

**Special Birch Run Township Planning Commission Meeting
October 15, 2019 at 7:00 p.m.
11935 Silver Creek Dr, Birch Run, Michigan 48415**

Minutes

The meeting was called to order by Chairman CJ Norris at 7:04 p.m. with the Pledge of Allegiance to the Flag of the United States of America.

Members Present:

CJ Norris, Chair; Steve Schaar, Vice Chair; Members Mike Marr, Fred Sheridan, Ed Munson.

Members Absent

Helen Morse

Motion to Excuse The Absentee from the Special Birch Run Special Planning Commission Meeting

Motion by Sheridan support by Marr to excuse Helen Morse

Passed by unanimous voice vote

Others Present:

Doug Piggott, Rowe Professional Services, Kurt Kiessling, Dale Trinklein, Corey Christensen, Planner Rowe Professional Services.

Approval of the March 14, 2019 Regular Meeting Minutes:

Motion by Marr and support by Sheridan to approve the March 5, 2019 meeting minutes with the typographical errors fixed. They include changing the misspelling of non-residential uses on page 3 to read non-residential and adding a t to the word tough on page 4 first paragraph.

Motion passed by Unanimous voice vote

Minutes

Applicant withdrew the request for a special use permit for a solar energy project was withdrawn

A proposed amendment to the zoning ordinance text to clarify the relationship between the uses allowed by the outdoor entertainment SLUP and the temporary permits issued under section 20.18 was presented.

There was no public comment

Motion by Marr support by Sheridan to add the following amendment in section 14.21B, a property granted an Outdoor Entertainment and Events special land use is prohibited from receiving a Temporary Non-Residential Uses and Structures Permit per Section 20.18 of the Zoning Ordinance unless approved by the Township Board per Section 230.18.B.1

Ayes: Schaar, Marr, Sheridan, Munson, Norris passed
Nays: none

The second draft of the Accessory Housing ordinance was presented as requested at the last meeting (see attachment A)

Public Comment/Correspondence:

Doug reviewed all the changes and the board felt that the amendment now met the desired result except for the Wording in 14.22.b.5 The board wants section 3.08 to read to cover all costs.

Motion by Sheridan support by Marr to add section 14.23 Accessory Housing to article 14 with revisions as discussed

Ayes: Munson, Norris, Sheridan, Marr, Schaar. passed

Nays: none

Old Business:

Committee report on Private Roads (postponed until further action-06/06/14 meeting)

Doug said the master plan update should be done by December 3, 2019 and will be ready for review.

He said that our future use map and our current use map do not provide for all proposed uses, so they propose to clean up our maps to make sure everything is covered. The board agreed with the direction Doug was taking (see attachment B)

Public Comment

Kurt inquired as to why the solar applicant backed off. Basically, the applicant did not supply enough information to move forward. Applicant decided not to move forward.

Reports:

Township Board Representative (Fred Sheridan): Fred said that the Twp. Board was asking where Rowe was at with the Ordinance update. Doug said it should be ready for the December meeting.

Zoning Board of Appeals (ZBA) Representative (Mike Marr): None

New Business:

Norris set up our next regular meeting for December 3, 2019 at 7:00pm The date was acceptable by all.

Doug brought the first draft for an amendment for expiration of a Special Land Use Permit. (see attachment C) And was incomplete as their words missing at the end of the draft. The words needed to be added are "then the planning commission shall consider the SLUP abandoned and therefore expired". Doug suggested that we have our attorney review this for legality

Motion by Sheridan support by Schaar to add an amendment to Article 5 section 5.08 Expiration of Special Land Use Permit

Passed by unanimous voice vote

Doug brought a sample of a sample document stating what a special use permit allows. Some townships do this. We do not have to change anything to start do this. IF we elect to do this document it must be done for all SLUP. After discussion the board decided rather than have another meeting to sign the document the chairman and another member of the planning commission could sign the document. In addition, the applicant would sign at the same time. The boards opinion is that we should try this out.

Norris brought up the fact that the State has adopted the International Code for fencing for in ground pools if there is a automatic safety cover in place. Many owners do not use the cover in the winter because snow loads can damage the cover

Motion by Sheridan support by Schaar hold a public hearing to add amendment 4.5 to Section 20.12 in Article 20 stating "Fences are required around all inground pools whether or not the pool is equipped with an automatic safety cover. The fence must be at least 4 ft high. Any gates must open away from the pool and be self-closing, self-latching, lockable, and at least 4 feet tall. Gate latches must be located on the pool side of the gate with revisions to correct the latch position as the positions are wrong in the first draft.

Passed by unanimous voice vote.

Norris asked that an amendment be added to Article 14 to allow caretaker dwelling at a mini storage facility

Motion by Sheridan support by Schaar to add to Article 14 per Attachment

Passed by unanimous voice vote

Sheridan presented the information for adopting a resolution approving and adopting procedures regarding absence of members of public bodied due to military duty

Motion by Sheridan supported by Marr to adopt Resolution 2019-01. (see attachment D)

Announcements:

Township Board-2nd Tuesday of each month

Planning Commission-December 3, 2019

ZBA-Semi Annual-3rd Tuesday or April and October

DDA-TBA

(All meetings are held in the Governmental Center unless noted)

Adjournment:

Motion by Sheridan support Schaar to adjourn.

Motion Carried by Unanimous Voice Vote

Planning Commission Meeting ended at approx. 8:45 pm

Mike Marr

Secretary

Attachment A

Add to Article 14

Section 14.22 Accessory Housing.

Accessory housing is permitted by Special Land Use Permit (SLUP) as a special land use as an accessory use in all zoning districts in which single-family residences are permitted. A free-standing structure, or single, complete, self-contained living unit created within an existing single-family dwelling, intended to provide accommodations for up to two relatives of those persons occupying the principal dwelling unit on the property. The accessory housing unit has its own kitchen, bath, living area, sleeping area, and usually a separate entrance. The purpose of the accessory housing unit shall be to provide an opportunity for elderly family members that are disabled, elderly or otherwise need care to live semi-independently while receiving the support and care of nearby family members.

A. Site and Development Requirements

1. The accessory housing unit may be a freestanding structure or single, complete, self-contained living unit created within an existing single-family dwelling.
2. The accessory housing unit shall have its own kitchen, bath, living area, sleeping area, and, if it is within an existing single-family dwelling, it shall have a separate entrance.
3. The lot on which an accessory housing unit is located shall be a minimum of 2 acres.
4. No accessory structures shall be established in association with the accessory family housing unit, including an attached or detached garage.
5. The accessory family housing unit shall meet all applicable codes and standards for a dwelling under this Ordinance, including setbacks and the requirements of Section 20.15 Single Family Dwelling Standards, except that the dwelling unit's minimum floor area shall be 400 square feet.
6. Adequate provision for wastewater disposal, either by public sanitary sewer or expanded private on-site facilities, shall be required.
7. Dwellings modified in conjunction with an accessory apartment shall, on sides adjacent to streets, retain the appearance of a single-family detached dwelling.
8. All accessory family housing units shall have non-skid floors.
9. The accessory family housing unit shall provide adequate access for emergency vehicles.

B. Special Performance Standards

1. Separate sale or ownership of the accessory unit from the primary dwelling on a lot or parcel is prohibited.
2. The owner may reside in either the accessory family housing unit or the principal dwelling unit.
3. The Planning Commission may impose any other reasonable conditions deemed necessary to protect adjoining properties and the public welfare.
4. A permit for an accessory family housing unit shall be reviewed by the Planning Commission two years after its issuance to verify compliance with the permit, including that the occupants continue to meet the standards qualifying the issuance of the Special Land Use Permit SLUP. The permit shall be reviewed annually thereafter. The SLUP holder shall be responsible for any fees required for inspections that are part of the review.

5. The Planning Commission ~~may~~shall require a performance guarantee of \$10,000 as authorized by Section 3.06 of this ordinance equal to the cost of removing a free-standing accessory housing unit from the subject property.
6. If the accessory housing unit is a separate free-standing structure, it shall be removed from the property within 120 days after the ~~Special Land Use Permit~~SLUP has expired or been revoked.
7. The ~~rental occupancy~~ of an accessory housing unit to someone other than the person or persons authorized in the ~~Special Land Use Permit~~SLUP shall be a violation of the permit and serve as the basis for revocation of the permit and the imposition of penalties authorized under this ordinance.
- 7.8. The SLUP is issued for the specific family member(s) that the applicant demonstrates would benefit from their care. Transfer of the permit to the care of a different family member or due to the sale of the property to a different family would require approval of a SLUP amendment

Add to Article 21 Definitions

Accessory Housing: A free-standing structure or single, complete, self-contained living unit created within an existing single-family dwelling, intended to provide accommodations for up to two relatives of those persons occupying the principal dwelling unit on the property.

Add to Article 9 Zoning Districts, Regulations and Map, Table 9-2

**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-1	R-1	R-2	R-3	R-MF	R-MHC
Uses of a Primarily Residential Character						
Accessory Housing	S	S	S	S		

Attachment B

Birch Run Township Future Land Use and Zoning Plan Notes

Future Land Use Verse Zoning Ordinance:









In the table below, there are different Future Land Use (FLU) categories used in the previous Land Use Plan. The second and third columns in the table identify if the land use is defined and if it is shown on the FLU map. This is compared to the current zoning ordinance. Generally, we recommend that FLU classifications have a corresponding zoning ordinance district or in other words have a one to one ratio. Shown in Yellow are missing areas, any revisions we are proposing are shown in color.

Existing Relationship of Previous FLU Map and Zoning Ordinance				
FLU Classifications	Def	Map	Zoning Ordinance	Map
Open Space/Agricultural A-1	X	X	General Agricultural A-1	
Dispersed Residential		X		
Low Density Family Residential R-1	X	X	Low Density Residential District R-1	
Medium Density Family Residential R-2	X	X	Medium Density Residential District R-2	
High Density Residential R-3	X	X	High Density Residential District R-3	
Multiple Family District R-MF	X	X	Multiple Family Residential District R-MF	
Manufactured Housing Community District R-MHC	X	X	Manufactured Housing Community District R-MHC	
General Commercial District C-1	X	X	General Commercial District C-1	
Highway Commercial District C-2	X	X	Highway Commercial District C-2	
Light Industrial I-1	X	X	Light Industrial I-1	
			Open Space Communities Overlay District	
			Planned Unit Development District	
Recommended FLU and Zoning Ordinance Relationship				
FLU Plan		Zoning Ordinance		
Open Space/Agricultural A-1		General Agricultural A-1		
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-MHC		Manufactured Housing Community District R-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		
<u>Open Space Communities Overlay District</u>		Open Space Communities Overlay District		
<u>Planned Unit Development District</u>		Planned Unit Development District		
<u>DDA District</u>		C-1 and C-2		

Zoning

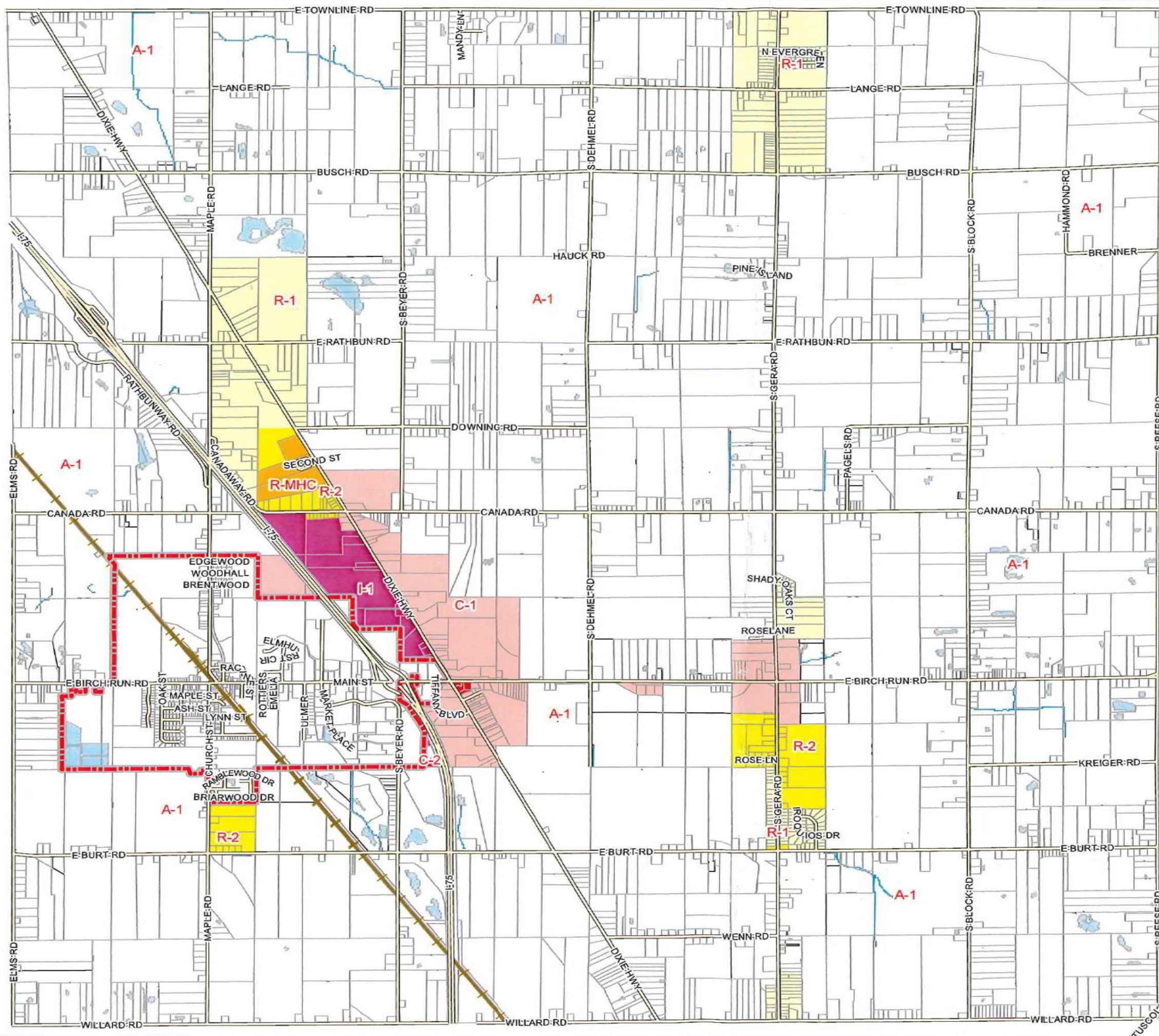


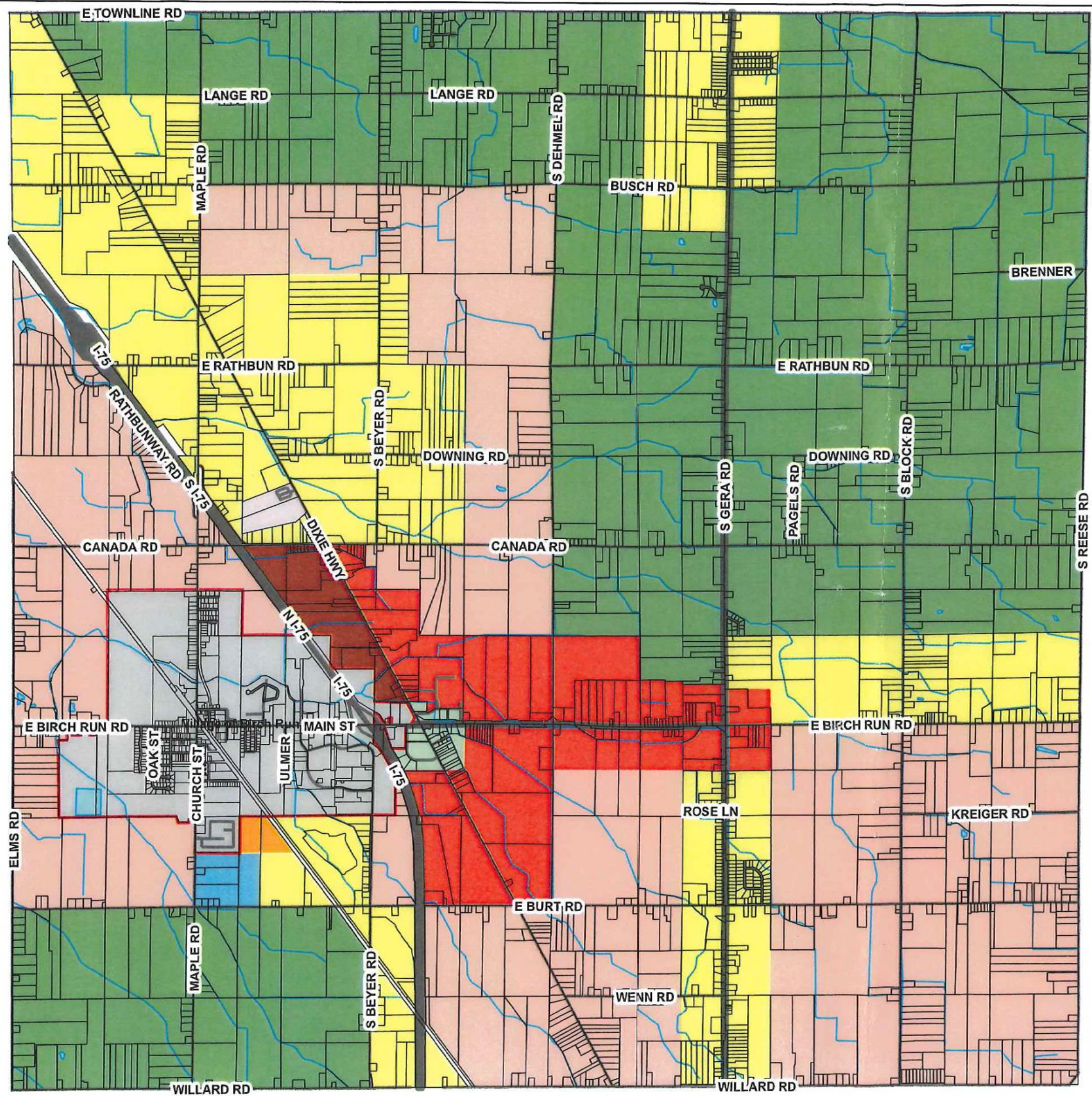
Zoning

-  A-1 - Agricultural
 C-1 - Commercial 1
 C-2 - Commercial 2
 I-1 - Industrial
 R-1 - Residential 1
 R-2 - Residential 2
 R-MHC - Manufactured
 Village Boundary



Created 7/21/2011





Birch Run Township Future Land Use Map

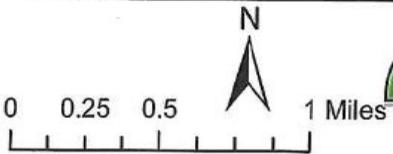
Legend

- State Roads
- Parcels
- Roadways
- Water Course
- Pond/Lakes
- Village of Birch Run

Future Land Use

- Open Space/ Agricultural
- Dispersed Residential
- Low Density Single Family Residential
- Medium Density Single Family Residential
- High Density Residential
- Mobile Home Park
- Community Commercial
- Highway/Services Commercial
- Industrial

Source: Copyright 2005 Saginaw Area GIS Authority Date: 1/17/2019





**ROWE PROFESSIONAL
SERVICES COMPANY**

540 S. Saginaw Street, Suite 200
Flint, MI 48502

R:\Projects\17C0113\Docs\Master Plan\Waps\FLU\Birch Run Township Future Land Use.mxd

Attachment C

Add to Article 5 – Special Land Uses

Section 5.08 Expiration of Special Land Use Approval.

A Special Land Use Permit shall expire if the following occur:

- A. Following Approval: If a SLUP is granted and no action is taken within 12 months of the date of the Planning Commission approval, the SLUP approval shall expire. If the SLUP was for use of an existing building or site that did not require new construction or remodeling, lack of action would consist of failure to begin the use approved. If the SLUP required new construction or remodeling of an existing building, then lack of action would consist of failure to apply for required building, electrical, mechanical or similar permit. Lack of action would also occur if required permits were applied for, but that work was not completed and approved before the expiration, including any renewal of that permit.
- B. Cease Operation: If a use authorized by SLUP ceases operation for 12 consecutive months, the owner of the property, and operator of the SLUP if not the owner, shall be notified, and a hearing conducted by the Planning Commission to determine if the use has been abandoned. If the owner of the property or operator of the SLUP fails to respond to the notice or attend the hearing or if the Planning Commission determines that the

Attachment D

TOWNSHIP OF BIRCH RUN SAGINAW COUNTY, MICHIGAN

BIRCH RUN TOWNSHIP RESOLUTION APPROVING AND ADOPTING PROCEDURES REGARDING ABSENCE OF MEMBERS OF PUBLIC BODIES DUE TO MILITARY DUTY 2019-01

At a Special Meeting of the Birch Run Township Planning Commission, Township of Birch Run, Saginaw County, Michigan, held at the Township Government Room on the 15th day of October 2019, at 7:00 p.m. Eastern Standard Time.

PRESENT:

ABSENT:

The following resolution was made by _____ and seconded by _____:

WHEREAS, the Township Planning Commission desires to codify and adopt a policy governing the procedures for military members of the Township Planning Commission who may be absent from a meeting as defined in the aforementioned policy due to military duty, in conformance with Michigan's Open Meetings Act, as amended. MCL 15.261 *et seq.*

NOW THEREFORE IT IS HEREBY RESOLVED AS FOLLOWS:

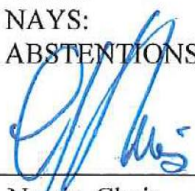
1. The Birch Run Township Planning Commission hereby fully APPROVES AND ADOPTS the document entitled and codified as "PROCEDURES REGARDING ABSENCE OF MEMBERS OF PUBLIC BODIES DUE TO MILITARY DUTY" as the official policy and procedures for said subject of the Birch Run Township Planning Commission. The Commission further incorporates herein by reference said policy and procedures as though same were fully re-stated herein word-for-word.
2. The Commission Chairperson is hereby authorized to provide a copy of this Resolution, as well as a copy of the adopted procedures, to any individual who inquires as to the Township's policy as to the absence of members of the Township Planning Commission due to Military Duty.
3. All resolutions in conflict herewith are hereby repealed; and
4. This resolution is effective immediately upon adoption and shall remain in full force and effect until repealed by majority vote of the full Township Planning Commission of Birch Run Township.

The foregoing Resolution was duly adopted at a special meeting of the Birch Run Township Planning Commission held on the 15th day of October 2019.

YEAS:

NAYS:

ABSTENTIONS:



C.J. Norris, Chair
Birch Run Township Planning Commission



Steve Schaar, Vice-Chair
Birch Run Township Planning Commission

CERTIFICATION

I, Mike Marr, Secretary of the Birch Run Township Planning Commission, do hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted at a special meeting of the Birch Run Township Planning Commission held on the 15th day of October, 2019; that the meeting was conducted and public notice of the meeting was given pursuant to and in compliance with the Michigan's Open Meetings Act; that a quorum of the Commission was present and voted in favor of the resolution; and that the minutes of the meeting will be or have been made available as required by the Open Meetings Act.

Mike Marr, Secretary
Township of Birch Run
Saginaw County, Michigan

BIRCH RUN TOWNSHIP

PROCEDURES REGARDING ABSENCE OF MEMBERS OF PUBLIC BODIES DUE TO MILITARY DUTY

I. INTRODUCTION

The State of Michigan's legislature has recently enacted an amendment to the Open Meetings Act ("OMA"), MCL 15.261 *et seq.* Specifically, MCL 15.263(2) has been amended to mandate that all public bodies establish "procedures to accommodate the absence of any member of the public body due to military duty." In particular, the procedures must provide a mechanism by which a member of a public body who is absent from a public meeting due to military duty "may participate in, and vote on, business before the public body, including, if feasible, procedures that ensure 2-way communication." MCL 15.263(2)(a). Additionally, all public bodies must enact procedures "by which the public is provided notice of the absence of the member and information about how to contact that member sufficiently in advance of a meeting of the public body to provide input on any business that will come before the public body." MCL 15.263(2)(b).

Birch Run Township ("the Township") recognizes the sacrifices made by all members of the military, and the Township wishes to codify the procedures contained herein in order to ensure that all Township residents who are members of the military are permitted to engage in the public service of Township government if they so choose. To that end, the procedures contained herein shall serve as the Township's procedures regarding the absence of a member of a Township public body due to military service, in conformance with MCL 15.263(2).

II. DEFINITIONS

The following definition shall apply to accommodate the absence from a public meeting, workshop and/or work session (hereafter "meeting") of a member of the public body due to military duty:

(1) "Military Duty" means (a) training and service performed by an inductee, enlistee or reservist or any entrant into a temporary component of the armed forces of the United States, and (b) time spent in reporting for and returning from such training and service, or if rejection occurs, from the place of reporting, pursuant to a lawful order.

III. PARTICIPATION OF ABSENT MEMBER OF PUBLIC BODY DUE TO MILITARY DUTY

As discussed herein, the Township desires to provide a mechanism by which an absent member of a public body, whose absence is due to military duty, may participate in, and vote on, business before the public body, including procedures that ensure 2-way communication.

To that end, the member of the public body who will be absent from a meeting due to military duty shall notify the Township Supervisor of the intended absence and affected dates sufficiently in advance of the public meeting to allow the public to provide input to the absent

member on any business that will come before the public body, along with an email address and telephone number where that member can be reached during the absence from the meeting for military duty.

Upon notification to the Township Supervisor, the Township Supervisor shall notify the Township Clerk of the member's absence due to military duty, and the Township Clerk shall post a notice of the affected public meeting, which shall include a notification to the public of the name of the member who will be absent due to military duty and a notification that the member may be contacted through the Township's governmental office or through the member's township e-mail address (if applicable), which shall be included in the posting. If the Township has not issued the member an e-mail address, members of the public should contact the member through the Township's governmental office.

Where a member of a public body of the Township will be absent from a public meeting due to military duty, the Township shall provide that member with a copy of the agenda and all associated documentation for the meeting sufficiently in advance of the meeting so as to allow the absent member to meaningfully review the materials and submit any comments as described herein.

Upon receipt of the agenda and associated documentation, the absent member may provide the public body with written comments regarding any matter of Township business that will be addressed at the public meeting. If the Township does receive written comments from an absent member, whose absence is caused by military duty, the Township, through a Township Board member, will read the written comments aloud at the public meeting.

The member of the public body who will be absent from a public meeting due to military duty shall be permitted to participate in, and vote on, business before the public body in a manner determined by the Township Supervisor, or his/her designee, to ensure 2-way communication wherever feasible, ideally utilizing a form of teleconferencing whenever possible, such as FaceTime, Skype or other similar program.

The member of the public body who will be absent from a meeting due to military duty shall be considered to be present at the public meeting when that member has participated in that meeting pursuant to the procedure prescribed in the preceding paragraph.