

# 2020 ANNUAL REPORT

## *Eaton County Planning Commission*

This Annual Report is prepared for the Eaton County Board of Commissioners by the Eaton County Planning Commission as required by the Michigan Planning Enabling Act (PA 33 of 2008) to document its activities each year. The following report identifies the activities of the Planning Commission and Zoning Board of Appeals for 2020.



## **INTRODUCTION**

The Eaton County Planning Commission functions under and has their powers and duties set forth by the Michigan Planning Enabling Act (PA 33 of 2008) and the Michigan Zoning Enabling Act (PA 110 of 2006). The Michigan Planning Enabling Act (MPEA) provides for the creation, organization, powers and duties of Planning Commissions. The Michigan Zoning Enabling Act (MZEA) provides for the adoption of zoning ordinances and the establishment of zoning districts and prescribes powers and duties of certain officials including the Planning Commission.

Section 19 of the MPEA (MCL 125.3819) requires the Eaton County Planning Commission to make an annual written report to the County Board of Commissioners. This report is to provide the Board with a summary of the planning activities over the past year.

## **MEMBERSHIP**

The MPEA states that membership of the Planning Commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the local unit of government, in accordance with the major interests as they exist in the local unit of government, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the local unit of government to the extent practicable.

In 2020, the Planning Commission's membership was as follows:

Brian Ross, Chairperson	Tammy Halsey
Jeana Rohrs, Vice – Chairperson	John Little
Ben Tirrell, Secretary	Zachary Dillinger
Blake Mulder, BOC Representative	Tim Cattron
Barbara Rogers, BOC Representative	

Department Staff for 2020 was as follows:

Claudine Williams, Director of Community Development and Housing  
Brandy Hatt, Planning and Zoning Assistant/Code Enforcement Officer

## **MEETINGS**

Regular meetings of the Planning Commission were scheduled for the First Tuesday of the month at 7:00 p.m. All meetings June thru December were held electronically via Zoom due to the COVID-19 pandemic. All meetings were held in compliance with the Open Meetings Act (PA 267 of 1976) and with COVID-19 pandemic requirements in place.

- The Planning Commission held seven (7) regular meetings in 2020.
- The Planning Commission Subcommittees held a total of five (5) meetings in 2020.

## **EATON COUNTY PLANNING AND ZONING**

Eaton County has been administering planning and zoning activities for the county for almost 60 years, beginning on October 1, 1959.

The current Planning Commission consists of nine (9) members authorized with overseeing zoning and planning related matters within Eaton County's Zoning Jurisdiction. This includes all land within Eaton County excluding, a portion of the City of Lansing, Delta, Windsor, and Oneida Charter Townships, Benton Township and any cities and villages.

County planning and zoning provides a regional perspective, creates consistency, and is in line with the State of Michigan's goal to work regionally together. County planning and zoning ensures a regional view and wise, planned growth within our community.

## **PLANNING COMMISSION RESPONSIBILITIES**

The Planning Commission's basic duties and responsibilities include the following:

- Conduct public hearings as required by the Zoning Ordinance and the MZEA and MPEA, making specific determinations on each matter.
- Hear and make decisions on Conditional Use Permit requests as specified in the Zoning Ordinance.
- Make comprehensive reviews and recommend changes to the Ordinance periodically in cooperation with affected Township Boards of Trustees.
- Make recommendations to the Board of Commissioners on Zoning Ordinance Text Amendments in accordance with the MZEA, Eaton County Zoning Ordinance and the Eaton County Master Plan.
- Make recommendations to the Board of Commissioners on rezoning requests (Zoning Map Amendments) in accordance with the MZEA, Eaton County Zoning Ordinance and the Eaton County Master Plan.
- Make recommendations to the Board of Commissioners on amendments to the Purchase of Development Rights (PDR) Ordinance in accordance with the MZEA.
- Update and maintain the Eaton County Master Plan in accordance with the MPEA.
- Review and comment on any proposed Master Plans or Master Plan amendments for any community within or adjacent to Eaton County as required by the MPEA.
- The Planning Commission is also considered a reviewing agency for applications into the Farmland and Open Space Preservation Program (PA 116).

## **PLANNING COMMISSION ACTIVITY IN 2020**

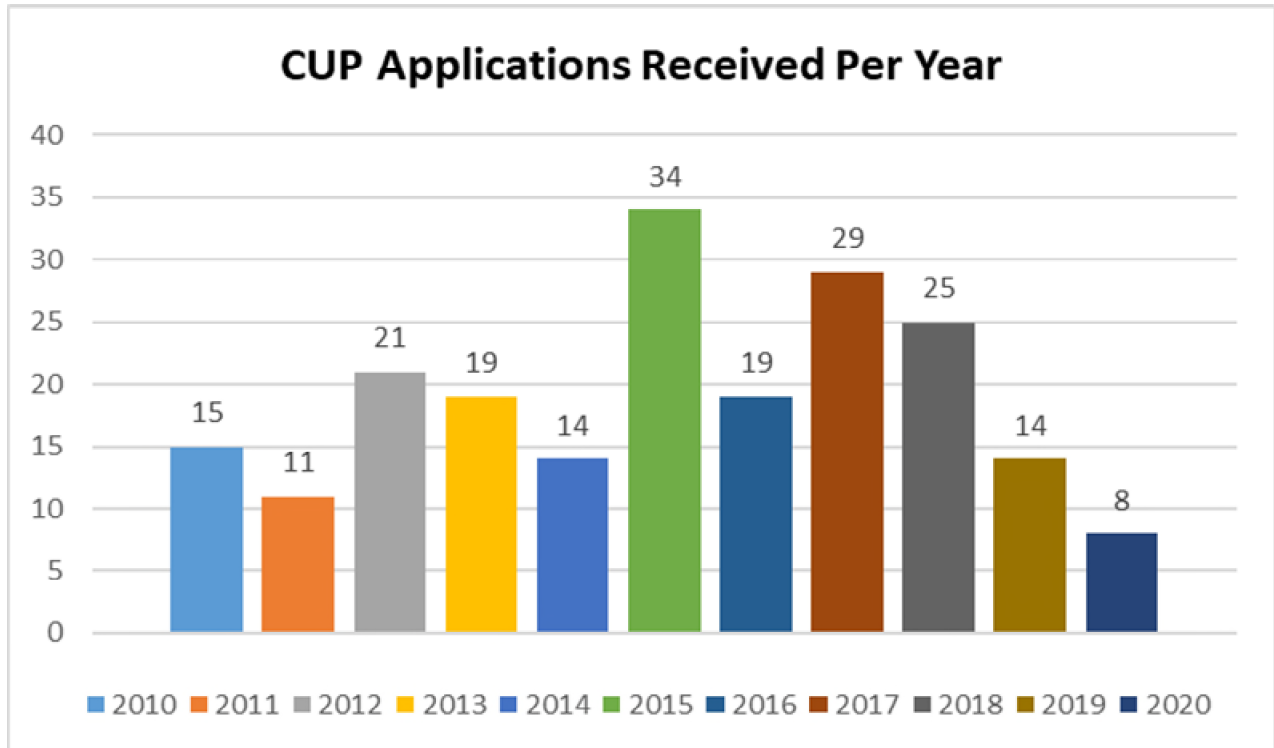
The Planning Commission worked diligently throughout the year to uphold their responsibilities and accomplish their tasks. The following is a summary of their activity:

***Conditional Use Permits:*** The Commission held public hearings on eight (8) conditional use permit requests in 2020. Four (4) new permits and four (4) changes to existing permits were approved. They are as follows:

- Three Construction Contractors Establishments – one each in Bellevue, Chester, and Eaton Rapids Townships all were a change of conditions to existing permits.
- One Educational Institution – in Eaton Rapids Township.
- One Home Business – in Vermontville Township.
- Two Commercial Recreation Facilities – one in Eaton Rapids Township and a change of conditions to one in Eaton Township.
- One Communications Tower – in Vermontville Township.

Additionally, one conditional use permit for a child caring institution in Sunfield Township was reviewed and revoked for non-compliance and two conditional use permit applications in Benton Township were dismissed for lack of jurisdiction.

Conditional Use Permit (CUP) Applications By Year							
	New	Change of Conditions	Withdrawn	Denied	Dismissed	Revoked	Total
2010	13	2					15
2011	7	1	3				11
2012	13	6	2				21
2013	16		2	1			19
2014	8	6					14
2015	32	2					34
2016	13	6					19
2017	22	6	1				29
2018	16	8	1				25
2019	8	6	0				14
2020	4	4	0		2	1	11
TOTALS	152	47	9	1			212



**Zoning Ordinance Text Amendments:** The Planning Commission held one (1) public hearing in reference to one (1) zoning ordinance text amendment request in 2020:

- A text amendment for a Comprehensive Amendment to the Eaton County Land Development Code (Zoning Ordinance) was made to the following: Article 7, Land Development Districts (amend Section 7.7 Site Development Standards for Principle Buildings and Structures, Table A), Article 8, Zoning Referral and Site Plan Review (amend Section 8.6.9 C. General Approval Standards), Article 9 Conditional Use Permits (amend Section 9.6 Appeal of Decisions), Article 14 Specific Provisions and Requirements (amend Section 14.36 Agricultural Migrant Labor Housing) and Article 16 Mobile Homes (amendments to entire section).

The amendment was recommended to the Board of Commissioners and became effective April 5, 2020.

**Zoning Ordinance Map Amendments:** The Planning Commission held public hearings on two (2) zoning map amendment requests in 2020:

- Three property owners in Section 28 of Eaton Rapids Township requested to rezone five (5) properties from Low Density Residential (R-1) to Limited Agricultural (LA).
- A property owner in Section 18 of Eaton Township requested to rezone their property from Industrial (I) to Limited Agricultural (LA).

All map amendments were recommended to the Board of Commissioners and approved.

**Sub Committee Meetings:**

- The Site Plan Review Committee held four (4) public meetings in 2020 and approved six (6) application requests – four Accessory Dwelling Units one each in Chester, Eaton Rapids, Vermontville, and Walton Townships, a Home Occupation in Carmel Township and a Community Service Facility (personal communication tower) in Vermontville Township. Two additional applications received were not heard due to a lack of jurisdiction as they were both located in Benton Township.
- The Zoning Ordinance Committee held one public meeting in 2020 to discuss potential ordinance amendments.
- The Administrative Committee did not meet in 2020.

**Farmland Agreement Applications:** The Planning Commission reviewed and commented on Fourteen (14) Farmland Agreement applications in four (4) different Townships (Bellevue, Kalamo, Sunfield and Walton). Total acreage of land entering into the program is five hundred thirty (530) acres.

**Surface Mine Inspections:** Due to the COVID-19 pandemic and the restrictions in place, surface mine inspections were not conducted in 2020. The Department will be working with mine operators to conduct inspections in 2021.

**Purchase of Development Rights (PDR):** The PDR Committee held two public meetings in 2020 and the Planning Commission reviewed and recommended amendments to the PDR Ordinance to the Board of Commissioners. Staff applied for PDR from the State of Michigan in December of 2020.

## **ZONING PERMIT AND VIOLATION ACTIVITY IN 2020**

Staff issued two hundred eighty-four (284) Zoning Referrals in 2020. Twenty-eight (28) junk violations were carried over from the year 2019, twenty-three (23) new ones were received and twenty-one (21) total were closed. Twenty-three (23) zoning violations were carried over from 2019, twenty-three (23) new ones were received and twenty-two (22) total were closed. Staff issued one (1) civil infraction ticket in 2019. Detailed charts can be found on the next two pages.

## **PLANNING ACTIVITY FOR 2020 (Goals)**

- The Planning Commission will continue to review and maintain the County Master Plan.
- The Planning Commission will continuously review the Zoning Ordinance and will make recommendations to the Board of Commissioners on amendments to the Zoning Ordinance as needed.
- The Planning Commission will also maintain the open lines of communication townships. The Planning Commission and staff believe communication with our townships is important to best service the people of Eaton County.

CASES	Conditional Use Permits		Board of Appeals		Administrative Variances		District Change Amendments		Site Plan Reviews		Zoning Referrals		Private Roads		Agricultural Buildings		Lot Line Adjustments		Land Divisions Reviewed		TOTAL	
	"19"	"20"	"19"	"20"	"19"	"20"	"19"	"20"	"19"	"20"	"19"	"20"	"19"	"20"	"19"	"20"	"19"	"20"	"19"	"20"	"19"	"20"
MO/YR	"19"	"20"	"19"	"20"	"19"	"20"	"19"	"20"	"19"	"20"	"19"	"20"	"19"	"20"	"19"	"20"	"19"	"20"	"19"	"20"	"19"	"20"
JAN	0	2	2	0	0	0	0	0	0	0	10	8	0	0	1	1	4	2	2	2	19	15
FEB	0	0	0	0	0	0	0	0	0	3	14	14	0	0	1	1	4	2	1	4	20	24
MARCH	1	2	2	0	0	0	1	2	0	0	15	12	0	0	2	0	3	3	2	1	25	23
APRIL	0	3	2	1	0	0	0	0	0	0	33	2	0	0	3	1	11	1	2	1	52	9
MAY	4	0	1	1	0	1	0	0	0	0	39	32	0	0	3	2	3	4	3	2	53	42
JUNE	1	0	1	0	0	0	0	0	0	0	28	34	0	0	2	2	1	1	1	0	34	37
JULY	1	1	2	0	0	0	0	1	1	0	24	42	0	0	3	3	1	1	3	3	35	51
AUG	1	0	1	1	0	0	0	0	0	0	33	41	0	0	2	2	3	2	4	2	44	48
SEPT	0	0	3	3	0	0	0	0	0	1	20	26	0	0	1	2	2	5	1	3	27	40
OCT	0	1	1	0	0	0	0	0	2	1	34	36	0	1	2	2	3	7	5	1	47	49
NOV	4	0	1	0	1	0	2	0	3	0	10	20	0	0	1	1	2	5	2	4	26	30
DEC	3	1	1	1	0	0	0	0	0	0	10	17	0	0	2	1	1	5	0	2	17	27
TOTALS	15	10	17	7	1	1	3	3	6	5	270	284	0	1	23	18	38	38	26	28	399	395



CASES	JUNK	JUNK	JUNK	JUNK	ZONING	ZONING	ZONING	ZONING	
	(NEW)	(NEW)	(CLOSED)	(PENDING)	(NEW)	(NEW)	(CLOSED)	(PENDING)	
		2019 carryover: 28				2019 carryover: 23			
MO/YR	2019	2020	2020	2020(PENDING)	2019	2020	2020	2020(PENDING)	
JAN	1	3	4	27	0	0	1	12	
FEB	0	0	0	27	0	1	0	13	
MARCH	4	3	0	30	5	5	2	16	
APRIL	11	0	0	30	3	0	0	16	
MAY	4	0	0	30	0	0	0	16	
JUNE	4	3	0	33	3	0	0	16	
JULY	4	8	3	38	2	7	13	10	
AUG	1	2	5	35	1	1	2	9	
SEPT	5	3	3	35	5	1	1	9	
OCT	2	1	4	32	2	5	3	11	
NOV	2	1	1	32	3	1	1	11	
DEC	1	2	1	33	0	2	2	11	
TOTALS	39	23	21	33	24	23	22	11	
			TOTAL PENDING JUNK & ZONING VIOLATIONS						44

## **ZONING BOARD OF APPEALS (ZBA) ACTIVITY IN 2020**

Regular meetings of the Board of Appeals were scheduled for the first Tuesday of the month at 6:00 p.m. The Board of Appeals met three (3) times in 2020. All meetings July thru December were held electronically via Zoom due to the COVID-19 pandemic. All meetings were held in compliance with the Open Meetings Act (PA 267 of 1976) and with COVID-19 pandemic requirements in place.

In 2020, the Board of Appeals membership was as follows:

Nikki Chmielewski, Chairperson	Charamy Cleary
Don Chase, Vice – Chairperson	Jeremy Whittum (alternate)
April Stopczynski, Secretary	
Tim Catron (Planning Commission Representative)	

Department Staff for 2019 was as follows:

Claudine Williams, Director of Community Development and Housing  
Brandy Hatt, Planning and Zoning Assistant/Code Enforcement Officer

The Zoning Board of Appeals (ZBA) heard seven (7) requests from six (6) applicants in 2020.

One request from a 2019 appeal to Circuit Court was remanded back to the Board of Appeals by the Circuit Court Judge for further consideration. The request, for a structure to be too close to a road right-of-way, was heard and again denied in February of 2020.

Due to the number of variances over the years in reference to road right-of-ways, in January of 2020 the Planning Commission recommended amendments to the Zoning Ordinance to lessen this requirement in Limited Agricultural zoned districts from sixty-seven (67) feet to fifty (50) feet. The text amendment became effective on April 5, 2020. The constituent noted above was able to construct their pole barn.

One (1) Administrative Variance request was approved by Community Development Department Staff per the Zoning Ordinance, for an accessory building to be located too close to another structure on the property.

The number of variance requests in 2020 showed a decrease over the last few years. We believe this is partially due to the COVID-19 pandemic and text amendments made to the ordinance.

2020 Zoning Board of Appeals Requests				
Type of Action	Approved	Denied	Withdrawn	Total
Access Required Variance	1			
Two abutting flag lots variance		1		
Less than required amount of road frontage		1		
Accessory Building Number Allowed Variance		1		
Maximum Lot Coverage Variance	1			
Road Right-of-Way Setback Variance (remanded from Circuit Court)		1		
Request for public hearing to appeal a decision of the Planning Commission		1		
TOTALS 2020	2	5		7

\*Note: Some applications have more than one variance request resulting in more requests than applications.

