

**Special Birch Run Township Planning Commission Meeting
March 14, 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, Helen Morse, Ed Munson.

Others Present:

Doug Piggott, Rowe Professional Services, Adam Flory Township Attorney, Riley Kiessling, Jeanne Day, Mike Braun, Lynette Braun, Mark Major

Minutes: none

Motion by Sheridan support by Marr to revise the agenda to bring forward the postponed motion from the March 5, 2109 meeting.

Motion Passed by Unanimous Voice Vote

Schaar asked if the decision made will meet the criteria of the Michigan Zoning Act. Doug said it would.

Motion by Sheridan Support by Marr that the Birch Run Speedway and Event center's request for a Special Use Permit Enhancement is granted in part subject to the following conditions:

- a. The enhanced Special Use Permit SHALL BE TEMPORARY and shall expire on October 1, 2019. At the conclusion of this temporary special-use permit, the Applicant may apply again to the Township for a special-use permit with certain desired conditions
- b. The Applicant shall be permitted to hold up
- c. For up to 3 of the 5 concerts, the Township shall have the right to engage a third-party vendor, at the applicant's cost, who will test the decibel levels (and/or other similar noise measurements) at said concerts. The choice of the third-party vendor is within the Township's sole discretion. The cost of the third-party vendor shall be borne entirely by the Applicant. The third-party vendor engaged by the Township shall be engaged at commercially reasonable rates.
- d. The testing shall occur near the boundary line of the property on which the outdoor concert is being held.
- e. None of the outdoor concerts approved pursuant to this Temporary Special Land Use Permit shall exceed the reasonable and appropriate standards for such use as determined by the Township and/or third-party vendor
- f. This Commission further recommends that the Township Board engage a third-party consultant to review this issue and develop and determine reasonable and appropriate standards for the maximum decibel (or other similar measurement) to be used in enforcing the conditions of this Temporary Special-Land Use Permit. Consultant may also provide counsel as to appropriate methods to mitigate the noise and effects of same created by the proposed us. This consultant

may or may not be the same person/entity who is engaged to conduct on-site monitoring of the concerts as discussed above. The target date to receive such guidance from the consultant is recommended to 6 weeks from the date of engagement.

Ayes: Marr, Sheridan, Munson, Morse Norris, Schaar
Nays: None

Passed

Motion by Sheridan support by Marr to recommend that the Birch Run Township Board engage a consultant to develop and determine reasonable and appropriate standards for the maximum decibel (or other similar measurement) to be used when monitoring an outdoor concert at the Birch Run Speedway and Event Center with target date of receiving a report from said consultant within 6 weeks of the consultant's engagement

Ayes: Marr, Sheridan, Norris, Morse, Munson, Schaar
Nays: None

Passed

Motion by Sheridan support by Schaar due to the weather to move public comment up on the agenda

Motion Passed by Unanimous Voice Vote

Public Comment: opened at 7:29 pm
Mark Major and one other person spoke

Public Comment closed at 7:30 pm

Public Hearing to extend the exceptions to the maximum lot coverage and minimum lot size provided in Footnote 11 of Table 9-4 to nonresidential (residential) uses in the R-2 and R-3 zoning districts

Public Hearing opened at 7:30 pm

No discussion by planning commission

Public Hearing closed at 7:31

Motion by Marr support by Sheridan to amend the Zoning Ordinance text to extend the exceptions to the maximum lot coverage and minimum lot size provided in Footnote 11 of Table 9-4 to nonresidential (residential) uses in the R-2 and R-3 zoning districts.

Ayes: Norris, Schaar, Marr, Morse, Sheridan, Munson
Nays: None

Passed

Public Hearing to provide for use of solar panels by property owners and also the development of solar farms in the Township

Public Hearing opened at 7:33 pm

There was no discussion

Public Hearing closed at 7:34 pm

Motion by Marr support by Morse to amend current Zoning Ordinance to provide for the use of solar panels by property owners and also the development of solar farms in the township (See Attachment A).

Ayes: Marr, Sheridan, Morse, Munson, Schaar, Norris
Nays: None

Passed

Public Hearing to modify the provisions for the Outdoor Entertainment Special Land Uses to prohibit the issuance of Temporary Non-Residential Uses and Structures Permit For property with an Outdoor Entertainment Special Use Permit.

Public Hearing open at 7:35 pm

Public Comment/Correspondence:

Mr. Lynch stated that he had the only Outdoor Entertainment Permit and this amendment seems to be aimed at him as they have the only Outdoor Entertainment permit currently. Piggott stated that it was opinion is not aimed at the Applicant. There was further discussion between Mr. Lynch and Doug Piggott. Schaar mention that a temporary special use permit requires a number of conditions be met. Lawyer's opinion was that temporary special use permits should get more over sight. Piggott stated that the temporary special use permit could be revised to include more over sight.

Public Hearing Closed at 7:51pm

Motion by Sheridan Support by Marr to modify the provisions for the Outdoor Entertainment Special Land Uses to prohibit the issuance of Temporary Nom-Residential Uses and Structures Permit for property with an Outdoor Entertainment Special Use permit.

Ayes: Schaar
Nays: Marr, Sheridan, Morse, Norris, Munson

Denied

Further discussion by the board was to allow temporary permits with more over sight.

Marr made a motion supported by Sheridan to have Piggott review the rejected Outdoor Entertainment amendment to consider allowing temporary special use permits with more over sight by the PC and the township Board When appropriate.

Motion Passed by Unanimous Voice Vote

Old Business:

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

Master Plan Review:

Doug presented a Draft Goals and Objectives for our review. (See Attachment B). He also said that our future use map doesn't provide for all proposed uses so they propose to clean up our maps to make sure everything is covered. (See Attachment C)

Accessory Housing:

Doug presented a draft for accessory Housing addition to article 14 (See Attachment D) Doug was asked to broaden the definition of those who can make use of this ordinance. Schaar though we wanted a performance guarantee in all cases and the board agreed. The fee is to be set at \$10,000. There are a number of ways to do this such as a surety bond. Also, a statement under article 4 that the inspection fee will be charged as established by the Township Board. Also, in note 7 to change “rental” to “occupancy”.

Doug said that while the Township has the authority to revoke a special use permit due to a violation it is better to have a clear statement of that authority.

Motion by Schaar support by Sheridan to have Rowe draft an amendment to create a formal method to deal with violations and possible revocation of said special use permits.

Motion Passed by Unanimous Voice Vote

Annual Report: A copy of the annual report to the township board was provided to the members of the planning commission for their review. (See Attachment D)

Open Discussion for Issues not on the Agenda:

Public comments/correspondence received: One letter (See Attachment E) and three code enforcement complaints. (See Attachment F) Riley Kiessling.

Planning Commission Members:

Schaar requested Doug to provide a clear structure for issuing special use permits. Doug stated that there are a few townships that have established a clear procedure for final approval of special use permits and he would provide same for us. Doug said there is another issue that needs to be addressed and that is revocation due to abandonment of a special use permit.

Reports:

Township Board Representative (Fred Sheridan): None

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

New Business:

Next required meeting will be set when necessary.

Announcements:

Township Board-2nd Tuesday of each month

Planning Commission-Quarterly

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

DDA-TBA

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

Adjournment:

Motion by Marr seconded by Munson to adjourn.

Motion Passed by Unanimous Voice Vote

Planning Commission Meeting ended at approx. 9:00 pm

Mike Marr
Secretary

SIGN IN SHEET

PLANNING COMMISSION MEETING

March 14, 2019

1. Riley Kiessling
2. Jeanne Day
3. Mike Brown
4. Lynette Braun
5. Mark Major
6. _____
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21. _____

Attachment A

Proposed Solar Energy Amendments – Birch Run Township Zoning Ordinance August 1, 2018

ADD to Article 14 Standards and Regulations for Specific Land Uses

Section 14.21 Solar panels.

The solar panels for private use may be permitted by right as an accessory use in all zoning districts provided it complies with the following requirements, however freestanding panels exceeding the requirements outline in subsection D below will require approval of a special land use.

A. Freestanding Panels

1. Freestanding solar panels shall not be located in the front or side yard;
2. All freestanding solar panels shall be regulated as an accessory structure and shall meet all applicable accessory building requirements of the ordinance;
3. No freestanding solar panel shall be permitted to exceed a height of fifteen (15) feet;

B. Roof or Structural Mounted Panels including solar shingles

1. Shall not project more than two (2) feet above the roof line. However, the solar panel when installed shall not exceed the maximum height allowed in the Zoning District. The use of flat mount solar panels or solar shingles are preferred;
2. May be constructed on any roof surface of an existing structure.
3. Shall not be located within three (3) feet of any peak, eave or valley to maintain adequate accessibility.

C. Requirements for All Panels

1. The solar panels, solar shingles and arrays of panels shall be reviewed by the Fire Department.
2. The panel array shall be fitted with an automatic shut off or breaker switch as approved by the Fire Department to isolate the panels in case of fire.
3. The Fire Department shall keep on file the type of system that the solar panel array is a part of, either photovoltaic or thermal.
4. All panels shall have tempered, non-reflective surfaces.
5. It shall be shown that all panels are adequately secured to the surface upon which they are mounted and that the mounting structure has the capability of supporting the panels.
6. Solar energy equipment shall be repaired or replaced within three months of becoming nonfunctional.
7. Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).
8. Solar energy collectors and installation and uses shall comply with construction code, electrical code, and other state requirements.

D. Accessory Use Solar Panels Requiring Special Land Use Approval

1. Free standing solar panels used accessory to a non-agricultural use shall require special land use approval if they do not meet the setback or placement criteria of Section 20.20.B of this ordinance or exceed the square footage for accessory structures outlined in Section 20.20.D of this zoning ordinance.
2. Free standing solar panels used accessory to an agricultural use shall require special land use approval if they do not meet the setback or placement criteria of Section 20.20.B of this ordinance or exceed the square footage for accessory structures outlined in Section 20.20.D of this zoning ordinance, with the exception that on a parcel 4 acres or greater the maximum square footage allowed by right will be lesser of 2.9% of the lot or 6,000 square feet, including any other accessory buildings on the property.

Section 14.22 Solar Farms.

Solar farms shall be permissible in the A-1, and I-1 zoning districts subject to special use permit approval:

A. Solar Farms -- Required additional Information

In addition to the information required for site plans outlined in Section 4.04 of this ordinance, applications for Solar Farms shall include the following:

1. Project Description and Rationale. Identify the type, size, rated power output, performance, safety and noise characteristics of the system including the transmission line/grid connection for the project. Identify the project construction time frame, project life, development phases (and potential future expansions) and likely markets for the generated energy.
2. Visual Impacts. Graphically demonstrate the visual impact of the project using photos or renderings of the project with consideration given to setbacks and proposed landscaping.
3. Environmental Analysis. Identify any impacts on water and air quality and supply for the area.
4. Waste. Identify any solid or hazardous waste generated by the project.
5. Lighting. Provide plans showing all lighting within the facility.
6. Transportation Plan. Provide a proposed access plan during construction and operational phases.
7. Show proposed project service road ingress and egress locations onto adjacent roadways and the layout of the facility service road system.
8. Public Safety. Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways and to the general public that may be created.
9. Sound Limitations. Identify noise levels at the property lines of the project when completed and operational.
10. Telecommunications Interference. Identify any electromagnetic fields and communications interference that may be generated by the project.
11. Decommissioning. Provide a Decommissioning Plan acceptable to the Planning Commission to ensure that structures and appurtenances are properly decommissioned upon the end of their operational life, inoperability or improvement abandonment.

- a. A Decommissioning Plan shall be submitted for review and approval detailing the expected duration of the project, how the improvements will be decommissioned, a Professional Engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the surety bond holder with which the financial resources shall be deposited.
- b. The decommissioning plan shall also include an agreement between the applicant and the Township that includes, but is not limited to the following conditions:
 - 1) The financial resources for decommissioning shall be in the form of a surety bond with a replenishment obligation and shall be deposited by a bonding agent acceptable to Birch Run Township.
 - 2) The financial resources for decommissioning shall be 125% of the estimated removal and restoration cost. The Planning Commission shall require independent verification of the adequacy of this amount from a Professional Engineer.
 - 3) The Planning Commission shall annually review the amounts deposited for removal, site restoration, and administration costs are adequate for these purposes. If the Planning Commission determines that these amounts are not adequate, the Township shall require the owner/operator to make additional deposits to increase the amount of the surety bond to cure such inadequacy.
 - 4) The Township shall have access to the surety bond funds for the expressed purpose of completing decommissioning. If decommissioning is not completed by the applicant within one (1) year of the end of project life, inoperability of the solar farm or facility abandonment. Surety bond funds may be used for administrative fees and costs associated with decommissioning.
 - 5) The Township is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
 - 6) The Township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Township's right to seek reimbursement from the applicant or applicant's successor for decommissioning costs in excess of the surety bond amount and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.

B. Solar Farms – Design Requirements

The solar farms shall comply with the following requirements

1. Solar Panels. The solar panels used in a solar farm shall comply with the requirements in Section 14.21.C of this ordinance
2. Setbacks. All Photovoltaic (PV) systems and support structures associated with such facilities (excluding perimeter fencing) shall be setback a minimum of two hundred

- (200) feet from any habitable structure or one hundred (100) feet from a property line, whichever is greater.
3. Lighting. No light may adversely affect adjacent parcels. All lighting must be shielded from adjoining parcels.
 4. Buffering. Solar farms shall install landscaping as required by Section 17.04 of the zoning ordinance, provided the Planning Commission may require modifications to these requirements including the use of fencing or other screening and buffering techniques as determined necessary to adequately screen the solar farm from surrounding land uses.
 5. Decommissioning
 - a. Any solar farm that is not operated or found to be inoperable due to disrepair for a continuous period of six (6) months shall be considered abandoned. If it is found that a solar farm is abandoned, the Planning Commission upon notice by the Zoning Administrator, shall provide written notice to the applicant/owner/operator of a hearing before the Planning Commission to hear evidence that the solar farm should not be decommissioned.
 - b. If a solar farm is repaired, a Professional Engineer (hired at the expense of the owner or operator) shall certify the solar farm's safety prior to the resumption of operation.
 - c. Within ninety (90) days of the hearing where the Planning Commission has determined that a solar farm is abandoned or inoperable, the owner/operator shall obtain a demolition permit to remove any solar farm.
 - d. Failure to obtain a demolition permit within the 90-day period provided in this subsection shall be grounds for the Township to remove the solar farm at the Owner's expense.
 - e. Decommissioning shall include removal of all equipment associated with the solar farm including all materials above and below ground, up to four (4) feet in depth. The site shall be restored to a condition that reflects the specific character of the site including topography, vegetation, soils, drainage, and any unique environmental features.
 - 1) The restoration shall include: road repair and hazardous waste cleanup; if any, all re-grading, soil stabilization, and re-vegetation necessary to return the subject property to a stable condition consistent with conditions existing prior to establishment of the wind energy system.
 - 2) The restoration process shall comply with all state, county, or local erosion control, soil stabilization and/or runoff requirements or ordinances and shall be completed within one (1) year.
 - 3) Extensions may be granted upon request to the Planning Commission prior to that expiration of the one (1) year requirement for completed decommissioning.
 - f. The decommissioning plan shall also include an agreement between the applicant and the Township that includes, but is not limited to the following conditions:
 - 1) The financial resources for decommissioning shall be in the form of a surety bond with a replenishment obligation and shall be deposited by a bonding agent acceptable to the Township.

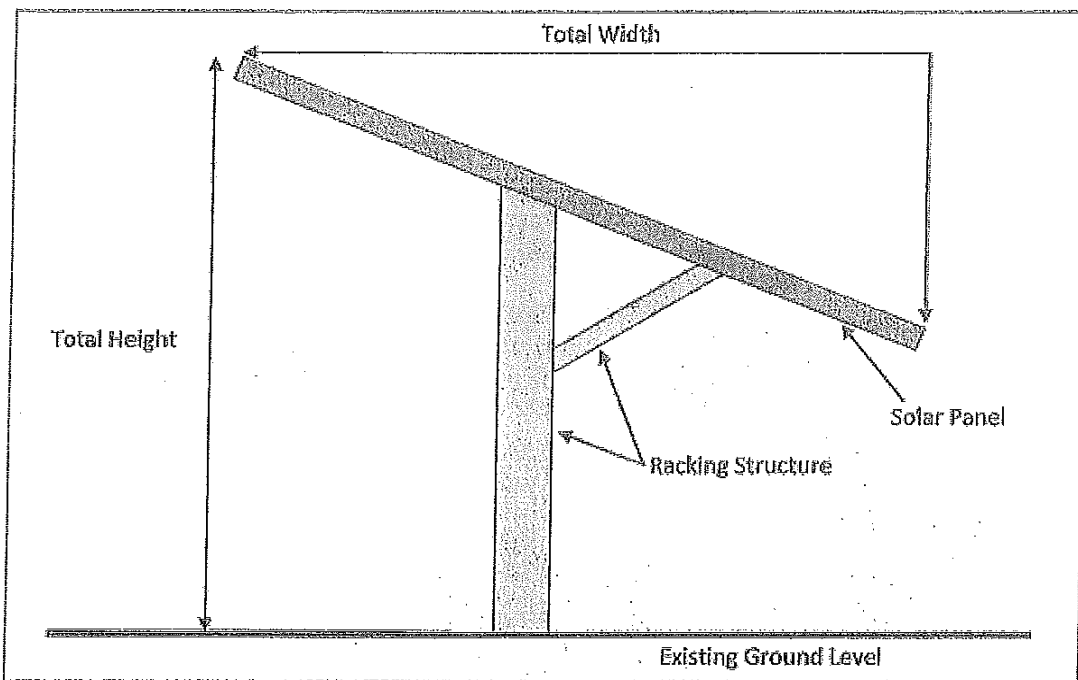
- 2) The financial resources for decommissioning shall be 125% of the estimated removal and restoration cost. The Planning Commission shall require independent verification of the adequacy of this amount from a Professional Engineer.
- 3) The Planning Commission shall annually review the amounts deposited for removal, site restoration, and administration costs are adequate for these purposes. If the Planning Commission determines that these amounts are not adequate, the Township shall require the owner/operator to make additional deposits to increase the amount of the surety bond to cure such inadequacy.
- 4) The Township shall have access to the surety bond funds for the expressed purpose of completing decommissioning. If decommissioning is not completed by the applicant within one (1) year of the end of project life, inoperability of solar farm or facility abandonment. Surety bond funds may be used for administrative fees and costs associated with decommissioning.
- 5) The Township is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
- 6) The Township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Township's right to seek reimbursement from the applicant or applicant's successor for decommissioning costs in excess of the surety bond amount and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien..

ADD to Article 21 Definitions

Solar panels -- Structures that provide electrical power generation through the utilization of photovoltaic cells, typically building-integrated, non-mechanical semiconductor devices that convert sunlight into direct current electricity.

Solar farms -- Facilities that consist of a group of solar panels used to generate electrical power for use off-site.

Solar panel height-- Distance from the base of the structure



ADD to Article 9 Zoning Districts, Regulations and Map

Table 9.2 PERMITTED PRINCIPAL USES in CONSERVATION and RESIDENTIAL DISTRICTS

	<u>Principal Uses</u>	<u>Zoning Districts & Permitted Principal Uses</u> "BR" = Uses Permitted by Right "S" = Special Land Use "..." = Prohibited Use "A" = Specific Accessory Uses Permitted					
		A-1	R-1	R-2	R-3	R-MF	R-MHC
	Other Uses Not Listed Above						
5	Solar Panels	A/S	A/S	A/S	A/S	A/S	A/S
6	Solar Farms	S	---	---	---	---	---

Table 9.3 PERMITTED PRINCIPAL USES in COMMERCIAL and INDUSTRIAL DISTRICTS

		C-1	C-2	I-1
	Other Uses Not Listed Above			
4	Solar Panels	A/S	A/S	A/S
5	Solar Farms	---	---	S

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 **STRATEGIES** 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.

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 1: 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, tri-plex, 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, 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

Goal 1: Birch Run Township has fiscally responsible maintenance and improvement of infrastructure.

Objectives:

Establish an annually updated Capital Improvement Program (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 six 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.

Strategies:

- Coordinate improvements in the CIP Plan.

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

- Coordinate improvements in the CIP Plan for storm water systems.

Maintain the quality of water supply wells.

- Coordinate improvements in the CIP Plan for water supply

Coordinate utility construction with road construction.

- Coordinate meetings with the DPW, 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.

- 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 enforcement.
- 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 and 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.

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Attachment C

Preliminary Analysis for Future Land Use Classifications and Map Update

Birch Run Township – January 2019

Comparison of current Future Land Use classifications and Zoning Ordinance identify the following:

The Open Space / Agricultural A-1 Future Land Use classification indicates that there will be incentives for cluster or open space development. A 30 percent bonus density is allowed under the OSC (Open Space Communities) Overlay District.

There is a Dispersed Residential classification on the Future Land Use Map but no such classification in the plan text. It generally coincides with the A-1 (Agricultural) zoning district, which corresponds to the Open Space / Agricultural Future Land Use classification, so it would appear that it was merged with that classification.

Most of the property zoned R-2 (Medium-Density Residential) is classified as Low-Density Residential R-1 on the Future Land Use Map, which would indicate that the intention is to eventually down zone the property.

There is no property zoned R-3 (High-Density Residential) but there is land classified as High-Density Residential R-3 on the Future Land Use Map.

There is no property zoned R-MHC (Manufactured Housing Community) or classified Multiple-Family Residential R-MF

There is an OSC overlay zoning district but no equivalent Future Land Use classification.

There is a PUD zoning district and a parcel zoned PUD, but no PUD Future Land Use classification

Future Land Use / Zoning Comparison	
Future Land Use Plan	Zoning Ordinance
Open Space / Agricultural A-1	A-1 (Agricultural) District
Dispersed Residential (on Map Only)	
Low-Density Residential R-1	R-1 (Low-Density Residential) District
Medium-Density Residential R-2	R-2 (Medium-Density Residential) District
High-Density Residential R-3	R-3 (High-Density Residential) District
Multiple-Family Residential R-MF	R-MF (Multiple-Family Residential) District
Manufactured Housing Community R-MHC	R-MHC (Manufactured Housing Community) District
General Commercial C-1	C-1 (General Commercial) District
Highway Commercial C-2	C-2 (Highway Commercial) District
Light Industrial I-1	I-1 (Light Industrial) District
	OSC (Open Space Communities) Overlay District
	PUD (Planned Unit Development) District

The following strategies from the Goals and Objectives section are recommended changes to the Future Land Use Plan.

- **Establish an urban services boundary as part of the Future Land Use Plan.** – Currently no Urban Services district is identified.
- **Adopt a provision to limit non-agricultural development in the AG Agricultural zoning district.** – That is not consistent with the current description of the Open Space / Agricultural A-1 Future Land Use classification which allows for a range of uses by SLUn
- **Review the Future Land Use criteria and map to locate appropriate locations for high densities along major transportation routes and other key activity centers.** – Currently the high densities are shown in areas adjacent to the village's southern boundary.
- **Conduct an inventory of existing Industrial (I-1) district to determine the availability of vacant parcels for development of an industrial park.** – There are currently approximately 50 acres of vacant land zoned I-1.
- **Evaluate areas proposed for future commercial development to determine their adequacy for more commercial development.** – Approximately 1,000 acres of undeveloped land is planned for commercial development.
- **Zone land to offer a variety of density and housing types to optimize dwelling choices.** – Limited land zoned R-MF which allows 3+ units.

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Birch Run Township

Zoning



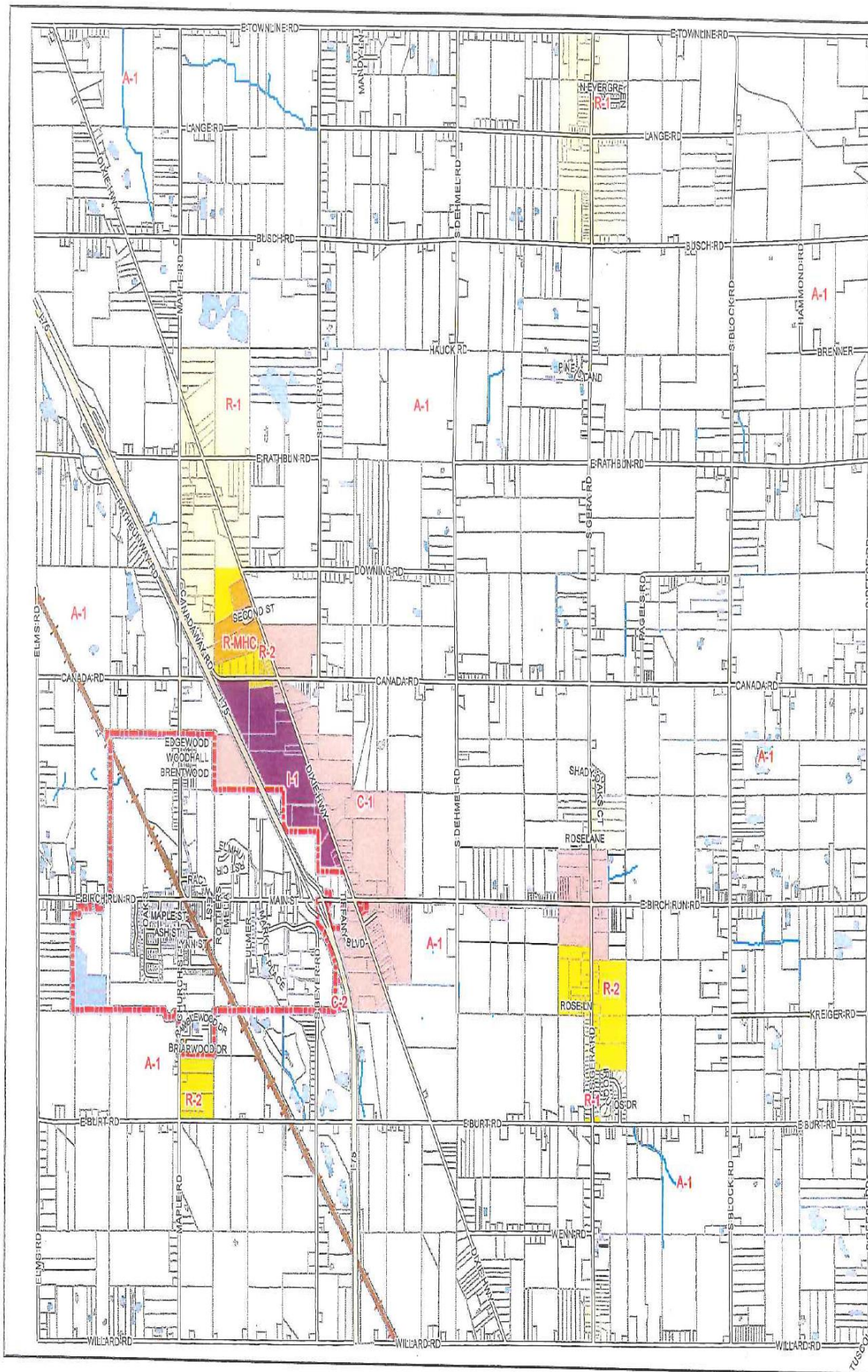
Legend

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





Attachment D

2018 Annual Report Birch Run Township Planning Commission

Section 19 Of the Michigan Planning Enabling Act requires the Planning Commission to submit a report annually to a Legislative body on "its operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development". This report represents the Birch Run Township Planning Commissions 2018 annual report to the Township Board.

Planning Commission Activities – 2018

The Planning Commission held six meetings in 2018, It reviewed:
Seven New Special Use Permits (SUP)

- For outdoor Entertainment – **Approved**
- Credit Union Expansion – **Approved**
- Credit union ATM machine move - **Approved**
- Private Pond – **Approved**
- Private Pond – **Approved**
- Theater Addition – **Approved**
- Credit Union Communication Tower - **Approved**

One site plan unrelated to a SUP

- A preliminary and final for Mr. Fars Gattes Jeer Shopping Center – **Approved**

One Rezoning

- A-1 to PUD rezoning – recommend to deny
- Recommend Township Board approval of phase one plan for PUD district

Four Zoning ordinance text amendment issues

- "Aging Parents" – Allow use in district
- "Solar Energy" Allow solar collectors (on site or commercial) in a variety of zoning districts with restriction
- "Outdoor Entertainment Clarification" Clarify the authority to grant Temporary non-residential uses and Structures permits for the properties with existing Outdoor Entertainment and Events special land use permits.
- "Exceptions to the lot Coverage Requirements" – clarify the zoning districts that footnote 11 to table 9-4 apply to.
- Expand uses in the Industrial Zone.

Planning and Zoning Goals for 2019

The Planning Commission will continue to review rezoning, text SUP, and site plan review requests as provided for in the Township Zoning Ordinance. The current list of goals for the commission for 2019 includes:

- Complete Master Plan update
- Complete review of current zoning ordinance amendments.

Mike Marr
Secretary

Add to Article 14

Section 14.22 Accessory Housing.

Accessory housing is permitted 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 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. The permit shall be reviewed annually thereafter.
5. The Planning Commission may require a performance guarantee 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 has expired or been revoked.
7. The rental of an accessory housing unit to someone other than the person or persons authorized in the Special Land Use Permit 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.

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		

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Attachment E

Dear Members of the Board,

I am reaching out to you with disappointment and a heavy heart. I attended the meeting on March 5th at the Birch Run Fire Hall that was held regarding the Special Use Permit for Birch Run Speedway.

I came as a neutral party who both understood and can empathize with the closest neighbors of the speedway (which I might mention were your audience for the evening), and to hear what Mr. Lynch from the Speedway had to say as I am a business owner and growth in the community is good for everyone.

What I witnessed was nothing short of a "Lynch Mob" I had thoughts as well that evening, but due to the nature of the room and the lack of participation and proper representation of the board, I felt it best to remain quiet so as not to bring trouble for my business. This should not have been the case.

I too had a story and a few thoughts, but quite honestly didn't feel safe voicing my opinion in that room. Now, I feel that my thoughts would fall on deaf ears and that they would hold no merit if I did voice them, but I will make a shallow attempt at my take away of the evening and I don't plan to let it rest where it currently is.

This situation needed to be handled way differently than it did. I attended the meeting last year as well and it was the same thing. As a member of the community who lives 2 ½ miles from the track and has done so since I was 7 years old, I too hear the track. Granted, not at the decibel level that the closest residents do and to be honest, I too would be concerned and asking for resolution. But NOT IN THAT MANNER. Both of those meetings were counterproductive, and this is on all of you as board members.

Frankenmuth was brought into the equation at least a half dozen times last night as a reference. I have also attended community focused meetings in Frankenmuth regarding different issues and opportunities. They have a functional board. I may not always like the decisions made, but even I can see in the end that it was carefully weighed out, there was clear and unbiased representation, and in the end, most likely there is a resolution that both sides, although not exhaustively satisfied, can agree on.

Your board, at both meetings that I attended, was run by one individual with a clearly biased agenda. It is my belief that he mustered up that crowd and gave them the strength they needed to very inappropriately "gang up" on Mr. Lynch. I feel that Mr. Schaar monopolized that meeting and created a negative and unproductive aroma. The rest of the board sat silently at both meetings with very little to no input and then I believe, tacitly agreed to everything out of fear. That meeting went on way too long.

Mr. Lynch was given 3 minutes and little time for a rebuttal and that crowd went on and on. It was not necessary and all of you know it. It was the same story one after the other. As a board I believe there comes a point when you need to stop circling and redirect to the issue at hand. You as board members are responsible for this and you didn't perform well regarding this concern.

If I would have taken the opportunity to say my peace last night, it would have gone something like this:

As a business owner and resident of Birch Run, I believe that growth in a community is a good thing. I see the Birch Run Speedway and Event Center as a great platform for this to happen. I believe that an undertaking of this magnitude takes time and support from the community.

I think a more productive meeting would have been one where no one could speak unless their gripe was followed by possible resolution and a productive idea that had the best intentions for both sides included in it. What does this look like for us? How can we as property owners and community members assist in improving and complimenting this opportunity for growth in our community? Have we asked ourselves this question?

The track is a huge piece of landscape in our community. There is opportunity there that could become the hub with quality entertainment and opportunities for us to unite and come together for various occasions. Not every community has this option. If we approached this situation with a healthier attitude and an open mind, I believe we could generate a destination that would be beneficial to the Birch Run area.

Communities grow and thrive when they work together.

It is of my thought process that the Birch Run Speedway should be allowed to grow. Perhaps there will be some events that don't seem like a great fit and those events could be tabled or evaluated until a better sense of direction and feel for that event has been clearly thought through. Not just shot down by a room full of biased and unhappy people. (observation – a clearly biased board member and a panel of board members who tacitly agreed with him – clearly unproductive)

It is of my thought process that the Birch Run Speedway could work with the community at improving and staying within the limits of guidelines set forth for an acceptable decibel level set by national standards, but certainly not expected to comply with below.

I do think it is unreasonable to ask the Birch Run Speedway to limit its number of events and races. Although I can certainly see the disappointment for those who live in proximity, it is what it is. That track has always been part of the landscape and anyone who purchases or builds near such a structure should know that the potential always is a risk. Asking the track to limit its events would place an unrealistic financial burden on them that would not allow sustainability.

I observed and overheard careless conversations in the room last night and the undertone of some of the board members and most certainly a clear portion of the audience was of a negative and damaging undertone. It certainly left the impression that there would be nothing productive in the room that night. This was clearly a witch hunt of sorts and I am left with a very disappointing and bad taste in my mouth about Birch Run as a whole.

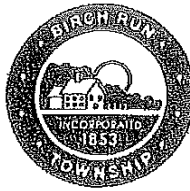
I would like to respectfully ask that there is another meeting over these items and that there is clear representation on both sides. At one point during the meeting, Mr. Lynch eluded to the fact that perhaps Mr. Schaar should excuse himself. I was thinking the same thing at the same time. I believe he should not be a part of this discussion any further as he is clearly biased and appears to have rendered the rest of the board members without a voice of reason.

I believe that this needs a revisit. I believe that you are making careless decisions. It is in my opinion that you clearly painted and demeaned the character of Mr. Lynch and Mr. Suski. I do not wish to be disrespectful with my words, but I also want them to be effective and I feel that the board did not do its job effectively and that it was approached in a derogative and close-minded fashion and needs to be revisited.

Frankenmuth came into the conversation quite a bit last night. They too, have residents that live very close, much closer than most of the people at last night's meeting, to the events that happen in Frankenmuth. They were heard and some of the issues were met and solved with a compromise from both parties. However, the bottom line was delivered by the mayor who said, and I quote, "Community events are necessary to maintain a city's economy."

It is my intent to investigate this further as I don't believe that a true resolution was considered last night and this needs to be addressed.

I am going to follow suit here and make a spineless decision to remain anonymous for now. My hope and intent in the days to come are to hopefully make a difference that is good for all parties involved. I can't imagine you are really happy with yourselves.



Birch Run Township

8425 Main St. • P.O. Box 152
 Birch Run, Michigan 48415
 (989) 624-9773 • FAX: (989) 624-1177

Saginaw County Michigan

CODE ENFORCEMENT

ORDINANCE VIOLATION REQUEST

COMPLAINT # _____

DATE: SUMMER 2018 TIME: _____

COMPLAINANT: MABLE HOLMES

ADDRESS: 8990 CANADA RD, BIRCH RUN

Above information will not be provided to violator, unless authorized by complainant.
 (Please sign below to authorize release of personal information.)

LOCATION OF VIOLATION: 10945 DIXIE HIGHWAY

OWNERS NAME: BIRCH RUN SPEEDWAY

ADDRESS: 10945 DIXIE HIGHWAY

TELEPHONE: _____

REASON FOR REQUEST: I WOULD LIKE TO COMPLAIN
ABOUT THE VIBRATION CAUSED BY EVENTS AT THE
BIRCH RUN SPEEDWAY DURING THE 2018 SEASON. MY
WINDOWS SHAKE AND VIBRATE DUE TO THE LOUD NOISE
FROM THE SPEEDWAY. I RECENTLY LEARNED ABOUT THE
TOWNSHIP'S VIBRATION ORDINANCE AND BELIEVE THIS VIOLATES
SECTION 18.05

SIGN: Mable Holmes



Birch Run Township

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Birch Run, Michigan 48415
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Saginaw County Michigan

CODE ENFORCEMENT

ORDINANCE VIOLATION REQUEST

COMPLAINT # _____

DATE: Summer 2018 TIME: _____

COMPLAINANT: Holly R Schaub

ADDRESS: 8910 Canada Rd, Birch Run, MI 48415

Above information will not be provided to violator, unless authorized by complainant.
(Please sign below to authorize release of personal information.)

LOCATION OF VIOLATION: 10945 Dixie Highway Birch Run, MI

OWNERS NAME: Birch Run Speedway

ADDRESS: 10945 Dixie Highway

TELEPHONE: _____

REASON FOR REQUEST: The vibration and sound levels during events was irritating and stressful for the occupants of my home. The racing practices and events were fine as scheduled but did not seem to actually follow schedule. The noise was excessive and caused us physical discomfort and went well beyond reasonable hours frequently.

SIGN: Holly R Schaub

The vibration levels violate Section 18.05 and are creating stress and anxiety for residents.



Birch Run Township

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Birch Run, Michigan 48415
(989) 624-9773 • FAX: (989) 624-1177

Saginaw County Michigan

CODE ENFORCEMENT

ORDINANCE VIOLATION REQUEST

COMPLAINT # _____

DATE: Summer 2018 TIME: _____

COMPLAINANT: Cara Nichol

ADDRESS: 8880 Canada Rd

Above information will not be provided to violator, unless authorized by complainant.
(Please sign below to authorize release of personal information.)

LOCATION OF VIOLATION: 10945 Dixie Highway

OWNERS NAME: Birch Run Speedway

ADDRESS: 10945 Dixie Highway

TELEPHONE: _____

REASON FOR REQUEST: The Race track produced a lot of vibration from the events at the speedway. It would shake our windows and TV. This violates Section 18.05

SIGN: Cara Nichol



Birch Run Township

8425 Main St. • P.O. Box 152
Birch Run, Michigan 48415
(989) 624-9773 • FAX: (989) 624-1177

Saginaw County Michigan

CODE ENFORCEMENT

ORDINANCE VIOLATION REQUEST

COMPLAINT # _____

DATE: Summer 2018 TIME: _____

COMPLAINANT: Peggy French

ADDRESS: 8860 Canada Rd. Birch Run.

Above information will not be provided to violator, unless authorized by complainant.
(Please sign below to authorize release of personal information.)

LOCATION OF VIOLATION: 10945 Dixie Highway

OWNERS NAME: Birch Run Speedway

ADDRESS: 10945 Dixie Highway

TELEPHONE: _____

REASON FOR REQUEST: The Race track produced
Vibration From events at the speedway
my windows would shake as a result
this Violates Section 18.05

SIGN: _____

Peggy French