

2019 ANNUAL REPORT

Eaton County Planning Commission

This Annual Report is prepared for the Eaton County Board of Commissioners by the Eaton County Planning Commission as required by the Michigan Planning Enabling Act (PA 33 of 2008) to document its activities each year. The following report identifies the activities of the Planning Commission and Zoning Board of Appeals for 2019.



INTRODUCTION

The Eaton County Planning Commission functions under and has their powers and duties set forth by the Michigan Planning Enabling Act (PA 33 of 2008) and the Michigan Zoning Enabling Act (PA 110 of 2006). The Michigan Planning Enabling Act (MPEA) provides for the creation, organization, powers and duties of Planning Commissions. The Michigan Zoning Enabling Act (MZEA) provides for the adoption of zoning ordinances and the establishment of zoning districts and prescribes powers and duties of certain officials including the Planning Commission.

Section 19 of the MPEA (MCL 125.3819) requires the Eaton County Planning Commission to make an annual written report to the County Board of Commissioners. This report is to provide the Board with a summary of the planning activities over the past year.

MEMBERSHIP

The MPEA states that membership of the Planning Commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the local unit of government, in accordance with the major interests as they exist in the local unit of government, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the local unit of government to the extent practicable.

In 2019, the Planning Commission's membership was as follows:

Brian Ross, Chairperson	Tammy Halsey
Jeana Rohrs, Vice – Chairperson	John Little
Jack Owens, Secretary	Ben Tirrell
Blake Mulder, BOC Representative	Tim Cattron
Barbara Rogers, BOC Representative	

Department Staff for 2019 was as follows:

Claudine Williams, Director of Community Development and Housing
Brandy Hatt, Planning and Zoning Assistant/Code Enforcement Officer

MEETINGS

Regular meetings of the Planning Commission were scheduled for the First Tuesday of the month at 7:00 p.m. in the Board of Commissioners Room of the Eaton County Courthouse Building. All meetings are held in compliance with the Open Meetings Act (PA 267 of 1976).

- The Planning Commission held ten (10) regular meetings in 2019.
- The Planning Commission Subcommittees held a total of seven (7) meetings in 2019.

EATON COUNTY PLANNING AND ZONING

Eaton County has been administering planning and zoning activities for the county for almost 60 years, beginning on October 1, 1959.

The current Planning Commission consists of nine (9) members authorized with overseeing zoning and planning related matters within Eaton County's Zoning Jurisdiction. This includes all land within Eaton County excluding, a portion of the City of Lansing, Delta, Windsor, and Oneida Charter Townships, Benton Township and any cities and villages. (In November of 2019, Benton Township adopted their own zoning ordinance and began administration of their own zoning activities).

County planning and zoning provides a regional perspective, creates consistency, and is in line with the State of Michigan's goal to work regionally together. County planning and zoning ensures a regional view and wise, planned growth within our community.

PLANNING COMMISSION RESPONSIBILITIES

The Planning Commission's basic duties and responsibilities include the following:

- Conduct public hearings as required by the Zoning Ordinance and the MZEA and MPEA, making specific determinations on each matter.
- Hear and make decisions on Conditional Use Permit requests as specified in the Zoning Ordinance.
- Make comprehensive reviews and recommend changes to the Ordinance periodically in cooperation with affected Township Boards of Trustees.
- Make recommendations to the Board of Commissioners on Zoning Ordinance Text Amendments in accordance with the MZEA, Eaton County Zoning Ordinance and the Eaton County Master Plan.
- Make recommendations to the Board of Commissioners on rezoning requests (Zoning Map Amendments) in accordance with the MZEA, Eaton County Zoning Ordinance and the Eaton County Master Plan.
- Update and maintain the Eaton County Master Plan in accordance with the MPEA.
- Review and comment on any proposed Master Plans or Master Plan amendments for any community within or adjacent to Eaton County as required by the MPEA.
- The Planning Commission is also considered a reviewing agency for applications into the Farmland and Open Space Preservation Program (PA 116).

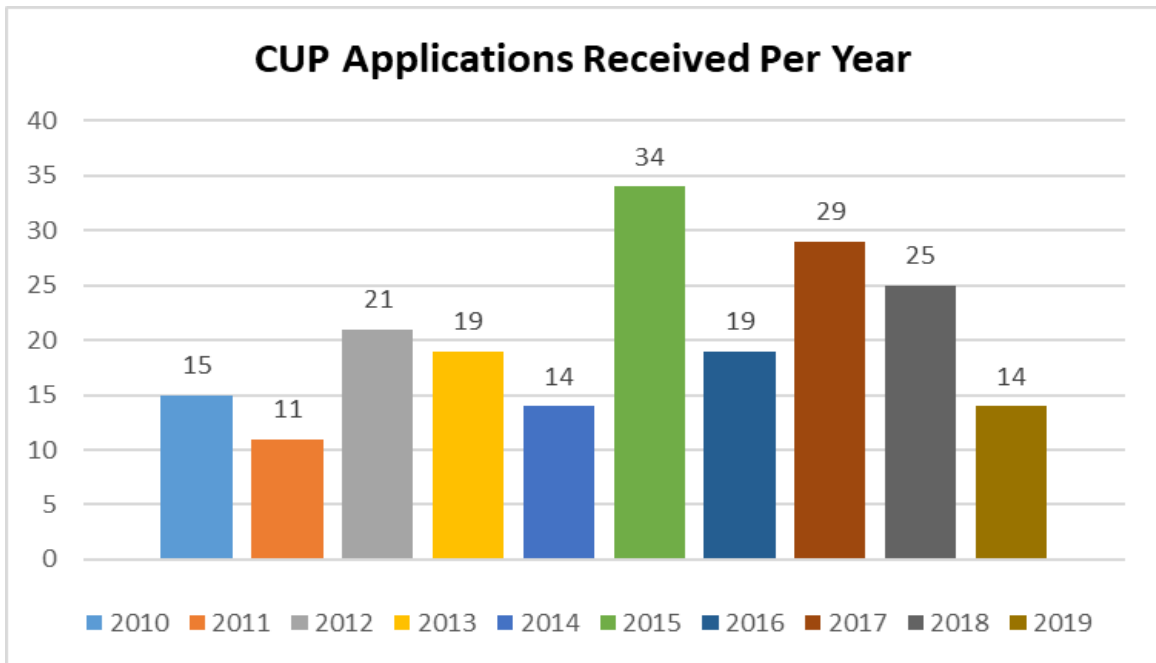
PLANNING COMMISSION ACTIVITY IN 2019

The Planning Commission worked diligently throughout the year to uphold their responsibilities and accomplish their tasks. The following is a summary of their activity:

Conditional Use Permits: The Commission held public hearings on fourteen (14) conditional use permit requests in 2019. Six (6) new permits and six (6) changes to existing permits were approved and two (2) permits were postponed to 2020. They are as follows:

- Two Construction Contractors Establishments – one each in Sunfield, and Roxand Townships both were a change of conditions to existing permits.
- Three Agricultural Businesses – two in Chester Township, and one change of conditions in Vermontville Township.
- Three Educational Institutions – one each in Eaton and Eaton Townships and one change of conditions in Sunfield Township.
- One Home Business – in Brookfield Township.
- One Commercial Recreation Facility – a change of conditions in Benton Township.
- Two Open Air Businesses – both in Chester Township for the same business, one was a change of conditions.
- One Surface Mine – Benton Township (postponed).
- One Solar Energy System Large – Benton Township (postponed).

Conditional Use Permit (CUP) Applications By Year					
	New	Change of Conditions	Withdrawn	Denied	Total
2010	13	2			15
2011	7	1	3		11
2012	13	6	2		21
2013	16		2	1	19
2014	8	6			14
2015	32	2			34
2016	13	6			19
2017	22	6	1		29
2018	16	8	1		25
2019	8	6			14
TOTALS	148	43	9	1	201



Zoning Ordinance Text Amendments: The Planning Commission held one (1) public hearing in reference to one (1) zoning ordinance text amendment request in 2019:

- A text amendment for a Comprehensive Amendment to the Eaton County Land Development Code (Zoning Ordinance) to clarify the intent, update language and improve comprehension. Amendments are proposed to the following: Article 5, Definitions and Interpretations (amend Section 5.3.19 S.), Article 7 Land Development Districts (amend Sections 7.3.4 and 7.6.4) and Article 14 Specific Provisions and Requirements (add Section 14.39 Solar Energy Systems).

This text amendment was heard by the Public Works and Planning Committee on July 11, 2018 and referred back to the Planning Commission with comments. The Planning Commission held an additional public hearing on January 8, 2019. The amendment was recommended to the Board of Commissioners and was adopted March 31, 2019.

Zoning Ordinance Map Amendments: The Planning Commission held public hearings on three (3) zoning map amendment requests in 2019:

- Olivet College requested to rezone property in Walton Township from Limited Agricultural (LA) to Local Business (C-1).
- Christian Ann James, LLC requested to rezone property in Eaton Rapids Township from Local Business (C-1) to General Business (C-2); in addition they request to adjust a .48 acre portion of parcel 120-026-100-007-00 to this property and change the zoning from Limited Agricultural (LA) to General Business (C-2).
- James and Vicki Friddle requested to rezone property in Walton Township from Industrial (I) to Limited Agricultural (LA).

All three zoning district map amendments were recommended to the Board of Commissioners and were approved.

Sub Committee Meetings:

- The Site Plan Review Committee held four (4) public meetings in 2019 and heard eight (8) applications. Six (6) application requests were approved – two Construction Contractors Establishments in Eaton Rapids Township, three Accessory Dwelling Units one each in Chester, Eaton, and Eaton Rapids Townships, and an Educational Facility in Walton Township. Two applications were not heard due to a lack of jurisdiction as there were both located in Benton Township.
- The Zoning Ordinance Committee held two public meetings in 2019 to discuss potential ordinance amendments.
- The Administrative Committee held one public meeting to discuss the Master Plan.

Farmland Agreement Applications: The Planning Commission reviewed and commented on twelve (12) Farmland Agreement applications in seven (7) different Townships (Bellevue, Benton, Brookfield, Carmel, Eaton, Roxand and Walton). Total acreage of land entering into the program is one thousand three hundred and five (1035) acres.

Surface Mine Inspections: Staff conducted inspections on all ten (10) permitted surface mines in 2019.

ZONING PERMIT AND VIOLATION ACTIVITY IN 2019

Staff issued two hundred and seventy (270) Zoning Referrals in 2019. Forty-five (45) junk violations were carried over from the year 2018, thirty-nine (39) new ones were received and fifty-six (56) total were closed. Twelve (12) zoning violations were carried over from 2018, twenty-four (24) new ones were received and twenty-three (23) total were closed. Staff issued one (1) civil infraction ticket in 2019. Detailed charts can be found on the next two pages.

PLANNING ACTIVITY FOR 2019 (Goals)

- The Planning Commission will continue to review and maintain the County Master Plan.
- The Planning Commission will continuously review the Zoning Ordinance and will make recommendations to the Board of Commissioners on amendments to the Zoning Ordinance as needed.
- The Planning Commission will also maintain the open lines of communication townships. The Planning Commission and staff believe communication with our townships is important to best service the people of Eaton County.

CASES	Conditional Use Permits		Board of Appeals		Administrative Variances		District Change Amendments		Site Plan Reviews		Zoning Referrals		Private Roads		Agricultural Buildings		Lot Line Adjustments		Land Divisions Reviewed		TOTAL	
	"18"	"19"	"18"	"19"	"18"	"19"	"18"	"19"	"18"	"19"	"18"	"19"	"18"	"19"	"18"	"19"	"18"	"19"	"18"	"19"	"18"	"19"
MO/YR	"18"	"19"	"18"	"19"	"18"	"19"	"18"	"19"	"18"	"19"	"18"	"19"	"18"	"19"	"18"	"19"	"18"	"19"	"18"	"19"	"18"	"19"
JAN	0	0	0	2	0	0	1	0	0	0	6	10	1	0	2	1	3	4	4	2	17	19
FEB	0	0	0	0	0	0	0	0	0	0	13	14	0	0	2	1	5	4	0	1	20	20
MARCH	0	1	0	2	0	0	1	1	0	0	27	15	0	0	2	2	5	3	5	2	40	25
APRIL	3	0	1	2	0	0	0	0	0	0	26	33	0	0	1	3	2	11	2	2	35	52
MAY	3	4	8	1	0	0	1	0	0	0	41	39	0	0	3	3	3	3	3	3	62	53
JUNE	5	1	0	1	0	0	0	0	0	0	25	28	0	0	2	2	3	1	2	1	37	34
JULY	4	1	0	2	0	0	0	0	1	1	36	24	0	0	4	3	4	1	6	3	55	35
AUG	2	1	0	1	0	0	0	0	1	0	35	33	0	0	1	2	6	3	2	4	47	44
SEPT	0	0	0	3	0	0	0	0	0	0	28	20	1	0	3	1	3	2	4	1	39	27
OCT	4	0	1	1	0	0	0	0	0	2	35	34	0	0	2	2	5	3	6	5	53	47
NOV	2	4	2	1	0	1	0	2	0	3	19	10	1	0	2	1	2	2	7	2	35	26
DEC	1	3	2	1	0	0	0	0	0	0	11	10	0	0	0	2	4	1	1	0	19	17
TOTALS	24	15	14	17	0	1	3	3	2	6	302	270	3	0	24	23	45	38	42	26	459	399

CASES	JUNK (NEW)	JUNK (NEW)	JUNK (CLOSED)	JUNK (PENDING)	ZONING (NEW)	ZONING (NEW)	ZONING (CLOSED)	ZONING (PENDING)	
		2018 carryover: 45				2018 carryover: 12			
MO/YR	2018	2019	2019	2019(PENDING)	2018	2019	2019	2019(PENDING)	
JAN	2	1	1	45	3	0	1	11	
FEB	2	0	1	44	3	0	2	9	
MARCH	12	4	0	48	17	5	1	13	
APRIL	2	11	4	55	4	3	1	15	
MAY	5	4	3	56	3	0	0	15	
JUNE	5	4	27	33	2	3	7	11	
JULY	7	4	4	33	3	2	2	11	
AUG	2	1	0	34	7	1	0	12	
SEPT	13	5	1	38	5	5	1	16	
OCT	4	2	4	36	5	2	3	15	
NOV	0	2	2	36	4	3	1	17	
DEC	1	1	9	28	1	0	4	13	
TOTALS	55	39	56	28	57	24	23	13	
			TOTAL PENDING JUNK & ZONING VIOLATIONS						41

ZONING BOARD OF APPEALS (ZBA) ACTIVITY IN 2019

Regular meetings of the Board of Appeals were scheduled for the first Tuesday of the month at 6:00 p.m. in the Board of Commissioners Room of the Eaton County Courthouse Building. They met eight (8) times in 2019. All meetings are held in compliance with the Open Meetings Act (PA 267 of 1976).

In 2018, the Board of Appeals membership was as follows:

Nikki Chmielewski, Chairperson	Charamy Cleary
Don Chase, Vice – Chairperson	Jeremy Whittum (alternate)
April Stopczynski, Secretary	
Tim Cattron (Planning Commission Representative)	

Department Staff for 2019 was as follows:

Claudine Williams, Director of Community Development and Housing
Brandy Hatt, Planning and Zoning Assistant/Code Enforcement Officer

The Zoning Board of Appeals (ZBA) heard requests from seventeen (17) applicants in 2019.

One (1) Appeal request in reference to a Planning Commission decision was heard by the Board of Appeals in 2019. Ultimately this case was appealed to Circuit Court as allowed per PA 110 of 2006. It was eventually settled out of court.

Another appeal to Circuit Court was filed by an applicant who was denied a variance for a structure too close to a road right-of-way. The case was remanded back to the Board of Appeals by the Circuit Court Judge for further consideration. The Board of Appeals again denied the request and the case has again been appealed to Circuit Court for 2020. It is possible this case will be resolved with the adoption of a zoning ordinance text amendment which lessens the road right-of-way setback for limited agricultural zoning districts.

One (1) Administrative Variance request was approved by Community Development Department Staff per the Zoning Ordinance, for a road right-of-way setback for a home.

2019 Zoning Board of Appeals Requests				
Type of Action	Approved	Denied	Other	Total
Road Right-of-Way Setback Variance	9	2		
Side/Rear Yard Setback Variance	2			
Accessory Building Setback Variance (other than ROW)	2			
Accessory Building Size Variance	1	1		
Parcel Width to Depth Ratio	1			
Maximum Lot Coverage	1			
Accessory Dwelling too Large		1		
Clear Vision Right-Of-Way Setback Variance	1			
Appeal of Planning Commission Decision			1	
TOTALS 2019	17	4	1	22

*Note: Some applications have more than one variance request resulting in more requests than applications.

