

**ROSS TOWNSHIP  
PLANNING COMMISSION  
MINUTES  
February 27, 2017**

CALL TO ORDER/PLEDGE

Chairperson Lauderdale called the regularly scheduled meeting of the Ross Township Planning Commission to order at 7:00 p.m. at the Ross Township Hall.

ROLL CALL

Present: Jim Lauderdale, Chairperson  
Victor Ezbenko  
Jeff Price  
Jon Scott  
Sherri Snyder

Absent: Russell Fry  
Greg Pierce

Also present: Bert Gale, AGS – Township Zoning Administrator  
Kelly Largent, AGS – Township Zoning Administrator  
Rebecca Harvey – Township Planning Consultant  
Rob Thall – Township Attorney

APPROVAL OF AGENDA

The agenda was reviewed and approved as presented.

APPROVAL OF PRIOR MEETING MINUTES

The Commission then proceeded with consideration of the **January 10, 2017** Planning Commission meeting minutes. Scott moved to approve the minutes as presented. Price seconded the motion. The motion carried unanimously.

The Commission then proceeded with consideration of the **January 23, 2017** Planning Commission meeting minutes. Snyder moved to approve the minutes as presented. Price seconded the motion. The motion carried unanimously.

## PUBLIC COMMENT ON NON-AGENDA ITEMS

No public comment on non-agenda items was offered.

## NEW BUSINESS

### 1. Public Hearing – Zoning Ordinance Text Amendments

#### *Article 22, Section 22.4 C. – Repair, Maintenance and Restoration of Nonconforming Use or Building/Structure:*

Chairperson Lauderdale opened the Public Hearing. He gave an overview of the proposed amendment, noting that the proposed revision to Subsection C. was a result of concern expressed by the Township Board regarding the existing requirement that reconstruction of a nonconforming use or building/structure damaged due to ‘fire, flood, wind or other calamity’ be started within six months and completed within one year. Chairperson Lauderdale noted that the matter had been researched/discussed at the October and November Planning Commission meetings.

No public comment was offered on the matter. Chairperson Lauderdale stated that no written correspondence had been received regarding the proposed amendment. He then closed the public comment portion of the public hearing.

Snyder then moved to recommend approval by the Township Board of the proposed amendment to the Ross Township Zoning Ordinance as set forth in the February 27, 2017 Public Hearing Notice and the tentative text of the proposed Zoning Ordinance amendments. Price seconded the motion. The motion carried unanimously.

#### *Article 17, Section 17.2 B. 1. & 4. – Boathouse and Dock Regulations:*

Chairperson Lauderdale opened the Public Hearing. He gave an overview of the proposed amendment, noting that the Planning Commission had determined the existing text to be inconsistent with riparian law that does not consider riparian rights to follow an extension of the property line into the waterway but rather extends it to the center (or other configuration depending on shape) of the waterway. Chairperson Lauderdale noted that the matter had been researched/discussed at the June and July Planning Commission meetings.

No public comment was offered on the matter. Chairperson Lauderdale stated that no written correspondence had been received regarding the proposed amendment. He then closed the public comment portion of the public hearing.

Price then moved to recommend approval by the Township Board of the proposed amendment to the Ross Township Zoning Ordinance as set forth in the February 27, 2017 Public Hearing Notice and the tentative text of the proposed Zoning Ordinance amendments. Scott seconded the motion. The motion carried unanimously.

2. Article 20, Item 10 – Campgrounds / Item 21 – Seasonal Campgrounds

Chairperson Lauderdale referenced correspondence from Township Attorney Thall regarding a possible conflict in the Zoning Ordinance regarding the regulation of ‘campgrounds’ and ‘seasonal campgrounds’.

Attorney Thall explained that Article 20 – Item 21 provides for ‘Seasonal Campgrounds’ as a special land use but does not list it at the beginning of the Article. He noted, however, that the construction of Item 21 suggests that a ‘seasonal campground’ is something different than just a subset of a ‘campground’ (Item 20) and that the 20 acre requirement for a ‘campground’ set forth in Item 10 was not intended to apply to a ‘seasonal campground’. Rather, the requirement of Section 21 B. of ‘at least 5 acres devoted to camping and recreation’ shall apply.

Scott requested clarification as to the distinction between a ‘campground’ and a ‘seasonal campground’. Attorney Thall stated that the Ordinance intends ‘seasonal campgrounds’ to be subject to regulations under the Mobile Home Commission Act which specifically covers ‘seasonal mobile home parks’ but does not include or cover campgrounds licensed under the Public Health Code. Conversely, the Ordinance establishes that a general ‘campground’ shall be subject to the requirements of the Public Health Code. He noted that the specific differences between the regulations were not studied.

General discussion ensued wherein the following was noted:

- There may be merit to distinguishing between a ‘campground’ and a ‘seasonal campground’ in that general campgrounds often have buildings that are used for winter activities.
- The standards in the Zoning Ordinance should be consistent with State law and correctly reference applicable laws.
- The Barry County Zoning Ordinance may be a good resource for appropriate standards.
- The following revisions to the Zoning Ordinance appear to be needed:
  - : add a definition of ‘seasonal campground’
  - : add ‘seasonal campground’ to the list of ‘special land uses’ at the beginning of Article 20
  - : confirm that the reference to State law in Item 20 is accurate

- : confirm that the reference to State law in Item 21 C. is accurate; review the remaining standards of Item 21 for clarity and appropriateness
- : add 'seasonal campgrounds' as a special land use within the R-R District

Harvey was then directed to work with Attorney Thall in the preparation of draft text reflecting the discussion for Planning Commission consideration in March.

### 3. 2016 Planning Commission Annual Report – Draft #1

Chairperson Lauderdale distributed a draft of the 2016 Planning Commission Annual Report for review. It was noted that the Annual Report would be scheduled for discussion and acceptance in March.

## UNFINISHED BUSINESS

### 1. Watershed Protection Strategies

Chairperson Lauderdale referenced the January 23, 2017 discussion of the Planning Commission wherein draft text prepared by Harvey was reviewed and requested revisions were scheduled for consideration in February. Harvey referenced draft #2 of proposed amendments to Section 21.4 – Site Plan Review (Content) and Section 21.6 – Criteria for Site Plan Review and noted the revisions made per the Planning Commission's discussion.

Scott questioned if the Township could control land cover given particular rights that exist . . . ie, right to harvest woodlands. Attorney Thall noted that there are existing standards in the Ordinance that regulate land cover, such as screening/buffering requirements, and that they are legitimate as long as they are not arbitrary.

It was noted that the revised draft text accurately reflects the discussion of the Planning Commission and is ready to be scheduled for public hearing. Price moved to accept the draft text as revised for public hearing. Scott seconded the motion. The motion carried unanimously.

Attorney Thall suggested that the Township may want to consider using an escrow approach in the site plan review fee structure to facilitate expert reviews when required. He noted that a provision in the Zoning Ordinance would be required to implement such an approach.

Harvey was directed to work with Attorney Thall in the preparation of draft text for Planning Commission consideration in March.

## 2. Article 20, Item 13.B.2. – Access from a County Primary Road or State Trunkline

Chairperson Lauderdale referenced Planning Commission discussion of the matter in November and January and its determination that: 1) the Ordinance should be amended to include a definition(s) of whatever roadway classification is to be referenced, and 2) that the 46 special land uses identified in Article 20 should be reviewed and an assessment made for each use regarding the merit of a frontage and/or access standard based on roadway classification.

Price distributed a matrix that demonstrates that currently the Zoning Ordinance requires 24 of the 46 special land uses to be provided frontage on a ‘primary road’ through Article 20, Item 1. It was noted that several of the special land uses also have a ‘frontage requirement’ set forth in the standards specific to the particular use. Further, ‘Horse Boarding or Riding Stables’ (Item 13) also have a requirement for access from a ‘primary road’.

Lengthy discussion ensued wherein it was agreed that there was not support for limiting the identified uses by ‘frontage on a primary road’ and that the site plan review process generally allows for adequate consideration of access-related issues. The Planning Commission then noted support for the following revisions to Article 20:

- delete Item 1 and Item 2
- keep the access requirement for Item 12 – Earth Removal, Quarrying, Gravel Processing and Mining and for the use Ready-Mix Concrete Plant
- establish an access requirement for the use Grain Equipment and Processing
- remove specific frontage/access requirements from remaining special land uses

Harvey was directed to prepare draft text for Planning Commission consideration in March.

## 3. Sign Ordinance

Chairperson Lauderdale referenced previous discussions held regarding needed changes to the sign ordinance to address content-neutral sign requirements. Harvey reported that she is in conversation with Attorney Thall in the preparation of revisions to the sign ordinance and that she will work to have draft text ready for presentation/discussion in March.

## 4. Master Plan Summary by Beckett & Raeder

Chairperson Lauderdale stated that the Planning Commission had received the summary for review in January and that no comments had been provided by

Commission members to date. He noted that the deadline for submitting review comments had recently passed but all agreed that the summary was largely consistent with the Master Plan and that no changes were needed.

#### REPORT FROM TOWNSHIP BOARD

Scott provided the following update:

- Budget – recently completed
- Roads – special assessment district under consideration; will allow upgrades to all roads within the Township; general public support
- Medical Marijuana – background provided by Attorney Thall; currently under consideration
- Parks – movement on Galesburg to Augusta trail segment (good funding sources; engineering for trail completed); engineering of trail segment from Augusta to Gull Lake initiated; a trailhead park is under consideration; RFP released for development of a master park plan for Ross Township Park; food truck event planned for Ross Township Park to attract users

#### REPORT FROM ZONING BOARD OF APPEALS

Chairperson Lauderdale stated that the Zoning Board of Appeals did not meet in February.

#### MEMBERS, CONSULTANTS, ADVISORS

No comments were provided.

#### ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 8:50 p.m.

Respectfully Submitted,  
Rebecca Harvey, AICP, PCP  
Township Planning Consultant