

Otsego County Planning Commission

CORRECTED Minutes for January 21, 2013/Regular Meeting

Call to Order: 6:00 pm

Pledge of Allegiance

Roll Call:

Present: Chairperson Stults, Vice Chairperson Arndt, Secretary Borton, Mr. Hilgendorf, Ms. Nowak, Mrs. Jarecki, Mr. Klee, Mr. Hartmann, Mr. Hendershot, Mr. Mang

Absent: Mr. Brown

Staff Present: Ms. Boyak-Wohlfeil

Others Present: John Burt, Otsego County Administrator

Public Present: Brad Schearer, Phil Mason

Approval of minutes from November 19, 2012:

Mr. Hilgendorf stated he was listed twice in the roll call.

Motion made to approve minutes as corrected by Mr. Borton; Seconded by Mr. Klee.

Motion approved unanimously.

Consent Agenda: None

Public participation for items not on the agenda: None

Public Hearing:

Proposed changes to the Otsego County Zoning Ordinance:

- | | | |
|-------------------------------------|---------|---------|
| 1. Section 9.2.4 Livestock Auctions | Open: | 6:03 pm |
| | Closed: | 6:03 pm |
| 2. Section 18.1 Accessory Buildings | Open: | 6:04 pm |
| | Closed: | 6:04 pm |
| 3. Section 18.25 Mining | Open: | 6:05 pm |

Brad Schearer, representing Reith Riley, stated he was interested in the proposed changes concerning mining, so as, to remain in compliance.

Chairperson Stults stated with the ~~amount~~ *number* of conditions placed on the last permit approved, the Planning Commission felt it necessary to revise the language in the Mining section of the Otsego County Zoning Ordinance to help clarify the requirements of the County's expectations. He also stated the proposed language was available on the County website.

Closed: 6:07 pm

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Advertised Cases: Proposed Changes to the Otsego County Zoning Ordinance (Listed above)

Unfinished Commission Business:

Discussions and recommendations to the Board of Commissioners on Otsego County Zoning Ordinance changes:

1. *Section 9.2.4 Livestock Auctions*

Motion made by Mr. Mang to recommend to the Otsego County Board of Commissioners the proposed language in Section 9.2.4 Livestock Auctions, be changed from *...accessory buildings on ten (10) acres or more with a minimum width of...* to read **...accessory buildings on a minimum forty (40) acre site size...** to be consistent with Section 18.20 Livestock Auction Yard/18.20.2; Seconded by Mr. Hartmann.

Motion approved unanimously.

2. *Section 18.1 Accessory Buildings*

Motion made by Mr. Mang to recommend to the Otsego County Board of Commissioners the proposed language in Section 18.1 Accessory Buildings/18.1.3.1, be changed from *...up to a maximum of a four thousand (4000) square foot building.*, to read **...up to a maximum of four thousand (4000) square feet.**; Seconded by Mr. Hilgendorf.

Motion approved unanimously.

3. *Section 18.25 Mining*

Motion made by Mr. Hendershot to recommend to the Otsego County Board of Commissioners the proposed language with the revisions agreed upon by the Planning Commission put forth in Section 18.25 Mining leaving the *'irrevocable letter of credit'* open for discussion; Seconded by Mr. Arndt.

Motion approved unanimously.

Planning Commission members will discuss the matter of the *'irrevocable letter of credit'* further after Mr. Burt, Otsego County Administrator, gathers more information concerning the issue.

New Business:

Article 24 Township Participation/Time limit response concerning Wireless Communications/Zoning Enabling Act change, May 2012.

Chairperson Stults requested the Land Use staff propose language for Article 24/Township Participation to include the time-frame change concerning wireless communications due to the amending of the Michigan Enabling Act/Public Act 143 of 2012.

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Reports and Commission Member's Comments:

Lighting issue/Sklarczyk greenhouse-Resolution report/Vern Schlaud, *Interim Director*

Mr. Schlaud submitted a letter stating he had inspected the property and had talked with Mr. Sklarczyk about the lighting issue. Mr. Sklarczyk stated the lights were on a timer to turn off at 10:00 pm and the State and FDA inspected his property.

A report from Otsego County's legal counsel was attached explaining 'Greenhouse Farming Operations' and stated Mr. Sklarczyk's business fell under the Right to Farm Act (RTFA) and that Act superseded the Otsego County Zoning Ordinance.

Adjournment: 6:38 pm

Christine Boyak-Wohlfeil, Recording Secretary

Ken Borton, Planning Commission Secretary