

Birch Run Township Planning Commission Minutes

Special Joint Meeting of the Bodies called by the Planning Commission, 20 August 2003

Planning Commission Members Present

Dennis Bronner (absent)	Jeff Putnam
Bob Scharrer (absent)	James Totten
Alan Hunter	Wyn Wilson
Diane Timmons	

Members of the Birch Run Township Zoning Board of Appeals and Board of Directors were also present.

The meeting was called to order at 7:07 pm.

A quorum was present for Birch Run Township Planning Commission, Zoning Board of Appeals and Board of Directors.

Purpose of the Meeting: To hold a third workshop, conducted by Land Plan, Inc. to guide the Township in constructing new Zoning Ordinances for A-1 and A-2 zoned areas.

Mr. and Mrs. Jerry Fallon were members of the audience.

Chairman Al Hunter turned the floor over the Mark Eidelson of Land Plan, Inc. at 7:08pm.

There is one handout attached to these minutes which will be referenced in these notes as the Document. A page number will be noted.

- Eight-page discussion guide document (mailed to participants before meeting for review). A show of hands was used to provide concurrence on the Feedback described below.

Document Discussion

Discussion centered around pages 5, 6, and 7 of the Document referring to Agriculture/Dispersed Residential Development. Mark tried to get an idea of how much population density the group finds acceptable. Responses ranged from 10 acres down to 2-3 acres. His purpose in leading this discussion is so he can draft ordinances that will incorporate the intentions of the group.

Mark called our attention to Page 64 in the Birch Run Township Master Plan. He commented that the language is wide open in the Plan and we will need to be very explicit with the Zoning Ordinances. He described some sample plans that can be used to protect or not protect our "farmland and rural character" in Birch Run Township.

Two extremes were described:

- The first which aggressively protects farmland is referred to as Quarter/Quarter Zoning. A quarter is 160 acres and this plan provides for 1-2 acre lots for every 40 acres of farm land.
- The second provides for 1 acre lots at the by right minimum without any land requirements.

Although the landowner certainly has rights, sooner or later a line must be drawn by the Township. When landowners develop their land, it will be developed to the minimum. Conclusion: It will dramatically change the township a generation or two from now. Every bit of land will be developed and no farmland or open space will be left.

Mark then used a chart to describe three ways land can be developed.

1. Incremental Splits: irregular lot sizes, does not preserve rural character
2. Traditional Subdivision: A "U" road, platted subdivision, even size parcels
3. Clustering: open space zoning, portion developed, rest set aside in a permanent open space forever. The open space is not necessarily kept as farmland.

Generally, profit and number of lots determined how land is developed. The Township can provide for a density bonus if you want to encourage clustering, such as extra lots for the developer.

Discussion followed revolving around "by right" and "incentive cluster" plans.

A break was called at 8:20 pm, returning at 8:30 pm.

Mark opened after the break by asking the group, what size lots do you want to make "by right" in the A-1 district. Most said 5 acres. On A-2 districts, most said 3 acres. Both districts with the option to cluster development. The group was in favor of a density bonus in both areas and to allow incremental incentives for design advantages in subdivision plans. He asked the members to remember that the Zoning Map is a legal instrument when we go to a public hearing on the zoning ordinances.

Mark has asked that we read cover letters carefully when he sends us material in preparation for the meeting. He will highlight certain areas in his cover letter that need extra thought.

The next meeting of the joint bodies is scheduled for Monday, September 8, 2003, 7:00 pm (to discuss miscellaneous issues). Another meeting was scheduled for September 29, 2003, 7:00 pm (for the submittal of the first portion of the ordinances).

Motion to Adjourn at 9:00 pm by Al Hunter supported by Jerry Cook.

Submitted: Diane Timmons, Secretary

Approved: _____

Agriculture / Dispersed Residential Development

Policy: The Master Plan places the majority of the Township in the "Open Space/Agricultural" and "Dispersed Residential" areas. The Master Plan describes the purpose of these areas as follows:

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. 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."*

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 nonfarm 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."*

Implementation

There are several observations that I want to make at the onset of this implementation discussion that will then lead into a broader discussion of farmland protection and residential development in agricultural areas. First, the Master Plan appears to provide no substantive policies or guidelines regarding what sort of densities are appropriate in the Open Space/Agricultural and Dispersed Residential areas. I do not know whether the absence of such important policies is purposeful. Second, my reading of the purposes of each of the Open Space/Agricultural and Dispersed Residential areas does not establish a clear difference between these two areas. They appear to be nearly identical in purpose.

As a result of these two conditions, and without the benefit of insight from township officials, it is difficult for me, as your consultant, to present appropriate implementation strategies for inclusion in the new Zoning Ordinance to address the Open Space/Agricultural and Dispersed Residential areas. However, I want to share with you some insight into issues pertinent to farmland preservation and residential development in farmland areas in the hopes of facilitating decisions on the most appropriate manner to implement the Open Space/Agricultural and Dispersed Residential areas.

Many community master plans support agriculture and/or farmland preservation. However, when it comes to zoning regulations, some communities do nothing more than permit agricultural activities and do not attempt to aggressively protect agricultural resources. This is the case with Birch Run Township's current zoning regulations which permit an unlimited number of one-acre (A-1) and three-quarter acre (A-2) lots throughout the vast majority of the Township. The amount of residential development that encroaches into agricultural areas of Birch Run Township, and its impact on area resources is solely a function of market conditions with little in place to purposefully direct growth or encourage preservation of farmland resources and rural character. Other communities strive to aggressively protect agricultural resources on a long term basis through significant limitations on the amount of farmland consumption by new residential development. Effective farmland protection zoning techniques typically require limitations on both the number of new non-farm dwellings and limitations on the acreage set aside for each non-farm lot. Frequently at issue in such a debate is the appropriate balance between private property rights and what is best for the community as a whole. This debate varies from community to community.

Some examples of zoning approaches for agricultural areas are summarized in the table below. These examples increase in "aggressiveness," with #1 being the least aggressive. Please note that some view the increasing limitations of the examples (as one goes from #1 to #2, #2 to #3, and so on) as unreasonably interfering with a landowner's development rights. Others will argue otherwise.

	General Description	Some Advantages	Some Disadvantages
1	Require minimum lot sizes of 1 or 2 acres.	Allows the landowner to use only 1 acre of farmland for each new residence, thereby encouraging efficient use of land resources for each residence.	Encourages wide scale residential encroachment in agricultural areas, increased conflicts between farm and non-farm residences, unmanaged growth, higher property assessments, and loss of rural character. Also, significant farmland could be lost due to 5, 10, or 20 acre splits (as is the case currently in Birch Run Township).
* 2	Require minimum 5 or 10 acre lots for both non-farm residences and commercial agriculture.	Limits the amount of residential encroachment into farm areas and better assures buffering between residences and farm operations.	Encourages unnecessary loss of farmland as it significantly heightens the amount of acreage which must be taken out of farming for each residence (5 or 10 acres per residence).
3	Require minimum 5 or 10 acres lots, but also permit a designated <u>limited</u> number of lots which may be as small as 1 acre (such as a 1 acre lot for each 20 or 40 acres of a parcel existing at the time of ordinance adoption).	Limits the amount of residential encroachment in farm areas and better assures buffering between non-farm residences and farm operations, while allowing a limited number of 1 acre lots.	<u>Except</u> for the allowance of a limited number of 1 acre lots, this approach encourages loss of farmland as it significantly heightens the amount of acreage which must be taken out of farming for each residence. Also, zoning administration may take more time to assure the landowner does not exceed their allotted number of 1-acre splits.
4	Require lots to be <u>minimum</u> of 1 acre in size, but limit total development density to a maximum of 1 dwelling per 10 acres. Thus, a parcel of 80 acres could be developed with eight dwelling units on lots ranging in size from 1 acre to 20 acres or more.	Limits the amount of residential encroachment into agricultural areas, and does not <u>require</u> excess acreage for residential lots. Also, provides flexibility to the landowner regarding preferred lot sizes.	Additional administrative time is required to assure the maximum development density on a parcel does not exceed 1 dwelling per 10 acres. Also, significant farmland could be lost due to 5, 10, or 20 acre splits (as is the case currently in Birch Run Township).
5	Require lots to be <u>minimum</u> of 1 acre and a <u>maximum</u> of 2 acres in size, and limit the number of such non-farm lots to one per 40 acres in the farmland parcel. For example, a parcel of 80 acres could be developed with two dwelling units on lots ranging in size from 1 to 2 acres.	Significantly limits the amount of residential encroachment into agricultural areas, and does not <u>require</u> excess acreage for residential lots.	Additional administrative time is required to assure the maximum development density on a parcel of record does not exceed 1 dwelling per 40 acres.

This issue of lot size and density limitations in agricultural areas is extremely important as future residential development may bring the greatest land use change to Birch Run Township in the coming 10 to 20 years. Because the majority of the Township is devoted to agriculture, the manner in which this residential development is accommodated will have direct implications upon the long term future of farming and the community as a whole. For example, a typical Township (36 square miles) with 1 acre zoning through most of the community is planting the seed for a "build-out" population of 40,000 persons or more (approaching one half the population of Ann Arbor). Such zoning encourages the encroachment of nonfarm residences into agricultural, wooded, and other natural resources areas. This condition is generally associated with increased conflicts between residents and farming operations; escalating assessed property values and taxes on farm parcels; increased road traffic and obstacles to farm equipment; and reduced tillable acreage. All of these conditions undermine the long term viability of farming in the local area. This condition also heightens the need for paving gravel roads and improving/expanding public services. This, in turn, frequently encourages additional development and heightened taxes. I assume the planning consultant that worked with the Township on the Master Plan discussed these issues with you and I will not delve further into this aspect of the "puzzle" at this time. Similarly, I assume the past consultant discussed the concept of transfer of development rights (TDR) and purchase of development rights (PDR) and that, since such concepts are not included in the Master Plan, officials are not interested in pursuing such farmland protection/growth management strategies at this time.

Another important issue is "clustering." Both the Open Space/Agricultural and Dispersed Residential areas speak of encouraging clustered development through zoning incentives. However, to be effective, such zoning incentives must typically increase profitability. Profitability is typically directly linked to the number of attainable lots. If the by-right option in these areas in one-acre home sites, and higher densities are not feasible without the benefit of public sewer, then it is unlikely incentives can be established that will encourage clustering. Increased profitability can not be effectively realized through zoning when the zoning regulations make traditional development patterns the highest density option as a matter of right. Clustering, and the associated setting aside of open space, will nearly always reduce the number of available lots in the absence of sewer. Thus, the Township's current zoning program for its A-1 and A-2 Districts (1-acre and 3/4-acre lots, by right) can not effectively encourage clustering through zoning incentives if these by-right densities are maintained unless a comprehensive sewer service program is to be undertaken. Such a program would be contrary to the Master Plan and not likely practical or feasible.

Questions:

- 1) What is the substantive difference between the Open Space/Agricultural and Dispersed Residential areas?
- 2) Can local officials realistically envision developing a new zoning ordinance that places greater restrictions on development densities than the current A-1 and A-2 Districts? If so, should any of the options presented in the previous table (page 6) be pursued for either the A-1 or A-2 Districts? Are there other approaches that should be considered?
- 3) How do you envision effectively encouraging clustering if the by-right development densities are not lowered? Do you support lower by-right development options as a means of encouraging clustering?
- 4) Aside from the issues raised in the discussion above, are there any particular issues that have surfaced under the current Zoning Ordinance regarding the A-1 and A-2 Districts that should be addressed in the new Zoning Ordinance?

Note: The issues raised above are complex. This matter will be addressed last during our July 21 meeting and it is my hope that the meeting will enable us to begin discussion of this topic and, if possible, identify a preferred direction at the July 21 or August 27 meeting. It is very important that officials consider this issue very carefully prior to our July 21 meeting and be prepared to share their perspective on this matter.