

## Eagle Township Planning Commission

### **January 30, 2024 – Meeting Minutes**

**Call to Order:** Meeting called to order at 6:58 PM at the Eagle Township Hall.

**Roll Call:** Eric Sutherland (present), Michelle Hoppes (present), Robin Currie (present), John Iszler (present), Brad Rich (Present).

**Citizens:** Janine Dyer, Dennis Strahle, Dan Feldpausch, Cori Feldpausch, Laurie Briggs-Dudley, Darrin Gray, Sarah Keilen, Nick Keilen, Chris Khorey – Mckenna

#### **Pledge of Allegiance**

**Approval of Agenda:** Hoppes moved and Rich seconded to approve Agenda. Voice vote - all in favor. Motion passes.

**Approval of December 8, 2023 Special Meeting Minutes:** Hoppes moved and Currie seconded to approve minutes of December 8, 2023 special joint meeting with the Eagle Township Board with the correction of the number designation of Resolution 2023-12-08-PC1. Voice vote – all in favor to approve minutes as amended. Motion passes.

**Approval of January 9, 2024 Special Meeting Minutes:** Hoppes moved and Currie seconded to approve minutes of January 9, 2024 special planning commission meeting with several spelling error corrections. Voice vote – all in favor to approve minutes as amended. Motion passes.

**Correspondence:** None

**Public Comment on Agenda Items:** None

#### **Old Business**

**Planning Commission Vacancy:** Brad Rich was appointed to the Planning Commission during the January 18, 2024 Eagle Township Board Meeting.

**Planning Commission Officers:** The Planning Commission voted on the Planning Commission Officers. Chairperson: Iszler moves to approve Currie, Hoppes Seconds. Voice vote: All in favor. Vice Chairperson: Currie moves to approve Rich, Hoppes Seconds. Voice vote: All in favor. Secretary: Currie moves to approve Sutherland, Iszler Seconds. Voice vote: All in favor.

The 2024 Eagle Township Officers are as follows:

Robin Currie – Chairperson

Brad Rich – Vice Chairperson

Eric Sutherland – Secretary

Michelle Hoppes – Ex Officio

John Iszler - Commissioner

**Eagle Board Approved Items:** During the January 18, 2024 Eagle Township Board Meeting, the Board discussed several items that pertained to the Eagle Township Planning Commission.

- i. **Code Enforcement:** The Board approved to activate Section 9 of the McKenna Associates contract allowing McKenna Associates to perform Code Enforcement and Inspection Services on a bi-weekly basis.
- ii. **Website Hosting:** The Board approved website hosting for Planning and Zoning to be part of the current Eagle Township website hosted and supported by Shumaker Technology Group.
- iii. **BS&A Software:** The Board approved the Planning Commission to use BS&A Cloud software for Planning and Zoning.
- iv. **Lot Splits:** The board set aside the recommended motion from the Planning Commission to amend the Interim Zoning Ordinance to update the lot split permit rules until the survey and public engagement are complete.

**Escrow Fee Schedule:** Mr. Khorey from McKenna summarized the proposed escrow fee schedule for zoning. Briggs-Dudley noted that some of the columns in the fee schedule didn't add up. The Planning Commission went through the entire schedule and corrected the math errors. Khorey will update the fee schedule, as amended, and resubmit it to the Planning Commission. Hoppes asked how the fees compare to the surrounding townships and the county. Khorey responded that some of the fees are higher and some are lower. However, many townships require the applicants to resubmit after comment for additional fees and the proposed Eagle Township fee schedule includes those costs. Also, the Eagle Township fees are designed to cover costs. Hoppes asked if we could recover the cost that Clinton County incurs by not having to deal with Eagle Township Planning and Zoning. Khorey responded that he didn't believe that was possible.

Sutherland moved and Rich seconded a motion to recommend to the Eagle Township Board to accept the Escrow Fee Schedule, as amended. Roll Call Vote: Hoppes (Y), Rich (Y), Iszler (Y), Sutherland (Y), Currie (Y). Motion Passes.

**Planning Commission Budget:** Currie presented a summary of a draft budget. He commented that some of the numbers are educated guesses because McKenna is having trouble getting data from Clinton County about the nature and number of zoning applications in Eagle Township. Iszler commented that it may take a year or two to have a good handle on the zoning activity in the township.

Currie moved and Iszler seconded a motion to submit to the Eagle Township Board a budget request of \$65,000 for Planning and Zoning for 2024. Roll Call Vote: Iszler (Y), Hoppes (Y), Rich (Y), Sutherland (Y), Currie (Y). Motion Passes.

**Project Plan:** Hoppes summarized the progress of the Eagle Township Planning Commission Work Plan. She pointed out that there were several changes to dates in the plan.

**Zoning Moratorium Extension:** The planning commission discussed extending the moratorium on zoning applications, specifically in relation to Commercial, Industrial, and Large-Scale Wind & Solar rezoning. Khorey suggested possibly adopting Clinton County zoning as the Eagle

Township interim zoning. C. Feldpausch commented that the Clinton County Zoning Ordinance is outdated and not in compliance with State of Michigan laws and it is in the process of being revised. Strahle asked if it was within the law to give exceptions to projects like Believers Church parking expansion. Currie stated that there is already language in the moratorium resolution for exceptions. Rich asked if the moratorium could be lifted in segments. Khorey responded that yes, that could be done. D. Feldpausch asked what is considered large-scale Wind & Solar. Khorey responded that, as stated the interim zoning ordinance, large-scale wind and solar is anything that is designed to produce more energy than the property will use. Large-scale does not apply to residential or commercial applications that only are designed to power what is needed by the property.

Currie Moved and Sutherland seconded a motion to recommend to the Eagle Township Board to adopt a moratorium on the following zoning approvals, to extend from March 1, 2024 to August 15, 2024, or until the adoption of the permanent Zoning Ordinance, whichever comes first:

- Rezoning of land to the C Commercial District.
- Rezoning of land to the I Industrial District.
- Special Use Permit for Large-Scale Solar Energy Facilities
- Special Use Permit for Large-Scale Wind Energy Facilities

Roll Call Vote: Sutherland (Y), Iszler (Y), Hoppes (Y), Rich (Y), Currie (Y)

**Community Workshop February 22, 2024:** Currie summarized a meeting that was attended by Hoppes, Currie, Khorey, and Supervisor Stroud. He commented that it would not be like the open house led by Giffels Webster last year. It would focus on what the township residents would want to see happen in the township.

### New Business

**Schedule for Discussing key Zoning Topics:** Currie reviewed the McKenna memo dated December 14, 2023 outlining the schedule for key topics.

**Public Engagement Survey:** Planning commission discussed the public engagement survey. Changes were suggested by both the Planning Commission and the public. It was noted that dimensions should be added to the figures on Page 6 & 7. Some questions were eliminated due to being redundant and/or confusing. The planning commission discussed how the resulting data from the survey would be verified. Khorey responded that they have ways to determine the validity of the data.

**Land Division Ordinance:** The Planning Commission reviewed the Eagle Township Land Division Ordinances Numbers 1-98 and 3-01. It was noted that they are almost identical.

Currie moved and Hoppes seconded a motion to recommend to the Eagle Township Board to repeal and remove Eagle Township Land Division Ordinance Number 1-98. Voice vote: All in favor. Motion passes.

Currie moved and Hoppes seconded a motion to recommend to the Eagle Township Board to amend the Township Land Division Ordinance Number 3-01 Section V, Part F to “A fee based on the adopted resolution for the Zoning Escrow Fee Schedule to cover the costs of review of the application and administration of this Ordinance and the State Land Division Act.”, Section VII Part A to “All parcels created by the proposed division(s) have a minimum width of 330 feet as measured at the required road frontage unless otherwise provided for in an applicable zoning ordinance”, Section VII Part B to “All such parcels contain a minimum area of 10 acres unless otherwise provided for in an applicable zoning ordinance”, Section VII Part C to “The ratio of depth to width of any parcel created by the division does not exceed a four to one ratio exclusive of access roads, easements, or non-developed sites. The depth of the parcel created by a land division shall be measured within the boundaries of each parcel from the abutting right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement.” Voice vote: All in favor. Motion passes.

**Zoning Amendments:** The Planning Commission discussed the following regarding amending the Interim Zoning Ordinance:

- i. Language changed to be consistent with Clinton County:** The Planning Commission reviewed the Memorandum date January 24, 2024 from McKenna regarding replacement of sections of the Eagle Township Interim Zoning Ordinance with the equivalent language from the Clinton County Zoning Ordinance.
- ii. Lot Splits/Non-Conforming Lots:** Khorey summarized the current ordinance. Hoppes suggested that the Planning Commission wait until there is more public input before deciding. N. Keilen stated that the Township should hold with what Clinton County decided. He also stated that he believes people who bought lots knowing it was non-conforming should not be automatically allowed to have conforming lots. He also stated that he doesn't want more neighbors. Finally, he asked what the current minimum lot split is. Khorey responded that, currently, the minimum lot must be 10 acres. N. Keilen asked about the benefit of lot splits and what the Planning Commission is trying to deter. Khorey mentioned that it varies by location and the Planning Commission should have the ordinance written in such a way that it allows for creativity. D. Gray asked what is to stop people from splitting many lots along the road and sell for solar behind them. Hoppes stated that she doesn't want to take away property rights that people already have. The Planning Commission decided to set aside the Lot Splits/Non-conforming Lots until there is more opportunity for public input from the Survey and Workshop.
- iii. Front Yard Accessory Buildings:** The planning commission decided to set aside this topic pending additional public input.

Hoppes moved and Iszler seconded a motion to recommend to the Eagle Township Board to adopt the amendments to the Eagle Township Interim Zoning Ordinance as outlined in a forthcoming letter from McKenna Associates. Roll Call Vote: Rich (Y), Sutherland (Y), Iszler (Y), Hoppes (Y), Currie (Y). Motion Passes.

**Engineering Services/Contract with Assessor:** Currie stated that the contract with the Assessor is coming due soon and the Eagle Township Board will vote on renewing the contract. Currie stated that he will look into this.

**High Intensity Manufacturing, I1/I2 Districts:** Currie stated that the Planning Commission will start looking into how the Clinton County Zoning Ordinance deals with High Intensity Manufacturing. Iszler and Rich volunteered to review the Clinton County Zoning Ordinance.

**Mineral Resource (MR) Extraction:** McKenna will get information from the county about which parcels in Eagle Township fall under the MR zoning district.

Currie moved and Hoppes seconded a motion to recommend to the Eagle Township Board to amend the Eagle Township Interim Zoning Ordinance to create an MR zoning district and to utilize language from the Clinton County zoning ordinance with regard to the MR zoning district. Roll Call Vote: Hoppes (Y), Rich (Y), Sutherland (Y), Iszler (Y) Currie (Y). Motion Passes.

**McKenna Meeting Addendum:** Currie will talk to Supervisor Stroud about having McKenna at Township Board Meetings.

Hoppes moved and Rich seconded a motion to recommend to the Eagle Township Board to accept the McKenna meeting addendum as outlined in letter from McKenna dated January 24, 2024. Voice vote: All in favor. Motion passes.

**General Public Comment:** None

**General Planning Commission Discussion:** None

Next meeting: February 16, 2024 at 10:00 AM.

**Adjournment:** Motion by Iszler to adjourn. Second by Hoppes. Voice vote: All in favor. Motion passes. Adjourned at 11:37 PM.

Respectfully submitted,

Eric D. Sutherland, PE

Secretary