of the low-density residential classification is to provide for residential development in areas where single family residential uses is the principle use. <u>The maximum single family density should</u> <u>be 1 home per acre.</u>

Complementary uses such as schools, churches and parks will be permitted, while incompatible uses will be excluded or regulated. Development in these areas should be consistent with the surrounding neighborhood in terms of use, scale and design.

The locational criteria for medium density residential areas include:

- Areas presently developed as subdivisions or residential neighborhoods of similar density.
- Areas adjacent to residential areas of similar density.
- Areas properly buffered from existing or proposed commercial or industrial areas.
- Areas without and not or proposed to have water and sewer services.
- Areas no longer economically viable for agriculture.

MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL

The purpose of the medium density single family residential areas is to provide for a variety in housing style, design and cost. The maximum dwelling units density should be 3-6 units per acre.

Single family and two-family development are the principal uses and other incompatible uses will be excluded or regulated. Single family and two-family residential areas should be developed at a density similar to the existing surrounding residential pattern.

The locational criteria for medium density residential areas include:

- Areas presently developed as medium density residential neighborhoods, or at an average density of approximately 2 or more units per acre.
- Areas adjacent to low density residential areas.
- Areas properly buffered from existing or proposed commercial or industrial areas.
- Areas with or proposed to have water and sewer services.

HIGH DENSITY RESIDENTIAL

The purpose of the high-density residential classification is to provide for alternative residential development at a higher density than single family and two-family residential neighborhoods. <u>The maximum dwelling units density should be 5-8 units per acre.</u>

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This includes<u>Uses include</u> apartment buildings and townhouses. Multi–family development in established single family residential neighborhoods is not appropriate. These developments will provide a wider range of housing opportunities to township residents, including single income households or households living on fixed incomes. Construction of new multifamily units should occur in the multifamily residential area delineated on the Future Land Use map.

The locational criteria for high density residential areas include:

- Areas adjacent to high density residential areas such as apartment complexes and mobile home parks.
- Areas adequately buffered from single family residential neighborhoods.
- Areas located with direct access to major streets.
- Areas adequately serviced with water and sewer services.
- Areas adequately buffered from low density and medium density single family residential neighborhoods.

MOBILE HOME PARK

The purpose of the mobile home park classification is to provide for mobile home park developments. The Future Land Use Map identifies two sites, one an existing development on Dixie Highway north east of the Village of Birch Run. The second site is adjacent to the existing development and is currently zoned for mobile home development. These two sites are expected to provide for the mobile home park needs of the township over the planning period. If both of these sites are fully developed, and a demonstrated need for additional sites in the township is documented, the locational criteria for additional mobile home park areas would be:

- Areas adjacent to high density residential areas such as apartment complexes or other mobile home parks.
- Areas adequately buffered from single family residential neighborhoods.
- Areas located with direct access to major streets.
- Areas adequately serviced with water and sewer services.
- Areas adequately buffered from low density and medium density single family residential neighborhoods.

COMMUNITY COMMERCIAL

The purpose of the community commercial classification is to provide for general retail shopping and merchandising activities together with light wholesale uses, business, and personal services. The clustering of commercial and light industrial uses is encouraged to avoid traffic congestion, reduce traffic conflicts, and reduce sprawl. The infill of vacant lots will be encouraged to reduce commercial sprawl rather than increasing the total length of commercial linear development in the township. High density residential development may be permitted adjacent to community commercial areas providing there is adequate buffering between the two uses and further provided the impacts of the commercial uses are minimal.

The locational criteria for community commercial areas include:

- Areas within the established Birch Run Township DDA boundaries.
- Areas adjacent to established commercial or service uses.
- Areas adequately served by water and sewer services.
- Areas separated from incompatible land uses such as single family residential.

The area along Birch Run Road from the current DDA boundaries to M-83 would be suitable for rezoning for commercial development when adequate utilities can be provided to the area.

HIGHWAY SERVICES COMMERCIAL

The purpose of the highway services commercial classification is to provide locations for uses which either generate significant automobile traffic or require parking, storage or building space not otherwise available in the community commercial area.

The intent of the district is to ensure adequate buffering of adjacent residential uses and to ensure adequate roadway access that promotes shared driveways and other techniques useful in reducing traffic access conflicts. It is also intended that highway services commercial development will occur as infill between established commercial uses rather than increasing the total length of commercial linear development in the township. The locational criteria for general commercial areas include:

- Areas fronting on or with direct access to Dixie Highway or Birch Run Road.
- Areas adjacent to established highway services commercial uses.
- Areas adequately buffered from incompatible uses such as single family residential.
- Areas with access to water and sewer services.

LIGHT INDUSTRIAL

The purpose of the <u>light</u> industrial classification is to provide locations for wholesale activities, warehouses and light industrial opportunities which have limited associated external effects, such as assembly and fabrication activities. The classification also permits commercial establishments including uses permitted in the community commercial and highway service classifications with adequate utilities. It is the intent that these uses will expand the economic base of the Birch Run area and the employment opportunities available to Birch Run Township residents. They will not have adverse effects on surrounding uses or detract from the township's rural character

The locational criteria for light industrial areas include:

- Areas separated from incompatible land uses such as single family residential development.
- Areas with access to all–weather roads.
- Areas with access to suitable water and sewer services.
- Areas adjacent to industrial uses.

OPEN SPACE COMMUNITIES OVERLAY DISTRICT

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The purpose of this district is to provide more flexible standards to allow for more effective preservation of agricultural land, natural resources, sensitive environmental area, open space, and rural character.

The uses permitted in this overlay include dwelling units located in the underlying district, and dedicated open space for agricultural, resource conservation, recreation, and/or preservation. To encourage the use of this tool residential development are granted a 30 percent bonus density.

Locational criteria include:

- Areas with natural features, agricultural land, or open space.
- Areas with access to suitable water and sewer services.

OPEN SPACE COMMUNITIES OVERLAY DISTRICT

The purpose of this district is to encourage use of land that is consistent with the Master Plan, conserving natural resources or features, encourage innovative land use, provide unique housing, employment, shopping, traffic circulation, and recreational opportunities, greater design and uses between neighboring properties, and benefiting the community as a whole.

This classification would allow for a mixture of uses including residential uses and non-residential uses.

Location criteria include:

Areas adequately serviced with water and sewer services.

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Future Land Use Plan

Chapter 11 Implementation Plan

The purpose of an implementation plan is to ensure that the goals, objectives and plans of the Township Master Plan are implemented and that the plan is kept current and maintained. It does this by the use of tools provided the Township by State laws, through development of local support for the plan and by establishing procedures for use of the plan in reviewing zoning decisions and maintaining the plan.

Zoning Plan

One of the pre-eminent tools used by communities to reach the goals of their land use plan is zoning. Zoning is a regulatory power given by the State to Townships through the <u>Michigan Zoning Enabling</u> Township Zoning Act. The act authorizes the local units to establish zoning ordinances controlling the use of property and the height, bulk, and location of buildings on that property. In order for an ordinance to be effective in implementing a land use plan, it must be tailored to that plan. It follows, that when a plan is updated, the local zoning ordinance should also be updated to take into account those changes. <u>Under the Michigan Planning Zoning Enabling Act any master plan developed for a</u> community with a zoning ordinance must include a "Zoning Plan" that outlines the relationship between the zoning ordinance and the master plan. This section of the Implementation Plan addresses these requirements. The Township is preparing to update their Zoning Ordinance. This section will review proposed changes from the Township's current Zoning Ordinance that could assist them in meeting it's stated objectives. Below is a table showing the relationship between the Master Plan Future Land Use Classifications and current zoning ordinance districts. The plan includes the changes as outlined in the table:

- The deletion of the Dispersed Residential land use classification, because there are is no such zoning district and seems an unnecessary intervening district.
- -----<u>The addition of an Open Space Communities Overlay land use classification to correspond with</u> the Open Space Communities Overlay District zoning district
- The addition of an Planned Unit Development future land use classification to correspond with the Planned Unit Development District zoning district

Zoning District Uses — Implementation of this plan would require revision to some of the existing zoning districts and their boundaries. The current ordinance generally line up with the Land Use Classifications in this plan. The major change would be the proposed new mobile home park district and any incentives provided for open space development in the rural residential areas. Any changes to the district boundaries would be based on the Future Land Use Map and the locational criteria included in the plan.

Recommended FLU and Zoning Ordinance Relationship				
FLU Plan	Zoning Ordinance			
Open Space/Agricultural A-1	General Agricultural A-1			
Delete - Dispersed Residential	-			
Low Density Family Residential R-1	Low Density Residential District R-1			
Medium Density Family Residential R-2	Medium Density Residential District R-2			
High Density Residential R-3	High Density Residential District R-3			
Multiple Family District R-MF	Multiple Family Residential District R-MF			
Manufactured Housing Community District R-	Manufactured Housing Community District R-			
МНС	MHC			
General Commercial District C-1	General Commercial District C-1			
Highway Commercial District C-2	Highway Commercial District C-2			
Light Industrial I-1	Light Industrial I-1			
Add - Open Space Communities Overlay	Open Space Communities Overlay District			
Add - Planned Unit Development	Planned Unit Development District			

The following strategies outline in Chapter 9 relate to changes to the zoning ordinance

- Review standards to approve site plans in the zoning ordinance to be located nearby existing utilities or do not cause a financial hardship for the township
- Adopt a provision to limit non-agricultural development in the AG Agricultural zoning district.
- Review the zoning ordinance district requirements to have high densities that are located along major transportation routes and other key activity centers.
- Provide incentives to developers to include walking paths to existing infrastructure.
- Explore and amend the zoning ordinance to include more varieties of mixed-use developments in the township.
- Review the zoning ordinance for appropriate locations and requirements for the Industrial (I-1)
 zoning district.
- Review the number of zoning districts that allow compact cluster/planned centers.
- Encourage internal sidewalks and pedestrian traffic between commercial developments.
- Amend the zoning ordinance to include "missing middle" housing types such as four-plex, triplex, duplexes, etc.
- Review zoning ordinance procedures on historical home improvements or other additions.
- Zone land to offer a variety of density and housing types to optimize dwelling choices.
- Modify zoning regulations to encourage use of conservation zoning and/or similar cluster zoning options.
- Explore the use of a historic overlay zoning district.

- Review zoning district minimum lot sizes for Agricultural (A-1) district to determine its consistency with the OSD overlay district and the goal of limiting expansion of public infrastructure.
- Amend the zoning ordinance to include buffering requirements of native vegetation along agricultural land that matches the character of the area.
- Review zoning ordinance to provide incentives for the OSC overlay district to encourage recreational use of open space.
- Evaluate zoning district requirement to ensure the maximum adequate opportunity for private recreational development.
- Review zoning ordinance to have design standards for the different zoning districts or types of development.
- Adopt uniform sign regulations that restrict the size, number and placement of new signs and billboards in the township.
- Revise zoning ordinance to adopt design standards for future development.

Other Ordinances

Besides the zoning ordinance, State law has provided local communities with authority to adopt other special ordinances that can be used to enforce the goals and objectives of a land use plan.

Subdivision Control/Land Division Ordinances — Although the State's Land Division Act requires the developer of a subdivision to submit a proposed plat before a township for review and approval, it also authorizes a township if it wishes, to prepare a subdivision control ordinance. This ordinance may include stricter standards for subdivision design. In addition to review of subdivisions, since 1996 the township has been responsible for reviewing land divisions that do not require submission of a subdivision or condominium plat. In order to properly regulate these subdivisions and land divisions, the township should adopted local land division and subdivision control ordinances identifying the procedures and standards for approval of a land division or subdivision plat. These ordinances should be regularly reviewed and updated.

Other Local Tools

Besides the tools granted by state law, local communities have other tools that can be used implement the plan.

Engineering Construction Standards — Update standards to promote street layout that discourages culde-sacs and promotes continuation of existing street pattern

Procedural Manual — Public frustration over zoning rules are understandable. Most residents are not familiar with zoning provisions and requirements. They may need to deal with them a couple of times in their lifetime. But when they do, the ordinances legalese and the interconnect requirements and procedures can be extremely confusing. One way of reducing that confusion is to provide material that explains the most common zoning procedures and issues in plain english with the use of checklists and flow charts to graphically display the concepts. The plan recommends the development of a zoning procedural manual for use by the staff in educating the public and new Planning Commission, ZBA and Township Board members.

Public Education and Promotion of the Plan

An important part of the Planning Commission's responsibilities is the promotion of the plan to the general public. Strategies to educate the public on the intent and recommendations of the plan include:

- Develop a summary of the plan that is suitable for distribution to those with casual interest in the plan.
- Make copies of the plan available for public review at the Township hall, public library and other public locations.
- Encourage the use of the plan in civic's classes at area schools.
- Provide opportunities for Planning Commission members to speak at local service clubs and other civic groups concerning the plan.

Capital Improvement Plan

As required under the Michigan Planning Enabling Act, every community that adopts a master plan that operates a municipal water or sewer system must prepare and maintain six year Capital Improvement Plan (CIP), updating the plan annually.

Strategic Plan

Outlined above in Chapter 9 is a group of strategies to implement the plan. The strategic implementation Plan identifies those strategies that are to be the priority over the next five years

Strategic Implementation Plan				
<u>Strategy</u>	Responsible Party	<u>Year</u>		

Plan Maintenance and Update

A plan is not a static document. It must be continuously maintained and updated if it is to remain a valid document. Under recent amendments to the Township Planning Act, Planning Commissions are required to review their plans for consideration of an update at least every five years. Below are key indicators the Township can monitor to determine the need for updating the plan.

Updating the Data Base — This plan is based on certain assumptions concerning the growth of the Township. These assumptions are contained primarily in the plan's data base. It is important for the Township to regularly monitor these assumptions to determine if they are still valid. If they become invalid, the Township must determine what the changes in circumstances mean for the plan goals and objectives.

1. Population Growth — The plan is based on the projection growth contained in the population section of the data base. As noted in the narrative following the projections, there is always a certain amount of guessing that goes into population projections, and they should be continuously monitored.

2. Housing Growth and Mix — The plan makes assumptions on the growth of housing in the Township over the planning period and the mix of single family and multifamily units. The Township should monitor housing growth and mix to determine if it is following the projections. Differences in the mix of housing types between what was projected and what is built may mean certain assumptions on market demand for various housing types was incorrect. This could impact the population projections and also the land use need estimates contained in the plan.

3. Adjacent Planning and Zoning — Changes in the land use plans or zoning maps of adjacent townships and the Village of Birch Run should be reviewed to consider their impact on the Township's plan, preferably before that community makes a decision regarding the matter.

4. Transportation — The Township should monitor changes and proposed changes in their streets in the Township, possibly with an annual street survey.

5. Utilities — In order to permit development, the plan anticipates the expansion and extension of utilities into areas not currently served. As these improvements occur, the effect on the development potential of the property should be considered.

Reviewing the Plan Goals and Policies — After reviewing the updated information on the data base, the Township should review the goals and objectives. Specifically the Township is looking for goals or objectives that are no longer relevant due to changes in conditions or objectives that have proven ineffective in addressing goals. Those items that are identified should be deleted or modified in light of the new information. The plan should be officially amended to incorporate the changes in the goals or objectives and the basis for the changes should be reflected in a public hearing record.

Incorporating Plan Review Into Rezoning Request Review — Although an annual review is necessary for a comprehensive examination of the plan, many problems with a land use plan will become obvious during consideration of a rezoning or special land use permit request. It is important to incorporate review and amendment of the land use plan as part of the Township's consideration of such requests. This is covered in more detail in the subsection on using the land use plan for zoning reviews.

Using the Land Use Plan for Zoning Review

As noted earlier, the primary method of enforcing a land use plan is the zoning ordinance. In order for that to be done effectively, the community's rezoning and special land use permit request and site plan review procedure should be structured so land use goals and objectives are considered.

Rezoning Requests — In considering a rezoning request, the primary question to ask is: "Does this request conform to our land use plan?" Three subsidiary questions follow that; "Was there an error in the plan?", "Have there been relevant changes in conditions since the plan was approved?", and "Have there been changes in the goals and objectives of the Plan?". Answering these questions should answer the question whether or not a rezoning request is appropriate and that should frame the reason within the context of the plan.

This method of analyzing a request rests on the assumption that a request that complies with a valid plan should be approved and that one that does not comply with a valid plan should not be approved. Further, it assumes that the three circumstances that would invalidate a plan are a mistake in the plan, a change in condition that invalidates the assumptions that the plan was built on or a change in the goals and priorities that the community set for itself.

In considering whether or not a rezoning complies with the plan requires more detailed study then simply looking at how a piece of land is designated on the Future Land Use Map. The plans goals and objectives and the intent and locational criteria of the various land use classifications should also be considered. The Future Land Use map is simply one arrangement of land use within the Township and is not intended to be an unalterable blueprint for the future zoning map. In some cases a particular area may be appropriate for more then one land use type. For example, a use may be equally suitable for local commercial or multi-family development. The map may designate it for local commercial, but that does not mean it should be excluded from consideration for multi-family as well. By considering the goals, objectives and land use classifications in the plan in addition to the map, a the Planning Commission is more accurately weighing the conformance of a request to the intent of the plan.

Mistake — A mistake in a plan can be an assumption made based on incorrect data, an area on the land use map that is incorrectly labeled, or other factors that is known at the time of the plan adoption would have been corrected.

Changes in Conditions — A plan is based on the assumption that certain conditions will exist during the planning period. If those conditions change then goals, objectives and land use decisions that made sense when the plan was adopted may no longer be valid, and a rezoning that was not appropriate before is appropriate now.

Change in Policy — In the end, a plan is based on the future vision of the community held by the Planning Commission/Township Board. When that vision changes, the plan should change. When a zoning issue results in a change in vision, a decision can be made that is contrary to the current plan, as long as that changed vision is explicitly incorporated into the plan.

Two points should be made. First of all, the three factors for consideration (mistake, change in conditions, change in goals or objectives) can work in reverse, making a proposal that otherwise seems

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appropriate, inappropriate. Secondly, these factors should not be used to create excuses for justifying a decision to violate the land use plan, or to change it so often that it loses its meaning.

Chapter 12 APPENDIX

APPENDIX

Attachment D



Large Firm Resources. Personal Attention.

MEMORANDUM

To: Birch Run Township Planning Commission

From: Jason Ball, AICP, ROWE Professional Services Company

Date: November 4, 2021

Subject: Short-Term Rentals

ROWE Professional Services Company (ROWE) is providing this memorandum to Birch Run Township at the request of the Planning Commission to provide recommendations for regulation of short-term rental properties in the township. Through the growth of online and mobile applications like Airbnb and Vrbo, short-term rental of residential properties has become much more common. While short-term rentals provide the opportunity for property owners to earn additional income, they also present nuisance concerns related to traffic and noise, particularly when located in residential areas.

ROWE has reviewed several sample ordinances, including two from Townships that were specifically upheld by the Michigan Supreme Court, to provide Birch Run Township with key decisions and guidance as it considers amending its ordinances.

It is important to note, that the Michigan House of Representatives passed House Bill 4722 on October 27th, 2021, which would limit communities' ability to regulate the location of short-term rentals through zoning. As such, it may be prudent to wait to formally adopt any ordinance changes until a decision is made on pending legislation.

1 RESOURCES REVIEWED

Sample ordinances from the City of South Haven, Golden Township (Oceana County), the Village of Suttons Bay, and Milton Township (Charlevoix County), and the City of Ann Arbor were utilized to develop this memorandum.

2 ELEMENTS OF REGULATING SHORT TERM RENTALS

There are variety of important considerations when regulating short term rentals, some of which relate to zoning, and some relate to other community police powers. Following, several key considerations are listed along with sample language.

2.1 Purpose Statement

A clear purpose statement that defines the purpose of the ordinance and the types of rentals to be regulated. This should clearly relate the purpose of the ordinance of protecting public health, safety, and welfare as well as the issues being addressed (e.g., residential character, nuisance concerns/complaints, enforcement challenges, etc.).

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2.2 Definitions

Clearly define key terms related to the ordinance. These may include the following. If the ordinance is adopted as a police power ordinance, then definitions for other terms like "dwelling unit" and "parking" should correspond with definitions in the zoning ordinance.

- a) Local contact person: A local property manager, owner, or agent of the owner, who is available to respond to tenant and neighborhood questions or concern, or any agent of the owner authorized by owner to take remedial action and respond to any violation of this ordinance.
- b) **Managing agent or agent.** A person, firm, or agency representing the owner of the short-term Rental, or a person, firm or agency owning the short-term rental.
- c) **Short Term Rental.** The commercial use of renting a dwelling unit for a period of time less than (*insert number*) consecutive calendar days. Short Term Rental does not include a bed and breakfast permitted and operated in accordance with existing ordinances.

2.3 Type of Dwelling Unit, Location and Parking

- a) Some communities focus only on short-term rentals in single-family or two-family dwellings, while other regulate short-term rentals in all dwelling-unit types (e.g., multifamily). ROWE's recommendation is to apply the regulation equally to all types of dwelling units because the potential impacts on public health, safety, and welfare are similar.
- b) Some communities limit the operation of short-term rentals to specific zoning districts, while others allow them within any zoning district. The township could also choose to require a Special Land Use permit for the operation of any short-term rental, or only in some zoning districts where concerns over noise and impacts on residential character may be greater.
- c) Parking requirements for short-term rentals tend to be consistent with Bed and Breakfasts and other similar uses, which are typically, 1 or 1.5 spaces per bedroom. It should be specified whether these spaces are required to be located off-street, or of onstreet parking can count toward the requirement.

2.4 Permitting and Registration

Most communities require short-term rentals to register and receive a permit that is renewed annually to operate. Permit requirements commonly include:

- a) Completion of an application form.
- b) Dwellings rented for more than (2-4) weeks per calendar year require a permit.
- c) Separate permits required for each property.
- d) A local contact person available 24 hours per day when the property is rented.
- e) A copy of the deed or land contract as well as any deed restrictions.
- f) Number of dwelling units, bedrooms, and parking spaces provided on-site along with occupancy.
- g) Statements certifying the presence of smoke alarms and other safety devices.
- h) Statements consenting to inspections and making the unit available for inspection upon request.

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i) Confirmation that the existing septic system or sewer connection is in compliance with health department standards.

2.5 Limits on Length of Stay and Rental Days

The allowable length of stay is typically capped anywhere between 14 and 30 days for any guest(s).

Many communities also have a maximum number of days per calendar year that a property is allowed to be rented. This requirement varies widely, from 150 days (Suttons Bay) to 6 weeks (Milton Township).

2.6 Other Considerations

In addition to the items listed above, following are other considerations included in ordinances reviewed for this memorandum.

- a) Definition of different types of short-term rentals, focused on whether the structure is a principal residence or not and an owner will be on site or not.
- b) Prohibition of special events for more than the permitted number of occupants.
- c) Provision for trash disposal and removal in sealed receptacles.
- d) Observance of "quiet hours" and local noise ordinances.
- e) Posting of a small sign on the exterior of the building when it is being rented that identifies it as a short-term rental with the local contact person's phone number.
- f) Prohibition of overcrowding, either ensuring that any sleeping facility shall be occupied to provide for a minimum amount of air space per occupant or applying a maximum occupant standard.
- g) Limitations on the total number of permits granted in a calendar year in a community, or the number/percentage of permits granted to a particular person or business in the community.
- h) Requirements to post relevant information in a conspicuous place within the residence for guests, including the local contact person name and phone number, notification of the maximum number of occupants, parking space requirements, noise standards or quiet hours, notification of associated fines for violating township ordinances, and a copy of the short-term rental ordinance, as amended.
- Prohibition of exterior alterations of the dwelling not customary for residences in the same zoning district or neighborhood. This may include requiring any additions or alterations to the property to include plans completed by a registered architect or to complete site plan review.

2.7 Violations and Administrative Actions

- a) Provide for clear standards for enforcement and violation, consistent with other ordinances for municipal civil infractions. Violations are typically considered on a calendar year of 12-month period basis.
- b) Provisions for notice of a violation:
 - a. First: Written warning
 - b. Second: Municipal civil infraction and fine.
 - c. Third: Municipal civil infraction and revocation of short-term rental permit.
- c) Terms for revocation of the permit should be included based on violations of the ordinance.

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3 NEXT STEPS

The next step would be based on the Planning Commission's determination as to the need to take action on this issue and whether or not it is prudent to expend the effort to draft an ordinance before the fate of HB 4722 is known.

Members of the Planning Commission indicated that they were aware of properties in the township that have been used as short-term rentals. A check on Airbnb and Vrbo could not find any addresses in the township currently available. The Planning Commission may want check with the township on the number of complaints the township has received about such a land use in the area. While this does not mean that the township might not want to get "get ahead of the curve" even if there are not a lot of complaints currently, this information can give the commission a feel for the potential level of urgency.

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SHORT-TERM RENTALS

House Bill 4722 (H-11) as passed by the House Sponsor: Rep. Sarah L. Lightner Committee: Commerce and Tourism Complete to 11-2-21



Phone: (517) 373-8080 http://www.house.mi.gov/hfa

Analysis available at http://www.legislature.mi.gov

SUMMARY:

House Bill 4722 would amend the Zoning Enabling Act to prohibit a county, township, city, or village from adopting or enforcing zoning ordinance provisions that have the effect of prohibiting short-term rentals. The bill would provide that the rental of a dwelling is a permitted residential (and not commercial) use of property that is not subject to special permits or procedures. A local government could adopt certain specified zoning ordinances and practices if consistently applied to rentals and other residences. Within parameters described below, a local government could limit the number of short-term rentals owned by the same person and limit the total number of short-term rentals as a percentage of all residences. The bill also would allow the continued enforcement of certain ordinance provisions in existence on July 11, 2019.

Specifically, under the bill all of the following would apply, for purposes of zoning, to the rental of a dwelling, including a *short-term rental*:

- It is a residential use of property and a permitted use in all residential zones.
- It is not subject to a special use or conditional use permit or procedure different from those required for other dwellings in the same zone.
- It is not a commercial use of property.

Short-term rental would mean the rental, for up to 30 consecutive days, of a single-family residence, a dwelling unit in a one- to four-family house, or a unit or group of units in a condominium.

A county, township, city, or village would be prohibited from adopting or enforcing zoning ordinance provisions that have the effect of prohibiting short-term rentals.

However, the bill would expressly *not* prohibit a zoning ordinance provision that is applied on a consistent basis to rental and owner-occupied residences and regulates any of the following:

- Noise.
- Advertising.
- Traffic.
- Any other conditions that may create a nuisance.

The bill also would expressly *not* prohibit a county, township, city, or village from doing either of the following:

- Inspecting a residence for compliance with or enforcement of an ordinance that is not a zoning ordinance, that is for the protection of public health and safety, and that does not have the effect of prohibiting short-term rentals.
- Collecting taxes otherwise authorized by law.

However, a local government could limit the number of dwelling units in its jurisdiction that are used for short-term ownership and are owned in whole or in part by the same individual or individuals or legal entity—as long as that limit is not less than two units.

A local government also could limit the total number of dwelling units used for short-term rental in its jurisdiction—as long as that limit is not less than 30% of the number of existing residential units and as long as it applies without regard to the location of the dwelling units.

Finally, the bill would provide that a county, township, city, or village that, as of July 11, 2019, had zoning ordinance provisions that regulate the rental of dwellings by overlay district without distinction between short-term rental and rental for longer terms, and that, as of July 11, 2019, had a rental overlay district or districts that were initiated by petition, could continue to enforce those zoning ordinance provisions as they existed on July 11, 2019. The local government could revise existing overlay district boundaries or create new overlay districts, but only under the terms of the zoning ordinance provisions as they existed on July 11, 2019.

The bill would take effect 90 days after its enactment.

Proposed MCL 125.3206b

FISCAL IMPACT:

House Bill 4722 would have an indeterminate, but likely negligible, fiscal impact on local unit of government regulatory costs associated with short-term rentals. Local units of government regulating short-term rentals through a zoning ordinance presumably either prohibit them or charge a permit or licensing fee to cover the costs of regulation. Unless a local unit of government was levying permit or licensing fees in excess of actual regulatory costs, there would be no net fiscal impact for local unit of government regulatory costs.

Other fiscal implications directly related to short-term rentals would be difficult to quantify because the number of local units that would restrict short-term rentals in the future is unknown and the interplay and magnitude of each component would vary by local unit. These areas with fiscal implications include sales and use taxes, income taxes, lodging taxes, real estate prices, and property taxes. Net fiscal impacts could vary widely by local unit.

> Legislative Analyst: Rick Yuille Fiscal Analyst: Ben Gielczyk

[■] This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.