

Mason County Planning & Zoning Department

102 E. FIFTH STREET
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October 13, 2015

Minutes of the Mason County Planning Commission meeting held at 102 E. Fifth St.,
Scottville, on October 13, 2015 at 7:00 p.m.

MEMBERS PRESENT: Steve Bieniek, Michael Shaw, Tom Hooper, Dennis Dunlap,
Ralph Lundberg, Doug Robidoux

MEMBERS ABSENT: Cary Shineldecker (excused)

OTHERS PRESENT: Trudy Roy, Mary Reilly

The meeting was called to order at 7:00 p.m. by Dennis Dunlap.

A motion was made by Tom Hooper and 2nd by Mike Shaw to accept the minutes of
September 15, 2015 as presented. Motion carried, 6 Yes 0 No.

Addition or deletions to the agenda: None

Conflict of interest: None

Dennis Dunlap opened public comment.

Tom Coleman asked the Board to enlarge the area of notification for a special land use in
rural areas where there are large parcels and few dwellings.

Evelyn Bergaila asked the Board not to hold meetings on nights that conflict with the
Board of Commissioners.

Dennis Dunlap closed public comment.

Correspondence: Mary Reilly summarized for the Board the response from the Michigan
Court of Appeal denying the Counties request to hear the spring 2015 HGC sound study
report along with the 2013 sound study report. The Zoning Board of Appeals can now
hear Consumers appeal of the 2015 sound study with no potential conflicts with the Court
of Appeals.

There was a public hearing for special land use expansion of an open air business
(PZ15169), Fun N Sun, 66 N. Dennis Road in Amber Township (001-017-004-00). The
owner would like to expand the existing operations related to sales, service, and storage
of RVs. The subject area will be used for the display of RV's. RV size has doubled in the
last several years and increased the need for display area. No correspondence was
received for or against.

Following is a portion of Mary Reilly's staff report.

1 FINDINGS OF FACT:

- 2 1. The applicant obtained a special land use in 2006 for Open Air Business (#12249).
- 3 2. The applicant expanded the open air business in 2014 to the east to "square off" the storage area
- 4 (PZ14088).
- 5 3. The subject area contains two parcels measuring 310' X 180' or 1.28 acres.
- 6 4. Fun N Sun has a purchase agreement with Dingeman (the west parcel). Dingeman is retaining an
- 7 easement to service the billboards and all revenue from the billboards.
- 8 5. The Dingeman parcel is triangulated, with 72' of frontage, and not well suited to a driveway on US-
- 9 10. Rear access through Dennis road is well suited to the site.
- 10 6. Correspondence from Omimex (Sour Gas Line) states a 25' setback is needed from the sour gas
- 11 pipeline --shown on site plan.
- 12 7. Consumers' easement is included in the packet.
- 13 8. The site plan has been modified to reflect Consumers Energy concerns about a ramp and sign.
- 14 9. The new display area will be buffered by a landscaped area with 16 shrubs; the 3 mature pines will
- 15 be retained. Additional coniferous and deciduous trees will be planted along the west side setback
- 16 area to meet the 1:1000 requirement in Section 3.13 a.1.
- 17 10. There will be no customers allowed to drive or park into the subject area; it is for display only—
- 18 consistent with the display and storage area located on the east side of the development.
- 19 Customers are usually escorted in a golf cart to be shown display models.
- 20 11. The display area will be covered with a trap-rock or slag type of material that will allow for
- 21 permeability (similar to the north east storage area).
- 22

23 UNIQUE PHYSICAL CHARACTERISTICS

- 24 1. The property is quite flat (approximately 2' of relief) and drains to a private ditch on the west side.
- 25 2. The ditch flows under US-10 into MDOT property (adjacent to new Dental office).
- 26 3. Soils are 56B- Pipestone Saugatuck Sands, 0-4% slope. Lake Plains and outwash plains.
- 27 Somewhat poorly drained, subject to seasonal wetness.
- 28

29 COMPREHENSIVE PLAN

30 The properties surrounding this parcel are zoned Commercial and therefore, no additional dwellings or
31 residential uses are anticipated. The south, west, north, and eastern adjoining parcels contain commercial
32 uses or are vacant. The future land use map indicates continued commercial land uses in that area.

34 APPROVED VARIANCES—as of July 5, 2006

- 35 1. 45' variance from required 200' of frontage for Open Air Business
- 36
- 37 2. A 10' variance from 25' side lot line (south) for a parking lot.
- 38
- 39 3. A 20' variance from the 25' required side lot line (north) for Open Air Business for a parking lot.
- 40
- 41 4. A 25' variance from the north side lot line from the required 50' setback for an addition to an existing
- 42 building. The side setback for the C-1 district is 25', the setback for a building within an "Open Air
- 43 Business" is 50'. The variance will allow them to building up to the standard 25' setback.
- 44

45 Mary Reilly presented pictures of the area and a site plan on the overhead screen for the
46 Board.

48 Mary Reilly asked Dennis Grossenbacker about new signs and lighting.

50 Dennis Grossenbacker stated there were no plans at this time for a new sign or new
51 lighting. The lighting will be inside the trailers and there will be a display area towards the
52 front of the parcel for a featured RV.

1 Dennis Dunlap asked about the gas line in the Consumers fee strip.

2
3 Dennis Grossenbacker stated the gas line was going to be marked and “we need to stay
4 25’ away”. “The company owning the gas line wants to see the line if they fly over and
5 they do not want gravel over it.”

6
7 Tom Hooper asked about the power lines and storage in the area underneath the lines.

8
9 Dennis Grossenbacker stated it was written into the agreement with Consumers that Fun
10 N Sun could park RVs under the power lines.

11
12 There was a discussion on where the gas lines were located.

13
14 A motion was made by Mike Shaw and 2nd by Tom Hooper to accept the staff report into
15 the record. Motion passed, 6 Yes 0 No.

16
17 Dennis Dunlap asked about the need for the expansion.

18
19 Dennis Grossenbacker stated that when they started operations in 2004 the trailers were
20 smaller. He stated, “where I could put 4 trailers a few years ago I can only put one now
21 because the size has grown with the bump outs. We would like to get all our trailers on
22 one side of the road. It is hard to get people across US 10 to see the trailer on the other
23 side of the road.”

24
25 Mary Reilly asked about the lease agreement with Consumers.

26
27 Dennis Grossenbacker mentioned the lease agreement is on a year to year basis and
28 renewable each year.

29
30 Dennis Grossenbacker stated Fun N Sun will be using slag & trap rock for the new
31 expansion area.

32
33 Mary Reilly stated she has consulted the Drain Commissioner and summarized his report
34 for the Board. Due to poor drainage in the area, Jim Riffle recommended that the site
35 plan be re-submitted for approval if the expansion area is ever hard surfaced. Hard
36 surfacing would require retention or detention which is not currently on the site plan.

37
38 Tom Hooper asked about the trailers in the parking lot of the fire works building.

39
40 Dennis Grossenbacker told the Board he rents and maintains the space. There will
41 probably be fewer trailers in the parking lot when the new area is finished.

42
43 Dennis Dunlap asked if there was any public comment. There was none.

44
45 Dennis Dunlap closed the public hearing.

1 A motion was made by Ralph Lundberg and 2nd by Doug Robidoux to approve the
2 expansion of the open air business based on the site plan and staff analysis. Meets all
3 requirements of Sec. 17.47, Open Air Business. Motion carried, 6 Yes 0 No.

4
5 A motion was made by Mike Shaw and 2nd by Tom Hooper to approve the expansion of
6 the open air business based on the site plan and staff analysis. Meets all condition of
7 Sec. 16.05, Standards for Approval for a Special Land Use. Motion carried, 6 Yes 0
8 No.

9
10 A motion was made by Mike Shaw and 2nd by Doug Robidoux to approve site plan based
11 on staff analysis. Meets all condition of Sec.18.05, Standards for Granting Site Plan
12 Approval.

13
14 Ralph Lundberg stated a condition should be added that if the expansion area on this site
15 plan is paved, or hard surfaced, Fun N Sun will have to have the approval of the Drain
16 Commissioner.

17
18 Dennis Dunlap stated that if the area is paved more contouring should be done.

19
20 Motion was amended to include condition of approval: if "phase two" area on the site
21 plan is ever paved/hard surfaced, the site plan must be resubmitted to the Planning
22 Commission and Drain Commissioner for approval. Detention, retention, and grading
23 must be addressed on the site plan." Motion carried, 6 Yes 0 No.

24
25 There was a public hearing for special land use to expand migrant housing (PZ15170),
26 Mark and Kathy Couturier, 2600 W. Beyer Road, Victory Township (015-004-013-00).
27 The applicant is requesting to construct two **additional** migrant farm dwellings, each with
28 three, 660-square foot units for a total of 6 units. Each unit will contain three bedrooms of
29 not less than 100 sf each. Each building will have a dimension of 22' X 90' and will be
30 one-story. The dwellings will be licensed by the Michigan Dept. of Agriculture as a
31 Migrant Worker Camp. No correspondence was received for or against.

32
33 Following is a portion of Mary Reilly's staff report.

34
35 **FINDINGS OF FACT**

- 36 1. Note that the multi-family dwellings are 22' in width. After searching the ordinance, the 24-wide
37 minimum elevation applies plainly to single-family dwellings (Section 3.20d), Section 17.41 (B.1.d).
38 2. Each unit will meet the 660 square foot minimum requirement.
39 3. The third units will be setback approximately 90 feet from Beyer Rd. right of way, which exceeds
40 the minimum setback requirement of 50'.
41 4. Each worker is required to have 100 sf of total space, 50 sf must be in a bedroom.
42 5. There will be three bedrooms in each unit (130 sf, 100 sf, 100 sf), the remaining 330 sf will be
43 living space.
44 6. The applicant needs the migrant labor from mid-July to mid-September for blueberries, but may
45 house the migrants for a longer period (such as through October for apples).
46 7. Only legally documented workers can be hired by the Couturiers.

8. Staff advised the owners to apply for one special land use permit for the two additional buildings.
9. The design of the building better accommodates migrant families which is what the applicant would like to attract. The buildings will likely house some combination of families and single workers, it just depends on what labor can be attracted and retained.
10. If required, the owners will install an evergreen screen within the required front yard or in front of the 3d unit.

UNIQUE PHYSICAL FEATURES

1. The trees appearing on the map have been cleared to the west of the proposed building site such that the units will be visible from the road.
2. There are buffering trees to the west and no nearby residences to the north or east.
3. Septic fields have been installed to the north of the multi-family units.
4. The irrigation well is used as a water source for the units.

Tom Hooper asked about using the irrigation well as a water source for the migrant houses.

Mark Couturier stated the State requires the well be tested every year.

There was a discussion on the well (depth, placement etc.)

Mary Reilly passed around the permit from the Health Department for the proposed septic.

A motion was made by Tom Hooper and 2nd by Steve Bieniek to accept the staff report into the record. Motion carried, 6 Yes 0 No.

Mark Couturier stated "the biggest reason for needing the two new housing units is because we prefer families to come and pick. With families the number of workers you get in each family can vary." He emphasized that they were not supplying migrant labor "for all of Mason County". Mr. Couturier noted that they had to leave some blueberries unpicked in 2015 due to lack of labor, and they had a 40% loss in crop. With a full crop, they will need more labor. He offered that the new housing could only be used for blueberry pickers, from mid July to mid September. He noted that some blueberry pickers stay on to pick apples but none of their migrant workers come for the entire season.

Dennis Dunlap asked if both buildings were going to be built now.

Mark Couturier stated one building would be constructed this fall and one in the spring.

There was a discussion on the number of workers needed for blueberries, how long the workers would be at the migrant housing and if there is a need for screening from the road.

Dennis Dunlap opened public comment.

1
2 Alexis Bradow mentioned she is an asparagus farmer and come to support the
3 Couturiers.

4
5 Greg Dykstra stated he was speaking for a neighbor of the property who voiced concern
6 with the number of people that could be living in the migrant housing if full, what they are
7 doing when they are not working and that no one will monitor the situation.

8
9 Tom Coleman stated that Mark Couturier has done a nice job and he had no complaints.
10 Mr. Coleman mentioned he would prefer there was no screening so people can see what
11 is going on and call Mr. Couturier if there are problems. Mr. Coleman asked the Board to
12 place a time limit on how long the new units can be occupied and accept Mr. Couturiers
13 proposal to allow only blueberry pickers in the new buildings.

14
15 Alexis Bradow told the Board she has not experience any problems with families. She
16 said they are hardworking people and the kids are gone at school or pre-school during
17 the day when the adults are working.

18
19 David Bolton was there to represent his mother, an adjacent property owner. He voiced
20 concern for the safety of his 90-year old mother and stated "we do not need these
21 migrant houses."

22
23 Dennis Dunlap asked if the workers were charged for staying in the units.

24
25 Mark Couturier stated he does not charge his workers and if they work for another farmer
26 the farmer pays.

27
28 Tom Coleman stated that when the migrant housing is vacated Mark couturier could call
29 and let Mary Reilly know.

30
31 Mark Couturier told the Board he needs people to pick his crop and he is not against
32 using the new migrant housing units (#3 and 4) for only the blueberry season.

33
34 Dennis Dunlap closed the public hearing.

35
36 Steve Bieniek asked if the Board was considering all the blueberry acreage Mr. Couturier
37 has at various places in county as the entire farm for the purposes of calculating how
38 many units he could have.

39
40 Ralph Lundberg and Doug Robidoux stated the Board was.

41
42 There was a discussion on whether screening was needed for the migrant housing.
43 Board consensus was that no screening was needed.

44
45 A motion was made by Doug Robidoux and 2nd by Steve Bieniek to approve Section
46 17.41 Migrant Labor Housing per staff analysis. Motion carried, 6 Yes 0 No.

1 Dennis Dunlap asked if the Board has any question on Section 16.05, Standard of
2 Approval for the Special Land Use.

3
4 Mary Reilly stated she has not received any complaints about the completed migrant
5 housing.

6
7 There was a discussion on the number of people in the apartments in each migrant
8 housing unit, up to 72 people if all units had two people in each bedroom.

9
10 Tom Hooper stated that potential for full occupancy in each housing unit is low. He
11 stated that based on the owners comments, most of the units will be occupied by small
12 families.

13
14 A motion was made by Tom Hooper and 2nd by Ralph Lundberg to grant approval of Sec.
15 16.05, per staff analysis. Motion carried, 6 Yes 0 No.

16
17 Dennis Dunlap asked the Board if there was any discuss on Sec. 18.05 for the plot plan.

18
19 A motion was made by Doug Robidoux and 2nd by Tom Hooper to grant approval of Sec.
20 18.05, Standards for Granting Site Plan Approval, per staff analysis. The site plan was
21 approved as presented, with no screening or other conditions of occupancy.

22
23 Ralph Lundberg asked about the pipeline ROW.

24
25 Mark Couturier stated the pipeline was gas and that he had talked with someone at the
26 company and as long he maintained a 50' setback there was no problem. The line is
27 marked.

28
29 There was discussion on whether the number of months the migrant housing could be
30 used. The board concurred that no regulations should be placed on the amount of time a
31 certain unit could be occupied or the crops that it's occupants would be limited to pick.

32
33 Motion carried to approve Section 18.05, 6 Yes 0 No.

34
35 New Business: None

36
37 Unfinished Business: None

38
39 Zoning Directors Report: 1) Fabian Knizacky (County Administrator) and Janet Anderson
40 (County Commissioner) will serve as ad-hoc voting members for the upcoming 5-year
41 zoning ordinance update. 2) RFQ's for the ordinance update were mailed out today and
42 the responses should be back by 11-20-15. 3) PA-116 application from Bob Ohse. 4) No
43 applications for the regular meeting scheduled for 10-20-15. 5) Consumers Energy
44 appeal of the 2015 sound study has been scheduled for early December with the ZBA.

45
46 A motion was made by Tom Hooper and 2nd by Steve Bieniek to cancel the meeting on

1 10-20-15. Motion carried, 6 yes 0 no.

2
3 Zoning Board Appeals: None.

4
5 Dennis Dunlap opened public comment.

6
7 Tom Coleman voiced concern and surprise that the Board did not take Mark Couturier up
8 on his good faith offer to limit the use of the new migrant housing units to only blueberry
9 season as a protection for the neighbors. He encouraged the board to be more positive
10 in their decision making.

11
12 Evelyn Bergaila told the Board that discussed a time limitation (a season) for mud bog
13 activities and questioned if the Board could not have done the same with the migrant
14 housing.

15
16 Public comment was closed.

17
18 The next meeting will be November 17, 2015 at 7pm, at 102 E. 5th Street, Scottville.

19
20 Meeting adjourned at 9:20 pm.

21
22


Steve Bieniek
Mason Planning Commission Secretary