

**CHARTER TOWNSHIP OF CLAYTON  
PLANNING COMMISSION MEETING MINUTES  
Tuesday, June 16, 2015, 7:00 p.m.**

**CALL TO ORDER**

Chairperson Shaw called the Planning Commission to order at 7:00 p.m.

**PLEDGE TO THE FLAG**

The Pledge to the Flag was led by Commissioner Widigan.

**ROLL CALL**

**MEMBERS PRESENT:** Dr. Bill Shaw, Chairperson  
Mr. Kevin DePottley, Vice-Chairperson  
Mr. Dennis Milem, Secretary  
Mr. Ed McCartney  
Mr. Ryan Bower  
Ms. Susan Hyde  
Mr. Rob Widigan

**OTHERS PRESENT:** Mr. Ted Henry, Clayton Township Building Inspector  
Ken Tucker, Attorney  
Deanna Turner, Stenographer

**APPROVAL OF THE PROPOSED AGENDA**

Motion by Commissioner McCartney, supported by Secretary Milem to approve the agenda for the June 16, 2015 Planning Commission meeting.

MOTION CARRIED.

Chairperson Shaw said the New Business should be deleted and the Five-Year Master Plan should be listed as number two under Old Business.

Motion Secretary Milem, supported by Commissioner Hyde to approve agenda change.

MOTION CARRIED.

## **APPROVAL OF THE MINUTES**

Chairperson Shaw said there is a correction, bottom line; picks up where it says, "Shaw suggested that the focus remains on family;" insert animal-sized units and exclusions and harvesting.

Motion by Commissioner Widigan, supported by Commissioner DePottey to approve the Minutes of the May 19, 2015 Planning Commission meeting.

MOTION CARRIED.

## **COMMUNICATIONS**

Chairperson Shaw asked if there were any communications. Secretary Milem said he didn't have any.

## **REPORT OF OFFICERS AND COMMITTEES**

Mr. Ted Henry said there was a building application for a new home at Corunna road by Nichols road for several small buildings.

## **PUBLIC COMMENT**

None.

## **OLD BUSINESS**

### **(1) Review of Domestic Animal Ordinance**

Chairperson Shaw, regarding a charge that was made and in attempt to respond to that charge, stated there is an item in the agenda packet. The new wording is only chickens, all pheasants, and rabbits may be harvested. He said no commercial slaughtering will be permitted. The exclusions are domestic animals and any animal that is the ownership of future farmers and youth development mentoring programs such as 4H Club.

Commissioner Hyde asked for clarification on what the word "exclusions" means. She asked if that means people would be able to have animals on any size lot as long as they are registered.

Chairperson Shaw said yes, most of the kids have one or a few small animals, so possibly three animals, that would be excluded. He said basically they may fall out of the stipulations the township has so that they could have as many animals as they wanted.

He said basically that is the chance they will be taking. Chairperson Shaw said that if it becomes a problem, the township could go back to the ordinance and amend it.

Commissioner Hyde said there is no exclusion for cows or horses. Chairperson Shaw said all animals are included and the only exclusion are the kids who have an animal.

Commissioner DePottey said it shouldn't be open to all zoning districts because, for example, someone in Cole Creek Meadows could have a cow in their yard and he doesn't think that could work. He said that is what they have to look out for.

Chairperson Shaw said as it is written, the house in the subdivision could have a cow.

Commissioner DePottey said the ordinance opens a situation, even with 4H members and possibly certain zoning districts should be included.

Commissioner Hyde asked that even if it opens up situations, how does one show that they are a member of these organizations. She asked can anyone join if they wanted to own a goat and be excluded from the ordinance.

Chairperson Shaw said that originally, the 4H organization is nationwide and a person would have to register with 4H. He said they have rules and regulations for the care of the animals. He said there has to be approval for any kind of animal if you are under age.

Ms. Sue Ringle, resident, stated that with each 4H group, the kids have a leader and they have meetings. She said that Future Farmers of America (FFA) is also a national organization and kids will need to have parental approval. She said they have to show proof they are with the organization if the kids are involved in 4H. Ms. Ringle said that she has a friend who is a 4H leader and the kids usually have three rabbits and maybe two to three chickens. She said there are kids that raise turkeys and geese too, but typically you are talking about rabbits, chickens, and stuff like that.

Commissioner Hyde asked what do these individuals do if at this time they are currently outside of 10 acres. Commissioner DePottey stated they just do whatever they want.

Ms. Ringle stated she has acreage and no neighbors. She said when her children were smaller, they wanted some pet rabbits. She said she never realized they had to get approval for pet rabbits. Sue said she has four children and they all got a rabbit. They were taught the rabbits have to earn their keep and the babies go in the freezer for meat. She stated she still has meat rabbits and no one usually cares about one or two rabbits because they are not noisy or stinky.

Commissioner Hyde said it is assumed that right now residents are owning animals outside of the ordinance. Commissioner DePottey said that it has always been complaint driven and that if neighbors complain, then the township gets involved. Chairperson Shaw said that complaints originally started with people who have free-range chickens that roam the yards and roads or get into the neighbor's swimming pool.

Ms. Evelyn Bower said that it sounds like Ms. Hyde is not familiar with the 4H organization. She suggested that if she goes to the MSU Extension office in Genesee County or Shiawassee County, she can get a lot of information on 4H and what they do. She said that they are a beautiful organization and Shiawassee County is much more active than Genesee.

Secretary Milem said some residents do not want people to own turkeys or ducks. He said peacocks are part of the original ordinance and is an exotic animal the township does not allow. He said the next resident will say a turkey is a 4H animal and they like ducks and geese, but they don't like pigs and they don't want sheep. Secretary Milem said he sees the issue as possibly unsolvable as the way it is written. He said he doesn't want to condone residents going outside of the ordinance, but they have a ton of things coming up in future weeks that people want to come for special permitted uses. He said they can send it to the board in some form, but that is not much direction for the board. Secretary Milem said one alternative is to leave it exactly where it is and let it be complain driven, leave it at 10 acres.

Mr. Henry said that he thinks if his neighbors put rabbits up against their fence, his dogs would go crazy and then create a noise disturbance. He said that as a point of information, members of 4H have to register their large animals for show 18 months before they start showing. He said it has to go through the system and some kids will have cattle, but they have to be registered. Mr. Henry said if they don't go through the system, they cannot show the animals or complete. He said the only way to do it is to set some distances off the properties, with the sized parcels, and make it less.

Commissioner Hyde said she is trying to get a clear understanding of the entire scope and repercussions, the positives versus negatives. She said that is the intent of her question so she can make a good decision. She said that she is interested in possibly seeing a township map that shows all of the plots of lands that would be affected by change. Secretary Milem said there are 3200 parcels starting with index cards and nothing on numbers that tells us acreage.

Commissioner Hyde said that she wanted to see who would be affected by the change. If someone is currently a homeowner and there is a change in ordinance allowing your neighbors to now have cows and chickens; that's not what you signed up for when you bought the property.

Chairperson Shaw said there is a way to do it, but it is intensive. He said they could defer the whole package and wait to see what the state comes out with because they are doing the same thing they are and a lot of what I have come from them. He said the State of Michigan has a subcommittee that consists of small farmers, commercial, business persons, attorneys, etc.

Ms. Ringle asked if they are referring to the small urban cultural coalition. She said she would wait and see what they come up with. Ms. Ringle said she has done research online with respect to the "Right to Farm Act," GAMPS, and all of the guidelines. She said the "Right to Farm Act" was initially created to protect farms from neighbors moving

in and the complaining about the farm. She said that everything she has read from attorney blogs to the Right to Farm state website, is that there is fine print that ultimately says that if there is a problem, a judge will decide it. She said the complaint will likely end up in court and a judge will make a decision. Ms. Ringle said that GAMPS is not the law and that guidelines are written so that everyone can play together nicely. She said she would like to see a 2 1/2 acre minimum for the animals such as rabbits, chickens, dairy goats. She said she has cattle, and a large full size cow produces about a ton of manure a year.

Chairperson Shaw stated the name of the state subcommittee is called the "Urban Livestock Technical Workgroup."

Motion by Commissioner Widigan, supported by Commissioner DePottey to table the following ordinances: 2015-471, 472, 473, 474, until the Urban Livestock Technical Workgroup completes their recommendation.

MOTION CARRIED.

Secretary Milem stated that he found out through lots of classes they have taken that the "Right to Farm Act" does not preempt township ordinance. He said buildings that go up are subject to all codes in the township and Right to Farm is not quite as inclusive as what they thought before the classes.

Attorney Ken Tucker stated that is the part that people skip is that the farm has to be certified with GAMPS. He said residents cannot complain if they move next to an existing farm.

## **(2) 5 YEAR MASTER PLAN REVIEW**

Chairperson Shaw said it is the charge of the Planning Commission to look at the master plan and offer slight amendments and no major changes. He said in addition to cleaning up the understanding, major amendments would be if they wanted to set up an additional zone such as the pods located at Corunna and Morrish and Elms interceding cars. He referred to those shops that place grocery shops that offer small conveniences in that region/area.

Chairperson Shaw said in the last decade, the State of Michigan financial situation has been troubling. Clayton Township has found themselves in a defunct income from the state because of the money that has been reduced.

He stated that if they have plans for anything in the next 10-15 years; they have no money to do it. He said there is currently no money to do anything. Chairperson Shaw said they may be able to do some roads and some things, but something major like putting up an auditorium or building a humongous playground for the kids; the township cannot afford it. He said they can be put into the plan, however, it will just be bumped out until they end up with some money.

Chairperson Shaw said as they go through the master plan, use it as guidelines for thought. He said he has guidelines taken from the state document that follows the Metro Association for Planning. He said it is summarized for them so that it encapsulates what they should be doing such as goals, objectives, and strategies.

Chairperson Shaw stated that ten years ago a survey was performed and the community expressed the need for green space/open space. He said everything they have is in a ten mile radius, even recreation. He said he would like to get some information and make sure zoning adoptions and actions align with the master plan. Also, what provisions are in place for public opinion. Chairperson Shaw suggested resurrecting and updating the old survey and put it on the internet. He said they can also have copies at the desk so people can fill it out if they so desire. He said there is no mailing to piggy back off. He asked if there are thought son how they can contact the public.

Commissioner Hyde suggested putting information with the water bills or anything else sent from the township. Commissioner DePottey said there is a very small part of the township that receives a sewer/water bill and they are paid through Genesee County. Mr. Henry said that residents can pay their bills at the Township offices.

Secretary Milem said they can put a survey on their website and possibly the View could write something about the Master Plan and survey.

Ms. Ringle said some TV stations do public service announcements (PSA's) for free. She said Comcast has PSAs all the time. Mr. Henry said most of the township has Charter. Secretary Milem said he hasn't seen any on Charter. Ms. Ringle also suggested channel 12 and radio stations in the area.

Mr. Henry suggested a sponsored mailer for a survey. They used to have township maps that had advertisements on it.

Ms. Bower asked what year is the master plan they are reviewing. Chairperson Shaw answered 2010.

Secretary Milem said the 2010 census projected zero growth for Clayton Township.

Chairperson Shaw said he will contact the Genesee County Planning Commission because they offer workshops and resources regarding master plans.

Mr. Henry asked if bordering communities will participate in the survey. Chairperson Shaw answered that he doesn't know. He said he doesn't want the City of Swartz Creek to tell Clayton Township what they should look like. Mr. Henry said they could receive their input, but that doesn't mean Clayton Township has to do it. Chairperson Shaw said Swartz Creek is working on their own plan.

All of the Planning Commissioners turn a turn reading a portion of the Master Plan Introduction.

Chairperson Shaw asked if anyone knew the name or phone number for the Swartz Creek Historical Society. The attorney stated that his mother sits on the board and he can get the information.

Chairperson Shaw said that the second paragraph states that Clayton Township resisted growth in leap frog development and he has trouble with the word, "resisted." He would like to see that modified. He also stated that in the second paragraph in demographic information, resources out to be along with citizens. Chairperson Shaw said that the document should list the resources along with the census information.

Secretary Milem said the third line down to the right states .3% growth and it should be .5% With the township not receiving money from the state, and the population at zero, they cannot do much.

Mr. Henry asked should the sewers from Lennon all the way to the northern boundary of the township be included. Commissioner Widigan in the Village of Lennon, he has sewer, however, his aunt's property that borders his does not have sewer. He asked how to address that.

Commissioner DePottey said that they could add the northwest section of the township, adjacent to Swartz Creek and portions of the Village of Lennon.

#### **ADDITIONAL ITEMS**

None.

#### **ADDITIONAL COMMENTS**

None.

#### **ADJOURNMENT**

Motion by Commissioner Widigan, supported by Commissioner DePottey to adjourn the meeting.

The meeting was adjourned at 8:14 a.m.