

VEVAY TOWNSHIP PLANNING COMMISSION  
Special Meeting/Public Hearing  
Wednesday, June 25, 2014  
Vevay Township Hall – 7:00 p.m.

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MINUTES

**Members present:** Roger Cargill, Jack Cady, John Lazet, Ilene Thayer, and Bruce Walker.

**Member absent:** Stacy Byers.

**Other Persons present:** Supervisor Gary Howe, Consultant Mark Eidelson, and Legal Counsel David Revore.

**I. Call to Order:** The meeting was called to order at 7:00 p.m. by Chair Thayer.

**II. Pledge of Allegiance**

The audience joined the Commission in reciting the Pledge of Allegiance.

**III. Set/Amend Agenda**

The agenda was accepted as presented.

**IV. Brief Public Comment**

There was no public comment.

**V. Recess to Public Hearing**

*A. Cellular Tower Facilities*

Mr. Eidelson – gave a brief overview of the proposed amendments. Language reflects changes to the Michigan Zoning Enabling Act in 2012 that cell towers cannot be subject to a SLU unless the height is increased by more than 10% or 20 feet, or unless the equipment compound is expanded to more than 2,500 square feet. Also included are timelines for action by the Planning Commission; the incorporation of various words and terms used in the new law; changes in Section 16.06(PP) allowing the Commission to waive the 3 mile radius between towers if a lesser distance is necessary to avoid a gap in service; and carries forward the timeline requirements for a SLU review as required by the recent changes in the law.

There were no public questions, and no public comment.

*B. Generally Accepted Agricultural Management Practices (GAAMPs)*

Mr. Eidelson – gave a brief overview of the proposed amendments. The Right to Farm law was adopted in 1981 to protect farmers from nuisance lawsuits filed (generally) by persons moving out of more developed locations to areas of existing farming operations, and then complaining about noise, dust, light, etc. Current law specifically pre-empts farming operations from local regulation if the uses are addressed in the GAAMPs. The proposed changes clarify that if the operations comply with the GAAMPs, then they are not subject to Ordinance regulation. As

farm markets can no longer be governed by the SLU process, the changes incorporate a clearer definition of “farm market” to comply with the GAAMPs. “Agritourism” is clarified so it is not confused with a farm market, and non-GAAMPs operations would be regulated by the SLU process. The term “roadside stands” is removed as the GAAMPs incorporate them into farm markets. Section 16.06(S) would be separated into 2 sections, on “farm markets” and “agritourism.”

Tami Shaw:

- Their current SLU is for a farm market; do they need to re-apply if the changes are adopted? **Mr. Eidelson** – without being familiar with their SLU or operations, normally an existing operation may continue as approved.
- Would they need new approval for every activity added? **Mr. Eidelson** – yes, permit holders need to specify what is proposed, either via an amended site plan, or by re-opening the SLU permit to include additional activity. **Chair Thayer** – it would depend on the scope. Adding additional activity to an existing use, such as more hay rides, would be fine. If an activity is brand new, approval would be needed. If the Ordinance changes are adopted, she recommended the Shaws call the township with specific questions.

### *C. Solar Energy Systems*

Mr. Eidelson – gave a brief overview of the proposed amendments. This is a relatively new technology and the goal is to minimize negative impacts on surrounding parcels. Two key elements: in Chapter 2, key terms and definitions would be added; and the establishment of a new Section 3.27 that would lay out the regulations for small, medium and large solar energy systems. “Small” is a use/panels up to ½ acre in size that is meant to serve a single dwelling or business on site, and would be subject to Planning Commission approval unless it was located on the roof, which would need approval from the Zoning Administrator. “Medium” use would be ½ to 10 acres of panels, intended to serve more than one dwelling or business, including possibly off site, and would require approval from the Planning Commission. “Large” use would address utility company grade installation for energy production that would feed into the transmission grid, would occupy more than 10 acres, and would only be permitted in M-1 and A-1 districts, subject to the SLU process and Planning Commission approval.

There were no public questions, and no public comment.

### *D. Recoding of current Sec. 16.06(QQ), (SS) and restoring of prior Sec. 16.06(QQ) Administrative Clarification*

Mr. Eidelson – gave a brief overview of the proposed amendments. Prior Ordinance amendments added subsections (QQ) for large Wind Energy Conversion Systems, and (RR) for small WECS. A year later an amendment addressing junkyards inadvertently replaced subsection (QQ). These changes would restore the large WECS language in subsection (QQ), and move “junkyards” to a new subsection (SS). These amendments propose no substantive changes, but are merely technical.

In response to questions from the Commission, Mr. Eidelson explained that the “5 acres” applies to the size of the parcel, and the 200 square foot size applies to the portion of the parcel used as a junkyard; there are no changes to any of the substantive aspects of the language.

Greg Shaw – asked if there was any data on junkyards and if the junkyard provisions had been enforced as originally proposed? **Mr. Revore** – noted that there are no substantive changes being proposed; the amendment is entirely a technical citation change.

## **VI. Adjournment of Pubic Hearing and Recommencement of Regular Meeting**

There being no further public comment, the public hearing was adjourned at 7:27 pm, and the regular meeting recommenced.

## **VII. Pending Business**

### A. Cellular Tower Facilities

Chair Thayer read from Section 19.05(B) (1) the list of issues that must be considered by the Planning Commission when proposing text amendments to the Township Board of Trustees. These amendments having been extensively discussed in prior meetings, the Commission, in compliance with Sec. 19.05 (B) (1), found that:

- The proposed changes on especially the 3 mile exclusionary radius for tower placement would clarify the intent of the Ordinance;
- Relative to this issue no errors in the Ordinance need to be addressed;
- The proposed text amendments ensure conformity of the Ordinance with newly adopted state law on limited regulation of cell towers;
- The proposed text amendments, by complying with recent changes in the law, would ensure compliance with County, State and Federal regulations;
- As cell towers are currently permitted in Township, the proposed changes are consistent with the character of the range of uses provided for within the various districts in the Township;
- The proposed text amendments do not create incompatible land uses within a zoning district, or between adjacent districts;
- After the detailed conversations and data collection in considering the Verizon application for a new cell tower, the proposed text amendments reflect appropriate requirements, contemporary building practices, environmental requirements, and similar technical items;
- As applicable, the proposed ~~change~~ *changes* are consistent with the Township's ability to provide adequate public facilities and services; and
- The proposed changes are consistent with the Township's desire to protect the public health, safety, and welfare of the community.

**MOTION Walker, seconded by Cargill, that the Commission recommend to the Township Board of Trustees adoption of proposed amendments #1 through #5 regarding updated regulation of cell towers as set forth in the March 31, 2014 document prepared by Mr. Eidelson titled "Revised Draft Zoning Ordinance Amendments".**  
**CARRIED 5-0.**

### B. Generally Accepted Agricultural Management Practices (GAAMPs)

Mr. Eidelson – noted that as the GAAMPs specifically exempt "farm markets" from the SLU process and regulation, he recommended a technical, non-substantive change in amendment #10, Section 16.06 (S) on "farm markets" and "agritourism", to remove the language on "farm

market” from the SLU permitting process in Chapter 16 and to insert the language on “farm markets” into a new Section 3.28. He also recommended a change to the list of regulated uses in Section 16.06 to remove “farm markets” from the list.

In response to questions, Mr. Eidelson noted that Section 3.25 does not conflict with the GAAMPs as it specifically references “non-commercial” uses, while the GAAMPs are limited to commercial farming operations. There is a new GAAMPs classification for site location to specify that certain operations are not protected by the GAAMPs when they are performed in a residential district or highly populated agriculture district, which determination may be made by the local regulating entity. To be protected by the GAAMPs, farming operations must comply with the GAAMPs even when they change. No use that is in non-conformity with the GAAMPs is protected by the GAAMPs.

**MOTION Cady, seconded by Cargill, to amend Amendment #10 by deleting the reference to “farm markets” in the list of regulated uses in Section 16.06; to remove all references to “farm markets” in Sec. 16.06 (S); and to create a new Section 3.28 incorporating the proposed farm market provisions currently in proposed Section 16.06 (S).  
CARRIED 5-0.**

These amendments having been extensively discussed in prior meetings, the Commission, in compliance with Sec. 19.05 (B) (1), found that:

- Updating language to comply with the GAAMPs would clarify the intent of the Ordinance;
- The proposed amendments would eliminate potential conflicts with the GAAMPs;
- The proposed text amendments ensure conformity of the Ordinance with newly adopted GAAMPs on Township regulation in certain cases and locations of activity;
- The proposed text amendments are in compliance with County, State and Federal regulations;
- The text amendments are fully consistent with the character of the range of uses provided for within Agriculture Districts in the Township;
- The proposed text amendments do not create incompatible land uses within a zoning district, or between adjacent districts;
- After extensive conversation on the GAAMPs involving individual research, looking at the GAAMPs as a Commission, and consulting with Mr. Eidelson, the proposed text amendments reflect appropriate requirements, contemporary building practices, environmental requirements, and similar technical items;
- As applicable, the proposed ~~change~~ changes are consistent with the Township’s ability to provide adequate public facilities and services; and
- The proposed changes are consistent with the Township’s desire to protect the public health, safety, and welfare of the community.

**MOTION Cargill, seconded by Cady, that the Commission recommend to the Township Board of Trustees adoption of proposed amendments #1 through #9 and #11 regarding updated language addressing conformity with the GAAMPs as set forth in the March 31, 2014 document prepared by Mr. Eidelson titled “Revised Draft Zoning Ordinance Amendments”; and to recommend adoption of Amendment #10 as amended by motion of the Commission earlier this evening.  
CARRIED 5-0.**

### C. Solar Energy Systems

These amendments having been extensively discussed in prior meetings, the Commission, in compliance with Sec. 19.05 (B) (1), found that:

- Proposing a new section addressing the evolving technology and use of solar energy systems would clarify the intent of the Ordinance;
- The proposed text amendments would not address any errors as the Ordinance is currently silent on these systems;
- The proposed text amendments ensure conformity of the Ordinance with the current legal framework governing solar energy systems;
- The proposed text amendments are in compliance with County, State and Federal regulations;
- The text amendments would allow for uses which are consistent with the character of the range of uses provided for in the various districts in the Township;
- The proposed text amendments do not create incompatible land uses within a zoning district, or between adjacent districts;
- After extensive conversation on solar energy systems involving individual research, looking at the technology as a Commission, and consulting with Mr. Eidelson, the proposed text amendments reflect appropriate requirements, contemporary building practices, environmental requirements, and similar technical items;
- As applicable, the proposed ~~change~~ *changes* are consistent with the Township's ability to provide adequate public facilities and services; and
- The proposed changes are consistent with the Township's desire to protect the public health, safety, and welfare of the community.

**MOTION Walker, seconded by Cargill, that the Commission recommend to the Township Board of Trustees adoption of proposed amendments #1 and #2 regarding regulation of solar energy systems as set forth in the March 31, 2014 document prepared by Mr. Eidelson titled "Revised Draft Zoning Ordinance Amendments".**

**CARRIED 5-0.**

### D. Recoding of current Sec. 16.06(QQ), (SS) and restoring of prior Sec. 16.06(QQ) Administrative Clarification

In response to Commission questions regarding the potential environmental impact of junkyards, Mr. Revore noted that the Ordinance currently requires junkyard operations to comply with all rules and regulations of the state and federal governments.

These amendments having been extensively discussed in prior meetings, the Commission, in compliance with Sec. 19.05 (B) (1), found that:

- Changing the citation on junkyards from (QQ) to (SS) and re-inserting language on WECS would clarify the intent of the Ordinance to address these uses;
- The proposed text amendments would correct a citation error in the Ordinance;
- The proposed text amendments are purely technical and there is no indication that changes are needed to ensure conformity of the Ordinance with the current legal framework these uses;
- The proposed text amendments are in compliance with County, State and Federal regulations;

- The text amendments would continue allowance for uses which are consistent with the character of the range of uses provided for in the various districts in the Township;
- The proposed text amendments do not create incompatible land uses within a zoning district, or between adjacent districts;
- After conversation on the history of the citation error and consulting with Mr. Eidelson to ensure that no language changes are needed, the proposed text amendments continue to reflect appropriate requirements, contemporary building practices, environmental requirements, and similar technical items;
- As there is no substantive change in the language, the proposed changes remain consistent with the Township's ability to provide adequate public facilities and services; and
- The proposed ~~changes~~ *changes* are consistent with the Township's desire to protect the public health, safety, and welfare of the community.

To avoid inadvertent replacement of Ordinance language as happened in earlier amendments, the Commission recommends the Board adopt the following amendments in the following order:

**MOTION Walker, seconded by Cady that the Commission recommend to the Township Board of Trustees adoption of the proposed amendments on junkyards, drafted by Legal Counsel, that would recodify Subsection (QQ) of Section 16.06 to Subsection (SS) of Section 16.06.**

**CARRIED 5-0.**

**MOTION Walker, seconded by Cargill, that the Commission recommend to the Township Board of Trustees adoption of the proposed amendments on WECS, drafted by Legal Counsel, that would restore the Subsection 16.06 (QQ) language previously adopted by the Board.**

**CARRIED 5-0.**

### **VIII. Any Other Business**

Mr. Eidelson – noted that his Master Plan report should be available for the July 9 regular meeting.

### **IX. Additional Public Comment**

There was no additional public comment.

### **X. Adjournment**

There being no further business, the meeting was adjourned at 7:58 p.m.

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John Lazet, Secretary