



ZONING BOARD MINUTES OF MEETING HELD MARCH 14, 2000

A special meeting of the Charter Township of Texas Zoning Board was held on Tuesday, March 14, 2000, commencing at 7:00 p.m. at the Texas Township Hall. Members present: Steve Bosch, George Sprau, Barbara Huber, Bryan Lewis, Suzzette Deaux, Tom Hamming. Members absent: Steve Woollam, Steve Bosch, and Attorney Lynda Thomsen. Also present were Clerk Linda Kerr, Treasurer Joyce Neubauer, Trustee Edward Woodhams, Zoning Administrator Jeff Mais and approximately 60 interested persons.

ITEM 1. CALL TO ORDER AND ROLL CALL

Chairman Bosch called the meeting to order at approximately 7:00 p.m. Roll was called with the results shown above.

ITEM 2. SET AGENDA

The agenda was not changed.

ITEM 3. APPROVAL OF MINUTES AND MISCELLANEOUS

Moved by **Huber**, supported by **Lewis**, carried unanimously, to approve the minutes of the February 22, 2000 meeting.

ITEM 4. RURAL RESIDENTIAL ZONING – PUBLIC HEARING

Chairman Bosch explained procedures for the public hearing. He stated Jay Kilpatrick, planner from Williams & Works, would give a brief synopsis of the proposed verbiage. He noted, due to the large number of people in the audience, he would place limits on the time for people to speak and asked that people not repeat what has already been mentioned. He explained that the Board did not have to make a decision tonight.

Mr. Kilpatrick gave a brief explanation of the amendment to the Right-to-Farm Act passed in December creating a requirement that any local zoning ordinances extending or expanding the terms of the Act and restricted agricultural be null and void. He noted that the Township Board directed the Zoning Board to take a look at an alternative zoning district to help institutionalize the land uses that are already in place in the township such as small family farms, hobby farms and the large acreage residential parcels. He explained that the main concern of the Township is to prevent the imposition of confined animal feeding operations from disturbing the aforementioned properties.

Mr. Kilpatrick clarified that tonight the text amendment only would be addressed at this public hearing. He said that if the Board decides to proceed with a Rural Residential District the mapping of the district would be addressed at a future public hearing. He explained that this district is intended to serve as a transition between the agricultural areas of the township and the residential areas of the township permitting low-density uses. He further explained that within this rural residential district permitted uses would still include single family residential, signs, accessory buildings, child care organizations, large one-acre plus gardens, and agricultural type animals at a less than commercial scale. In addition, in R-1 and R-2 residential districts those same rural recreational activities would be

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incorporated as special exception uses. He stated that also incorporated in the text amendment are dimensional definitions that parallel the existing agricultural district with the exception of building height. He reiterated that the meeting is to be opened for public comment as to whether or not to create a rural residential district, that the Zoning Board will then deliberate and make a recommendation to the Township Board who will make the final decision.

Chairman Bosch explained that the creation of this district does not change any current zoning. It is just a new classification in the zoning ordinance and how it is used will be determined at another time. The passing of this amendment will not automatically change any current zoning districts.

Trustee Woodhams gave a brief synopsis of a public town hall meeting that encouraged residents to voice their opinions on the Right-to-Farm act. He noted both Boards are concerned of taking action that the people in the community would like. He believed that the overall consensus of the meeting was to leave current zoning alone.

Chairman Bosch told the audience that when the Zoning Board developed the Land Use Plan a Rural Residential District was a part of that overall plan for the future. At that point Chairman Bosch opened the Public Hearing stating he would limit comments to two minutes each.

Anthony Badalmenti, 9251 West R Avenue, said he doesn't approve of State control. He expressed concerns with the limitations of the Rural Residential zoning. He felt this zoning district had the potential to remove 4-H, prevent replacement of animals, and prevent growth. He would prefer his property to remain agricultural. He stated that if we remove "rural" you have residential.

In response to a question from Mr. Rusty Stafford regarding the ability for a current operation to expand, Mr. Kilpatrick answered that expansion is not permitted in the current text. Expansion would have to be approved by the Zoning Board. He explained that the intent of the language is to define between rural and large commercial operations. He stated that most communities who have rural residential districts include agricultural in their text, but we have excluded all reference to ag due to concerns of large commercial operations settling in the township.

In response to a question from Mr. David Farnham as to whether zoning changes have been made, Chairman Bosch explained that the zoning is recorded at the township office. Mr. Farnham said he supports keeping Texas Township a farming community in the agricultural areas.

Mr. Ken McDonald, 8781 W. RS Ave., referred to an article in the Portage Kalamazoo Gazette that referenced a statement by Mr. Kilpatrick and one by Attorney Thomsen. The article stated the Township was making decisions on "uncertainty" and "insufficient information" in regards to the intent of the new law. He also referenced a memorandum from Jay Kilpatrick to the Township Board regarding animals and larger gardens. This memorandum also noted "uncertainty" in regards to the new law. He asked why the township would even consider making changes based on "uncertainty" and "insufficient information?"

Mr. Doug Kellogg, 8830 W. RS Ave., reiterated Mr. McDonald's opinion that the farmers in the community are concerned of losing their lifesavings invested into their farm properties, their afraid of urban sprawl, and they don't want to have the agricultural zoning taken away from them. They object to others making their decisions and want to be left to their farming without interference.

Following continued comments from members of the audience regarding replacing animals and/or selling property to a new owner who wants animals Chairman Bosch reiterated that at this point no property would be rezoned to the new district.