

ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
7:00 – 10:00 p.m. Monday, May 10, 2004

Meeting called to Order at 7:10 p.m.

Members present: H. Smith (Chair), B. Carstens, D. Hoxsie, D. Krause, O. Sherberneau, M. Vermetten

Members excused: P. Salathiel

Staff present: S. Corpe, Recording Secretary

Public present: Rachelle Babcock, 4261 Bartlett Rd. Paul Brink, 9617 Winter Rd.
Bill Boltres, 3381 Scenic Hills Dr Jo Collins, 9260 Shaw Rd.
Dorothy Dunville, 3771 Crest Haven Ken Engle, 8755 Bates Rd.
Bob & Kathleen Garvey, 7490 Lautner Lewis Griffith, 5181 Lautner
Dan Hanna, 7239 Lautner Rd. Noelle Knopf, 5795 US 31 N.
Bill Kurtz, 5420 Lautner Rd. Diana Morgan, 4770 Arthur Ct.
Rick Saylor, 8265 Saylor Rd. Paul Scott, 6174 Mannor St.
Erick Takayama, 5100 Lautner Rd.

1. Consent Calendar:

Motion by Hoxsie, support by Vermetten to approve the Consent Calendar as printed, including:

Action:

- a) **Approve minutes of the April 12, 2004 meeting**
- b) **Review and approve agenda, inquiry as to conflicts of interest:** no conflicts of interest noted.

Motion carried unanimously.

Planning Commission meeting recessed at 7:12 p.m.

Committee of the Whole for the purpose of reviewing the Master Plan convened at 7:12 p.m.

2. Study Session Items:

- a) **Master Plan Review:** Proposed changes to the referenced sections are displayed in boldface in a working copy of the Master Plan.
 - 1) **Watersheds, Natural Resources and Open Space:** Erick Takayama and Bill Boltres joined the committee for discussion. Takayama suggested adding language under the goals section that mentions transfer and/or purchase of development rights and a goal to use these tools to make the overall township buildout “growth neutral.” Vermetten feels that perhaps this concept is best reserved for the high-density development section of the plan. Hoxsie can see Takayama’s point, as this section’s title indicates that it addresses open space concerns. Sherberneau asked Takayama to clarify what he is seeking. Takayama responded that the township has a current zoning ordinance that specifies a total amount of development that can currently take place. He would like to see initiatives put in place that would prevent an overall increase in township population through rezoning and keep potential township population static as per today’s zoning. Smith asked if the township should really be seeking a zero growth stance. He cited the findings of the Focus 2020 study that tells us that growth in the area is coming and we must

plan for it. He feels that a zero-growth stance, while potentially desirable, is not realistic. The current population of the township is 4,200 per the 2000 census. What is the potential total population of the township as currently zoned?

Hoxsie has no problem with including the concept as long as it is linked to the purchase and/or transfer of development rights. As a stand-alone concept he would not support it. Vermetten stated that it is for this reason that he feels the statement would be more appropriate in the high-density section of the Master Plan. Carstens would support language in this section that talks about how the tools and concept can support the open space goals. Krause stated that when the Open Space Development (OSD) ordinance was crafted, it intentionally created a density bonus to entice developers to cluster new structures and leave at least 50% of their development land in open space. This in itself creates a current situation that is not “growth neutral.” Smith also noted that the PDR/TDR tools can’t be used until a program is set up and sending and receiving zones for development rights are established. Takayama suggested that important concepts deserve multiple mentions in various sections of the Master Plan to underline their significance. Carstens concurred, noting that we are talking about some existing tools for meeting the goals, but there will be new and unforeseen tools available in the future. Picking up on this thought, Vermetten stated that the emergence of new tools and changing tool sets are a very good reason to keep the Master Plan statements very broad in nature.

Hoxsie suggested adding a definitions section to the Master Plan that would enable terms such as “buildout neutral” to be clearly set forth for future readers.

Dan Hanna asked if anyone is aware of what the current potential peak population for the township under current zoning might be. Corpe referred him to page 26 of the current Master Plan that projects a peak population of approximately 14,700 people based on 1999 zoning, the number of lots that could be created and an average of 2.3 residents per lot.

As to policies and actions, Smith drew attention to the fact that while we call for monitoring and evaluation of our natural resources, we are not yet making great strides in this area. He knows that we are currently gathering information about our creeks, but isn’t sure if the information is being communicated or evaluated effectively. Carstens stated that he is aware that the Watershed Center is performing semi-annual macro-invertebrate studies in various bodies of water and will be serving as a water quality information clearinghouse. Smith suggested that the township should make a list of the directives in the plan and begin addressing them. Hoxsie agrees, but also views this as a 20-year plan with a long time horizon to realization. We are only beginning to form a network of contacts and resources that will truly be able to assist with these larger goals that require more technical skill-sets. Bob Garvey agreed with Smith that it would be important to have an easy to use mechanism to accumulate data centrally in a way that can be easily accessed well into the future.

Ken Engle was on the conservation district board several years ago. The USDA takes aerial photographs annually. He says it is able to see very

clearly what's going on in an area in terms of development pressure by looking at changes in woodlots, which tend to turn into subdivisions fairly readily. Even wooded areas left as common space in subdivisions are not generally actively managed. Carstens asked when woodlots ceased to be considered agricultural property; Rick Sayler says that it's difficult to determine a precise date, but the taxing authorities have recently made this concept quite clear. The reason may be that individuals other than farmers, such as hunting clubs, are increasingly the owners of large woodlands. The State would like to ensure that non-farmers do not benefit from agricultural tax benefits in these situations. Engle clarified the situation for the public as follows: a farmer with 80 acres is farming at least 40 acres, with 20 in woodlots-in this scenario the property can receive agricultural tax exemptions and can be excused from a step-up in taxable value at property transfer to another farmer. However, a farmer with a woodlot that is under a separate legal description from his other farmlands and who is not actively farming at least 50% of the parcel now finds that the State deems this land to be residential open space in nature, and the agricultural tax exemptions don't apply. The zoning – agricultural – remains the same, but the state tax classification changes to residential. Engle and Sayler asked for the township's help in lobbying the state legislators to find ways of solving tax loophole issues without penalizing farmers.

Sherberneau noted that in paragraph 2a, there is a discussion of a "coldwater trout stream" designation. He asked if our creeks still hold this designation; Vermetten stated he believes they still do. Corpe noted that the Yuba Creek Natural Area steering committee is discussing a creek remediation project that should help improve the function of Yuba Creek as a trout stream.

Engle noted that various conservancy entities have worked within Acme Township to purchase critical areas such as creek headlands. Carstens stated that there are more lands needing protection. He suggested adding language to paragraph 2b regarding the strides that have already been made in this area. Vermetten noted that this paragraph discusses steps that should be taken within the zoning ordinance, and he does not believe we can regulate the creation of conservation easements. However, perhaps there is another way to include this information elsewhere in the plan.

Takayama redirected consideration to paragraph 1, asking if language should be added to indicate what tools should be used to identify concerns and measure progress. The balance of the committee felt that the statement is fine as currently written and wants to maintain the broad-stroke approach of the master plan. Bob Garvey spoke of the master plan as the philosophy and the zoning ordinance as being the mechanism for achieving the philosophy's goals. He noted that until the zoning ordinance is re-written to more closely match the master plan, none of the tools for achieving the goals are "locked in place." The committee agrees that after the master plan revisions are complete, work should turn swiftly to a significant revision of the ordinance.

Takayama asked how the balance of the committee understands the statements in point 9. Many present found it confusing. Corpe offered the interpretation that if two properties are zoned identically and may be used for the same purposes (such as for a house), but one is in a viewshed and one is not, that both properties should still be usable for housing, but perhaps the lot

in the viewshed may have additional requirements (the house must be placed on a certain section of the lot, or is more limited in height)

Nobody on the committee understood why item 10 is in this section, and all suggested its removal. Hoxsie suggested that it be kept in mind so that if applicable it can be re-inserted in a more appropriate section. Engle suggested that when looking at the agricultural district, farmers need to be viewed as being in business. Vermetten believes that there are other types of businesses contemplated, such as computer businesses or barbers. Krause feels that Engle's point needs to be made in the agricultural section. Corpe noted that the zoning ordinance does contain regulations that allow people to pursue home occupations, which are defined, but under certain conditions designed to prevent nuisance to a residential area, and further that per state law, home occupations can be regulated, but cannot be prevented entirely.

A recess was declared from 8:20 – 8:30 p.m.

- 2) **Agriculture and Rural Preservation:** Rick Saylor and Ken Engle joined the committee, replacing Erick Takayama and Bill Boltres.

Vermetten asked if the statement in the first paragraph regarding "rural businesses" addressed Engle's earlier concerns. Smith recognized the importance of permitting opportunities for farmers to make additional income from businesses such as perhaps boat storage during winter months, as long as they are supplementary to a farming operation. Engle noted that there are different types of agriculture: commercial (large-scale crop raising for profit); agri-business or "community-based agriculture" (smaller acreage, agriculture-related, for-profit business such as wineries or farm markets) and hobby farming (raising animals for non-profit reasons, supported by outside income). Our current definition of agriculture may be too simplistic, and what's good for one type of agriculture may be detrimental to another. One question he always asks: what will farms be like in 20 years? If one can think about answering that question, one can design meaningful goals and mechanisms. Sherberneau asked if we are still making a differentiation between agriculture and rural business, and Hoxsie stated that it seems we are. Vermetten interpreted this as meaning to encourage business that is not agricultural but which serves the agricultural community (a farmer with a secondary welding facility for repairing farm equipment for himself and his neighbors.) Engle feels we should expand to businesses that are stand-alone agricultural support under the heading of rural business. He also noted that golf courses are currently an allowable use in the agricultural district...is this really what we want?

Engle would also like to know what the definition of "limited residential housing" in an agricultural district would be. Krause responded that we currently define this as homes with a minimum 5-acre parcel size. Engle asked if this means that we want the entire agricultural district to potentially become like Tobeco Creek Estates, his neighbor. Smith pointed out that this is why the OSD ordinance is so important. Krause asked Engle to imagine a development taking up the same amount of acreage, with more houses but all of them in one corner of the property with the balance of the land kept open. Engle stated that he's never really been a fan of the clustering concept. He used to farm the land where Tobeco Creek Estates is today, and it was

challenging due to the hilly terrain. Not all of this township's farmland is really a good place to grow things profitably, even if it looks or seems like it ought to be.

Engle feels that the more people who move onto five-acre lots, the less agriculture will occur and we will eventually have an "agricultural" district that is entirely made up of large residential parcels. Land values in rural areas are generally higher than a profit-oriented farmer can afford. Saylor stated that increasing the minimum lot size over five acres only exacerbates the problem. Engle noted that in Milton Township, lots in the agricultural district can be as small as 1 or 2 acres, which enables a farmer to sell off as little land as possible to meet the economic needs of the farming operation rather than speeding the residential takeover process. Thinking about how the township may look in up to 50 years, allowable parcel size becomes a real determining factor. Saylor feels that the township needs to address the types of alternative uses we would like to see in our agricultural areas if farming becomes entirely economically non-viable. Engle is thinking of developing a winery – this seems to him less an agricultural operation as being a rural business. Engle agreed – Acme Township requires that a winery have a minimum amount of land in fruit production, but it would be very easy for a winery to be completely a stand-alone operation that buys all of its raw product elsewhere. The character of the operation could remain rural without the operation remaining truly agricultural. Saylor noted that development of the winery may also mean a trade-off in terms of development unit opportunity cost. Vermetten finds this discussion interesting, but more on the detail level of zoning rather than the broad-brush level of philosophical vision.

The committee generally felt that the statements currently contained in this section are very good as is and need no revision, but that there is definitely room to examine and re-define the zoning regulations to better meet these goals. Engle stated that he's intrigued by the idea of creating definitions. Paul Scott agreed – he feels that there is terminology that is being used in conflicting ways in different sections. He agrees that at the least a basic glossary would be a good idea. Hoxsie stated that caution would be warranted to ensure that the definitions support the intent of the language. Vermetten feels that the zoning ordinance is supposed to do the job of defining the specifics. Further, looking at land use legislation as an example, there are always different interpretations being imposed or debated. Scott agreed, but is concerned about statements that are so broad that they really don't create limits or a direction at all.

Engle expressed concerns about statement 6. He and Saylor have both installed facilities to protect groundwater from pesticides, for example, and they both continue their education regularly. However, as more residential land users enter the area, they tend to be much less well-informed as to sound ecological stewardship practices than they. Farmers must be well-informed to be licensed, but anyone can become a land and homeowner. Perhaps the wrong people, or too few people, are being targeted. Rachelle Babcock pointed out that any landowner can go to Home Depot and buy any amount of any mix of chemicals and perhaps apply them inappropriately. Saylor is particularly concerned with how the statements in this section might be applied to scoring systems for any future farmland preservation programs. Hanna described some of the points in the scoring system outlined in the

proposed county farmland preservation program, including proximity and density of residential neighbors and infrastructure. Carstens mentioned that he has read that some of the scoring criteria can be used in opposing ways; a property could be given a low rank for preservation because it is surrounded by highly developed areas, or it could be given a high ranking as being a desirable parcel that is imminently endangered. Engle noted that different agencies have many different scoring systems as well – what the township or county values in farmland preservation may be different than what the EPA values for federal environmental preservation.

Regarding statement 7, Engle stated that for many years there has been a state taxation concept of “highest and best use.” Farmers are sometimes assessed based on potential development value, not on agricultural value. If a house is built across the street, and the person who moves in wanted the property for the natural beauty but didn’t realize this comes with your farming neighbor spraying his orchard at 1:00 a.m., conflicts occur. The Right to Farm Act and the attendant required notifications don’t really help. Farmers are trying to make a living, and they generate noise, dust and odors. Residential land users have vastly different goals. Is the Master Plan providing enough of a philosophy statement to support the types of changes to the Zoning Ordinance that seem to be needed? Corpe noted statement 11, which could be interpreted to read that we should be prohibiting residential use of agricultural areas. This is a pretty strong statement. Engle also noted that some farmers want to preserve the ability to sell their land for residential development when they are done farming for profit. He believes that Peninsula Township created some financial incentives for their farmers to keep farming, and for owners of small parcels for residential purposes to grow product that can be used by wineries – to maintain the lots in an agricultural way. Krause stated that there is documented evidence that in many clustered development neighborhoods where a large parcel of land is available, it is often left in agriculture. Sometimes there can even be vanity incentives (a property owner grows grapes for a winery, which makes them some wine with a vanity label on it to enjoy with their friends.)

Regarding PDR/TDR, Engle asked what would happen if high-density areas become built out but there are still development rights available for transfer from the agricultural areas.

Knopf asked about statement 8 and what the township can do to achieve this goal. She was particularly concerned in light of the destruction of wildlife habitat and wildlife itself by farmers who are concerned about crop damage. Engle stated that wildlife and farming are really incompatible. Engle and Hanna also noted that wildlife and residential use are actually compatible – the wildlife love to eat residential plantings. But, with the land more divided up, there is less hunting, so there is more wildlife and more crop destruction – another example of the incompatibility of residential, agricultural and wildlife preservation uses. Hoxsie proposed the idea that the township could adopt a millage to build fences around all farmlands to eliminate wildlife destruction...but Vermetten noted that then people would complain about the loss of viewsheds caused by the fences. Hoxsie noted that the DNR actually recognizes a category of animal known as “urban wildlife.” The problems are complex.

No substantial changes were made to the language of this section.

Committee of the whole recessed and Planning Commission meeting reconvened at 9:45 p.m.

3. Other Business:

- a) **Consider reappointment of Herb Smith to additional 2-year term as Planning Commission representative to the Zoning Board of Appeals:**

Motion by Hoxsie, support by Vermetten to reappoint Smith to the Zoning Board of Appeals. The Chair cast an unanimous ballot, there being no objection.

- 4. Any other business that may come before the Commission: None**

Meeting adjourned at 9:46 p.m.