

**VEVAY TOWNSHIP
BOARD OF TRUSTEES
Special Meeting
Monday, November 2, 2015
Vevay Township Hall – 11:00 a.m.**

MINUTES

Members Present: Supervisor Jesse Ramey, Clerk JoAnne Kean, Treasurer Shaun Sherwood, Trustees Doug Shaw and Bruce Walker

Members Absent: None

Staff Present: Deputy Clerk Brett Linsley

The meeting was called to order by Supervisor Ramey at 11:04 a.m. and followed by the Pledge of Allegiance.

Set/Amend Agenda. The following item was added to Pending Business:

- Approval of Expense for Removal of Stumps and Brush from Hawley Cemetery.

Public Comment. None.

Consideration to Remove Annual SLU Reviews and Annual Review Fees. The Special Meeting was scheduled to discuss the Township's Special Land Use annual review procedures. The Township currently requires that all Special Land Use Permits (SLUs) be subject to an annual review for renewal and an associated annual fee of \$35. In 2014, Township Attorney, David Revore, analyzed that requirement and found it to be legal but was unsure whether it would hold if taken to court. Supervisor Ramey felt that the Board should consider whether to continue with the current procedures. He (Ramey) noted that the Attorney has not changed his recommendation regarding this matter since 2014.

The Board discussed which SLU procedures specifically require consideration – annual renewal, annual review, or the annual review fee. Per the Zoning Ordinance, the Board does not have authority to *renew* an SLU. It does, however, have the right to issue an SLU, review the SLU at any time, and revoke SLUs that are not in compliance with the relevant stipulations. It was noted that, since 1977 (or earlier), the SLU permit application has included affirmation from the applicant that they will allow their SLU to be subject to annual review and a fee. That fee, however, was established to defray costs when the Township had an onsite Zoning Administrator who would annually visit the site of the permitted SLU. Furthermore, the annual review has always been an arbitrary stipulation that cannot be found anywhere in Township Ordinances. Currently, the annual review process consists of Supervisor Ramey calling the SLU permit holder review, reviewing the SLU file for complaints, and confirming payment of the review fee.

Several related issues were discussed by the Board. There are still costs associated with annual review even without an on-site Zoning Administrator. Supervisor Ramey noted that there are fees when initially issuing an SLU that help to cover those costs. He (Ramey) said that no annual cost would be incurred by the Planning Commission if the annual review were discontinued. Supervisor Ramey's opinion was that, beyond costs to the Planning Commission, it would be difficult to discern what cost the annual fee would defray. Furthermore, Vevay Township seems to be the only municipality in the area with annual SLU review. Such additional stipulations and fees may discourage businesses from coming to the Township.

Clerk Kean – voiced her concern that it would be difficult to ensure SLU compliance without an annual review. Trustee Walker – also noted potential problems with issuing permits that in practice would not have a purpose if compliance was not verified on a regular basis. He (Walker) also felt that annual review could protect neighboring property values by verifying their compliance with Township regulations.

Clerk Kean – explained that if the Board moves forward with adjustments to the SLU policy, every existing SLU must be considered at one Public Hearing in order to revise permits that were signed. Additionally, the revised permits will need to be reissued. Based on Section 19.03 of Zoning Ordinance, the Board has the right to establish fees, and she (Kean) feels the current procedures adequately meet the needs of Township residents.

Regarding the resolution before the Board, Clerk Kean explained that there will be an SLU “renewal” review as well as an SLU permit request public hearing and review at this Wednesday's Planning Commission meeting. As written, the presented resolution will not take effect until December 1, 2015. The Board agreed to revise the resolution to be effective on today's date. The Board reviewed the resolution in detail and made minor changes. A copy will be forwarded to the Attorney.

When asked, Trustee Shaw indicated that he would recuse himself from voting on this matter due to conflict of interest (note: Trustee Shaw currently holds SLU #120 for Shawhaven Farm operations). Trustee Shaw, however, was not in support of the annual review and review fee.

**TOWNSHIP OF VEVAY
INGHAM COUNTY, MICHIGAN
REVISING SPECIAL LAND USE PERMIT/SITE PLAN APPLICATION
AND ANNUAL REVIEW AND FEES
RESOLUTION NO. 15-05**

At a special meeting of the Township Board of Trustees of the Township of Vevay, Ingham County, Michigan, held in the Township Hall, 780 S. Eden Road, Mason, Michigan 48854 on the 2nd day of November, 2015.

PRESENT: Supervisor Jesse Ramey, Clerk JoAnne Kean, Treasurer Shaun Sherwood,
Trustees Doug Shaw & Bruce Walker
ABSENT: None

The following Preamble and Resolution were offered by Ramey and supported by Sherwood.

WHEREAS, Special Land Uses within the Township are subject to permit pursuant to the Vevay Township Zoning Ordinance under certain circumstances; and

WHEREAS, Protection of surrounding property values and compatibility with existing and intended uses of the land are important considerations; and

WHEREAS, Special Land Use permits require an application for permission to establish a Special Land Use and payment of an initial fee, in accordance with a fee schedule, as determined by the Township Board from time to time; and

WHEREAS, The Township Board desires to revise its SPECIAL LAND USE PERMIT/SITE PLAN APPLICATION to forego the subsequent annual review process and fees for Special Land Use permits issued on or after November 2, 2015; and

WHEREAS, Current Special Land Use Permit holders do not have the option to forego subsequent annual review and fees as a condition of the Special Land Use Permit; and

WHEREAS, Special Land Use Permits and the conditions thereof are subject to review, investigation and/or revocation as necessary for the enforcement of Township Ordinances.

NOW, THEREFORE, BE IT RESOLVED that;

1. The Township of Vevay, Ingham County, Michigan, shall and does hereby maintain the provisions of its Zoning Ordinance and the enforcement thereof; and
2. The Township of Vevay revises its SPECIAL LAND USE PERMIT/SITE PLAN APPLICATION to forego the subsequent annual review process and fees for Special Land Use permits issued on or after November 2, 2015; and
3. The Township of Vevay shall permit current Special Land Use Permit holders the option to forego subsequent annual review and fees as a condition of the Special Land Use Permit; and
4. Special Land Use Permits and the conditions thereof are subject to review, investigation and revocation as necessary to maintain the permit and for enforcement of Township Ordinances.

MOVED for adoption by Ramey, and supported by Sherwood, to adopted the foregoing resolution.

Roll Call Vote

AYES: Ramey, Sherwood, Walker
NAYS: Kean
ABSTAIN: Shaw

Trustee Walker noted that he voted yes, but with reservation.

RESOLUTION DECLARED ADOPTED.

