

Mason County Planning & Zoning Department

102 E. FIFTH STREET
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July 7, 2016

Minutes of the Mason County Planning Commission meeting held at 102 E. Fifth St.,
Scottville, on July 7, 2016 at 7:00 p.m.

MEMBERS PRESENT: Michael Shaw, Tom Hooper, Cary Shineldecker, Steve
Bieniek, Doug Robidoux, Janet Anderson.

MEMBERS ABSENT:

OTHERS PRESENT: Trudy Roy, Mary Reilly, Fabian Knizacky (ex-officio)

The meeting was called to order at 6:00 p.m. by Tom Hooper.

A motion was made by Mike Shaw and 2nd by Steve Bieniek to approve the minutes of
June 21, 2016 as amended. An amendment was proposed by Mike Shaw. Motion
carried, 6 Yes 0 No.

Addition or deletions to the agenda: Tom Hooper added a second public comment period
before the Board resumes discussion on HK Farms migrant housing.

Conflict of Interest: None

Tom Hooper opened public comment.

Evelyn Bergaila asked about the process for reporting the “wonging” noise from Lake
Winds Energy Park to the County and Consumers.

Tom Hooper closed public comment.

Correspondence: Mary Reilly read a letter from PM Township about their upcoming
public hearing for the Master Plan update on July 19, 2016 at PM Township Hall.

Tom Hooper opened public comment on the HK Farms migrant housing special land use
application (PZ16073) located at 3777 W. Blundell, Pentwater, MI 49449. Riverton
Township.

Emma Buck voiced her opposition to the migrant housing and stated several reasons for
her opposition. She is concerned that migrant laborers are taking away jobs. Ms Buck
stated she would like clarification on how many units can be built and how many months
the migrants will be there.

William Parsons stated Hackert’s received a tax break to hire local people, not for
outsourcing labor.

Jeannie Parsons asked if the workers were tested for health issues before coming to this
country.

1
2 Evelyn Bergaila stated in standard 16.05 the special land use will not be disturbing and
3 asked the Board to review the migrant housing on a annual basis. Ms Bergaila stated
4 she had been asked to rescind the article she passed around at the last meeting
5 concerning the murder in a migrant camp and stated she will not rescind the article.
6 Couturier's had a list of what the state requires when they applied for their migrant
7 housing. Make this a part of the HK Farm site plan.

8
9 Tom closed public comment.

10
11 The application PZ16073, migrant labor housing camp/dwelling to be located at 3777 W.
12 Blundell Road, Riverton Township in an AG district was brought back to the Board.

13
14 Tom Hooper mentioned the Board had received an opinion from the attorney and it was
15 stated that "and" can be interpreted in a variety of ways. The Board did not have to go to
16 the ZBA for an interpretation.

17
18 Tom Hooper invited discussion from the board on Section 17.41.

19
20 Mike Shaw stated the Board has recourse to gain compliance through a review of the
21 special land use. The migrant housing meets all federal, state and local requirements.

22
23 Board agreed meets the standards for Migrant Labor Housing.

24
25 A motion was made by Janet Anderson and 2nd by Mike Shaw to approve section 17.41
26 Migrant Labor Housing as meeting standards per staff analysis. Motion carried, 6 Yes 0
27 No.

28
29 Tom Hooper read standards for Standards 16.05 Special Land Use.

30
31 1. Will be in accordance with the goals and objectives of the Mason County Comprehensive Plan.
32 Board agreed meets standard.

33
34 2. Will be designed, constructed, operated, and maintained in harmony with the existing or intended
35 character of the general vicinity and that such a use will not change the essential character of the area
36 in which it is proposed. There was a discussion on how the HK Farms should make
37 themselves available for complaints by providing phone numbers to neighbors. There
38 was no requirement made for the owners to do this; the owners are available on
39 nights and weekends when the zoning office is closed. Residents can complain to the
40 zoning office, but it may not be effective on nights/weekends. Board agreed meets
41 standard.

42
43 3. Will not be hazardous or disturbing to existing or future permitted uses in the same general vicinity and
44 in the community as a whole. Board agreed meets standard

45
46 4. Will be served adequately by essential public facilities and services, such as highways, streets, police
47 and fire protection, storm water drainage, refuse disposal, water and sewage facilities, and schools or
48 persons or agencies responsible for the establishment of the proposed use shall be able to provide
49 adequately for such services. Cary Shineldecker stated the migrant housing is occupied

1 on a seasonal basis. The board agreed to cross off that the house would be occupied
2 for approximately "5 weeks" in the staff report. Board agreed, meets standard.

3
4 Section 16.05 (items 5-9) The board read standards and agreed the standards are
5 met per staff report.

6
7 Steven Bieniek stated the plot plan for the migrant housing meets all the standards and is
8 adequate. The Board agreed.

9
10 A motion was made by Mike Shaw and 2nd by Steve Bieniek to grant conditional approval
11 for a special land use to construct migrant labor housing (28' X 110') based on Sections
12 17.41, 16.05 and 18.05 of the Zoning Ordinance. There will be two 28' X 55' units within
13 the dwelling and two 8' X 28' decks. The decision is based on the staff analysis with
14 changes noted. The condition of approval is that the Board reserves the right to review
15 the special land use if complaints arise. Motion carried, 6 Yes 0 No.

16
17 The Board took a 5 minute break at 6:55 pm.

18
19 Tom Hooper reconvened the meeting at 7:00 pm.

20
21 Fabian Knizacky, ex officio member, joined the meeting.

22
23 Adam Young from Wade-Trim told the Board the changes to the survey had been made
24 and the survey was now live and ready for distribution. There will be a flyer with the link
25 to the survey emailed to Mary Reilly and she can distribute it to the Board members.

26
27 Mary Reilly presented the Board with a copy of the matrix list of names used for the last
28 update. There was a discussion by the Board as to who wanted to contact what group
29 and how they were going to disseminate the flyer and survey.

30
31 Adam Young asked if the Board would like to move on the other amendment language
32 while waiting for the survey results.

33
34 Mary Reilly stated the Board received an amendment request on parking lot surfacing
35 and would like to wait for the public hearing in 2 weeks before going over the language
36 on that section.

37
38 Adam Young mentioned the Board could continue its discussion on Home occupation
39 and explained the changes requested by the Board.

40
41 Mary Reilly asked about a definition of Type 1 and 2.

42
43 Adam Young explained that the line between both is often hard to define. Low impact
44 would be those in #1 and those with higher impact would be in #2. There was a
45 discussion on the type 1 and type 2 classifications and what is included in each.

46
47 Fabian Knizacky mentioned type #1 low intensity would come to Mary Reilly as an

1 administrative decision because of the low intensity and type #2 high intensity would
2 need a special land use.

3
4 There was further discussion on home based business and home occupation and what
5 uses should be in each category.

6
7 Fabian Knizacky stated the Board could have standards that make it known what is type
8 1 and type 2.

9
10 Adam Young told the Board where an occupation fit would depend on the intensity and
11 not on the name but there needs to be a process on paper.

12
13 Adam Young told the Board he would rework the section 6 and 7 concerning type 1 and
14 type 2 home occupation or home based business. Mr. Young went thru section 8 and
15 explained conditions and requirements for home occupation and home based
16 businesses.

17
18 There was a discussion by the Board on the amount of outdoor storage/display area
19 allowed on various size lots.

20
21 Adam Young mention medical marijuana was listed last in the home occupation and
22 home based business because it is neither a type 1 nor type 2. It is on its own and asked
23 of the Board had any other thoughts and stated he would get the revision to Mary Reilly
24 soon.

25
26 Adam Young asked about the meeting on 8-2.

27
28 Mary Reilly mentioned she would like to wait until the survey results were in to meet
29 again.

30
31 The Board agreed.

32
33 Mary Reilly gave the Director's report: There will be a full agenda on 7-19. Consumers
34 called and they are working on a method to report the "wonging". Mary Reilly stated she
35 has sent a paint sample out to be tested but has not found anyone that will come and test
36 the towers.

37
38 The ZBA met on 7-6-16 and granted several variances for the new Dollar General
39 proposed in Walhalla.

40
41 Tom Hooper opened public comment.

42
43 Evelyn Bergaila made several points.

- 44 1. On page 1 stated the definitions were confusing.
- 45 2. On page 3 asked about plot to scale and who determines. Sounds too simple for
- 46 type 2.
- 47 3. What about computer businesses for home occupations or home business?

1 4. Page 8 asked about parking/outdoor storage and section 8 d(i) stated she did not
2 think "the sky is the limit" on larger lots. The Board needs to give this more
3 thought.

4 5. Section 8 e – "what is serious and who determines this?" This is about uses that
5 will be a potential irritation to neighbors.

6
7 Tom Hooper closed public comment.

8
9 Tom Hooper stated more thought needed on larger lots and asked who determines when
10 a site plan is acceptable.

11
12 Mary Reilly explained how the process works.

13
14 Cary Shineldecker asked the Board to think about the wording in Section 16.05 Special
15 Land Uses especially the part saying "will not be disturbing to any person." Mr.
16 Shineldecker said "there is no way we can say this will never affect any one or any land".
17 The section should say minimize or some other phrasing.

18
19 Tom Hooper asked about the # of employees and asked if this meant on site or off site.

20
21 Adam Young stated the Board could define and make clearer on the site plan.

22
23 The next meeting will be Tuesday, July 19, 2016 at 7:00 PM at 102 E. Fifth Street,
24 Scottville. Meeting adjourned at 9:10 pm.

25 .

26


Steve Bieniek
Mason Planning Commission Secretary