

YATES TOWNSHIP PLANNING COMMISSION
REGULAR MEETING FINAL MINUTES
March 9, 2023 5 p.m. EST

- 1) The meeting was called to order by Chair Chris Grier at 5:02 p.m.
- 2) Roll Call attendance vote was as follows:
Present: Secretary Blair Evans, Chair Chris Grier, YTB Rep. & Ex-officio Shawn Coffey,
Commissioner Amy Ellis, and Commissioner Kurt Johnson
Absent: Commissioner Julia Carr, and Commissioner Lester Walker
A quorum was established.
- 3) The Pledge of Allegiance was recited.
- 4) Agenda additions/deletions:
Motion by Secretary Evans to approve the agenda as written, seconded by Chair Grier.
There were no changes to the agenda proposed.

Motion carried by unanimous roll-call voice vote.
- 5) Information from the public for items on the agenda:

Shawn Roller: Stated opposition to changing Agricultural zoning to allow business due to purpose of zoning and the potential impact of commercial and industry on Ag property value and way of life.

The Commission noted appreciation for the input and indicated that there are no actions before the Planning Commission to change zoning.

Stewart Rothing: Voiced opposition to changing zoning from Ag to commercial with concern of decreasing his property value and possible waterfront contamination.
- 6) Approval of the Minutes: February 9, 2023

Motion by Secretary Evans, second by Commissioner Johnson, to approve the minutes of February 9, 2023.

Motion carried by unanimous roll-call vote.

Note from Secretary Evans that the minutes for the 2 meetings on March 4 are not due yet.
- 7) Approval of the Department's expense report. (none this month)
- 8) Unfinished business and reports:
 - a. Report from each member of the Commission on the segment of the township they represent for the past month. (not established yet)
 - b. Work plan review and determination of action items

Secretary Evans briefly reviewed the two items that are active: Master Plan amendment and zoning ordinance amendment.

Chair Grier reviewed work plan items that have been completed including the annual report to the Township Board as well as the amendment of the by-laws and budget request.

Commissioner Johnson volunteered to join the Master Plan amendment workgroup.

Commissioner Ellis agreed to be a support member of the zoning ordinance update workgroup.

c. State of zoning & enforcement:

Secretary Evans update: Gave history of township zoning team since start of 2020 and lack of coordination through zoning administration. Noted that the township board took direct responsibility for supervising the Zoning Administrator (ZA) in Nov of 2020 and has not had a trained Zoning Administrator since that time. Noted that there is a qualified zoning administrator candidate that the Township Board will consider on Monday at a special meeting. Conveyed what the township attorney trained the board, PC and ZBA on earlier this month about responsibility of the Zoning Administrator to coordinate all of the parts of the zoning process (PC, ZBA, TWP Board, ZA).

With someone capable in the ZA position when someone comes with a need it can be analyzed for fit at the proposed location and direction can be given including possible referral to the PC , ZBA or TWP Board for action. That has never happened over the last 3 years so the ZBA and PC have not been asked to review anything. There has been a lot of discussion on social media and in other settings, but nothing has been submitted to the PC or ZBA for any decisions. Many of us have heard what people have said, but nothing for official action.

Secretary Evans noted that it is a small community and people sometimes ask about zoning since information has not been readily available from a Zoning Administrator and he has knowledge from being on the Planning Commission. He says the same four things anytime that anyone comes to him.

Quote:

- 1) I can't speak to you as a planning commissioner, I do know something about the zoning ordinances and I can give you information. I am only a planning commissioner when I am in a planning commission meeting and no member can speak for the body outside of a decision by the body. So my first statement is I can't talk to you as a planning commissioner, but I can pass on some information about the ordinances.
- 2) I point them to information that they may need, usually the zoning ordinance.
- 3) Who is responsible for handling the request or concern – which is the Zoning Administrator 99% of the time. Introduce the ZA, here is the person who can help you get the job done.
- 4) Here are things that you might want to raise in the conversation with the Zoning Administrator.

I haven't gone beyond that, but I see now that other people will contort that point of view. So my new posture, and my recommendation to the other PCs is "I can't talk to you about it, go talk to the zoning administrator." Because people will spin that fact to " we had a conversation and you

knew about it so you should be doing something about it". I don't know about it until someone brings something to the Planning Commission that the Planning Commission can act on. Just because I happen to know something that someone spoke about has nothing to do with the Planning Commission taking action on it. We are not in a position to take action on anything that hasn't been brought before us. Just to keep an extraordinarily high degree of clarity, for those that have pushed the boundaries in seeking help, there is nothing to preclude me from telling someone things that they should think about, but it casts a shadow over the operation of Township government, if it is spun as you knew about it therefore you should have done something about it. That goes under the 'no good deed goes unpunished banner.'

There were items that came up in the Master Plan Information Session that needed clarity. One was about keeping the integrity of zoning districts. Zoning includes a definition of what you can and can not do on a specific piece of land in a specific zone. Our ordinances clearly say for each zoning district what is allowed, what may be allowed if you get specific permission, and what is disallowed. There is a map that shows what zoning district any parcel is in. There are expectations that zoning will control the character of an area, and that is a purpose of zoning. Zoning has been in place in Yates Township since 1972, so it shouldn't be a surprise. If you own a piece of property in Yates Township then it is zoned something and you need to look at what the zoning is and be guided by what that does and doesn't allow. During the master planning process we will look at what areas should support what activities and that may be different than what the current zoning is, but the history of the area will weigh heavily in that. Changes may be necessary to allow progress.

There was also discussion of a specific camping and RV project. The master planning process isn't about specific projects and the ordinances aren't about specific projects. The Zoning Administrator however is focused on specific projects and how they relate to our ordinances. For clarity the PC, ZBA and ZA are ministerial functions – we have to follow the ordinance and Master Plan, we don't have the discretion to do anything else.

We received a letter asking to consider RV parks for items to consider in the planning process.

There was interest in Tiny houses, horse stables, and protection of lakes and rivers including all of the Pere Marquette tributaries. Further interest was expressed in addressing all of the easements and ghost roads in Yates Township that are historical remnants of past visions that may not have come to pass. Additionally it was suggested to address the fragmented state and federal land sprinkled throughout the Township and especially Idlewild.

The ZBA did meet last Saturday and had its organizational meeting. They established a quarterly meeting schedule, elected officers and determined a process for adopting rules of procedure. By the next quarterly ZBA meeting the ZBA should be fully functional. If a qualified Zoning Administrator is hired then all of the zoning units will be functional, which is a significant difference from where it was 2 years ago. And should resolve the structural difficulties that have prevented effective zoning practices.

Commissioner Ellis provided support for the Tiny home idea.

d. Training updates:

Chair Grier asked for updates. Commissioner Ellis has turned in her registration to the Clerk and is awaiting further instructions. Commissioner Johnson had started the course and is about 50% complete. Ex-officio Coffey is awaiting registration through the Clerk. Both Secretary Evans and Chair Grier have completed the training.

e. Election of Vice-Chair

Motion by Secretary Evans to nominate Commissioner Johnson as Vice-Chair, seconded by Commissioner Ellis.

Motion carried by unanimous roll-call vote.

9) New Business

a. Actions that are suggested since we changed our by-laws.

i. Calendar through the rest of the calendar year (July - Dec)

Motion by Secretary Evans to adopt a calendar year 2023 meeting schedule which retains the same second Thursday of the month date through the rest of the year, second by Ex-Officio Coffey.

Motion carried by unanimous roll-call vote.

ii. Extend officers through the balance of the calendar year.

Motion by Secretary Evans, second by Ex-Officio Coffey, to extend officers through the balance of the newly adopted operating year which is the calendar year.

Motion carried by unanimous roll-call vote.

iii. By-laws amendment (communication via email).

Motion by Secretary Evans, second by Commissioner Johnson, to amend item L. on page 9 per written change.

Motion carried by unanimous roll-call vote. (5 votes which carries a 2/3 majority of the 7 member commission).

b. Roles that commissioners are willing to fill.

Chair Grier solicited volunteers for the roles.

Shawn Coffey has already been selected by the YTB as the Ex-officio member and Board liaison.

Blair Evans has already been selected by the YTB as the ZBA liaison.

See all results in the attached table.

Motion by Blair Evans, second by Ex Officio Coffey, to approve the representatives pursuant to the by-laws (see attached table).

Motion carried by unanimous roll-call vote.

c. Master Plan.

i. Progress update.

Vice-Chair Johnson recounted the value of the information session in gathering perspectives on the entire 36 sq miles of Yates Township, especially the areas outside of Idlewild. Discussion that Idlewild is only about 15% of the landmass – a greater percentage of the population and the tax base, but for land use the balance of the township is 85% of the land.

ii. Schedule for the rest of the Master plan amendment process.

Chair Grier and Secretary Evans referred to the MSUe checklist in the MPIP for the steps. Indicated that the process has officially started and the next milestone is a draft of the Master Plan. Secretary Evans suggested that it may be productive, as a practical step, to have a public session with some visuals of land use options developed by the working group prior to writing specific text. Perhaps by the end of April.

Chair Grier stated that anything that helps the public see what we are doing would be helpful. Perhaps we can set a date to do that at the April meeting.

10) Public Comment: according to the Planning Commission by-laws

Karen Kelly: Please consider allowing the use of adjacent parcels that may be separated by a street for auxiliary buildings.

Secretary Evans mentioned that that has been done in Yates in the past, presumably through the ZBA at several locations, but it would be best to have a standard way of handling that common need. Some places seem to use deed restrictions to make sure that the parcels stay joined as one.

Susan Matous: Asked that the township add the information on the owners responsibility for zoning on the website. Perhaps with a flowchart of how. Thanked the commissioners for doing the sometimes thankless work of correcting past errors. Asked that the commission provide guidance to the public on how to interact during a meeting so that everyone is clear. Noted that there were 11 people on Facebook streaming. Facebook comment – there is no transparency in how to officially bring things before the planning commission and up until last month the planning commission had not been officially meeting or functioning for several months due to internal issues so they were unable to properly address proposals, let's be truthful.

Clarification from the Commission – the point person as described earlier is the Zoning Administrator. Things don't come to the Planning Commission unless they go through the Zoning Administrator and there were no items that came to the Planning Commission over the last 6 months to be addressed. It is 100% true that the Planning Commission was not able to meet from August through December because of internal dysfunction which has been rectified. But there wasn't any business sitting there waiting to be done during that time period.

Further FB comment: "No need to zoom, the township officials know that they have internal issues including no Zoning Administrator. They just need to be truthful about why things haven't been getting done."

Two additional people have joined Facebook for a total of 13 today.

Comment from Commission that the emphasis is on determining what right looks like and doing things right. The assignment of blame is a different task, we are focused on who needs to work together and how to do it properly which is what we have been working on.

11) Adjournment

Motion by Kris Grier to adjourn, second by Shawn Coffey.

Meeting adjourned at 6:33.

Respectfully Submitted

A handwritten signature in black ink that reads "Blair Evans". The signature is written in a cursive style with a long horizontal flourish at the end.

Secretary Blair Evans

Important Segments of the Community		
Interest Area	Description	Member
environmental	Attend and/or be familiar with the desires and needs of the environmental organizations in Yates Township (including but not limited to conservation clubs, garden clubs, lake and river landowner associations and the Michigan Department of Environmental Quality and water programs).	Kurt Johnson
agriculture, forestry, and land use	Attend and/or be familiar with the desires and needs of the Farm Bureau, Soil Conservation District, Michigan Department of Natural Resources Forestry Division, United States Forest Service, Resource Conservation and Development Council, municipal planning and/or zoning boards.	Blair Evans
governmental municipal	Attend and/or be familiar with the desires and needs of the county chapter of the Michigan Townships Association, cities and villages, and county government.	Blair Evans
education	Attend and/or be familiar with the desires and needs of the local school districts, intermediate school district, College, University, MSU Extension, and other educational institutions.	Chris Grier
recreation and tourism	Attend and/or be familiar with the desires and needs of the tourist division of the Chamber of Commerce, visitor/convention bureau, hotel/motel tourist business owners; recreation associations; civic and social organizations; the arts; snowmobile and other recreation clubs; Michigan Department of Natural Resources Parks Division, Recreation Division, and Waterways Division.	Blair Evans
industry and economic	Attend and/or be familiar with the desires and needs of industrial associations, the Chamber of Commerce, economic development corporations, organized labor, and trade associations.	Kurt Johnson
transportation and communication	Attend and/or be familiar with the desires and needs of the County Road Commission, village and city road agencies, telephone companies, Internet providers, postal and other parcel delivery services, news media, mass/bus transportation systems, airports, and harbors.	Shawn Coffey
sanitation, environmental health, housing, and human services	Attend and/or be familiar with the desires and needs of public utility providers, water and sewer providers, the County Health Department, councils on aging, and human services collaborative bodies.	
historical and cultural heritage of Idlewild		Chris Grier
Acreage interests		Amy Ellis
member of the Yates Township Board	Attend and/or be familiar with the desires and needs of the Yates Township Board and its committees; adjacent legislative bodies and their planning commissions, and regional multi-county planning agency. And shall present the recommendations of the Commission as required by the zoning ordinance, subdivision ordinance or other ordinances to the township board prior to their consideration of such request.	Shawn Coffey
zoning board of appeals representative	The Commission representative to the zoning board of appeals shall report the actions of the zoning board of appeals to the planning commission and update the zoning board of appeals on actions by the planning commission that relate to the functions and duties of the zoning board of appeals.	Blair Evans