



**OTSEGO TOWNSHIP  
PLANNING COMMISSION  
MEETING MINUTES  
February 2, 2015  
Monday at 7:00 PM**

*Planning Commission Members;  
Chair Andy Webb, Vice Chair Bill Rohr, Secretary Jeff Polonowski,  
Scott Reising, Karen Burns, Mike Bosch, Tammy Hoppe, Ron Cade & Roger Rumble*

Chairman Andy Webb called the meeting to order at 7:05 p.m.

Members Present: Roger Rumble, Tammy Hoppe, Ron Cade, Scott Reising, Mike Bosch, Andy Webb, Karen Burns

Members Absent: Bill Rohr, Jeff Polonowski

Also in attendance: Zoning Administrator Kirk Scharphorn, Jr., Planning Consultant Janis Johnson, and Township Attorney Catherine Kaufman

**Approval / Correction of Minutes:**

Motion made by Tammy Hoppe, support by Roger Rumble to approve the December 1, 2014 Planning Commission meeting minutes as presented.

7 - Yes, 0 - No, 2 - Absent. Motion carried.

Motion made by Ron Cade, support by Tammy Hoppe to approve the December 15, 2014 Planning Commission minutes as presented.

7 - Yes, 0 - No, 2 - Absent. Motion carried.

**Old Business:**

**Konos Egg Farm Special Use Permit/Site Plan Review – Case 14-08**

Chairman Webb indicated Konos had presented an updated site plan which had been reviewed by Ms. Johnson, Mr. Scharphorn and Ms. Kaufman. He also indicated our attorney, Ms. Kaufman, had been in communication with the attorney for the Konos group. Chairman Webb indicated our Zoning Ordinance has been in place for thirty years and state law has evolved in that time. This has specifically affected the Township's requirement for a Special Use Permit for Intensive Livestock Feeding Operations which has been preempted by the Right to Farm Act. Chairman Webb then turned the meeting over to the Township Attorney, Ms. Kaufman.

Ms. Kaufman spoke regarding her qualifications to review issues relating to the Right to Farm Act and indicated the issue regarding the egg farm had come to her attention because of articles appearing in local newspapers. She stated the district Konos is planning to build their operation in is designated as AG – Agricultural and Rural Estate on our zoning map and in our Future Land Use Map. This designation allows farming as a permitted use and because of this, the Right to Farm Act gives an express legislative preemption which removes all local control over operations such as the one Konos is proposing. Konos will be bound by Generally Accepted Agricultural Management Practices (GAAMP) and will have to meet only requirements imposed by the State of Michigan through the permitting process for a Concentrated Animal Feeding Operation (CAFO). She indicated the fact that Konos had come before the Planning Commission showed their intent to be a good corporate citizen of the Township because they were not obligated in any way to do so.

Chairman Webb opened the discussion to the public present at the meeting. There were general comments made reiterating the neighbors' concerns with odor and pest management and the impact this type of operation will have on their properties. Ms. Kaufman again stated the Right to Farm Act

offers strong protection to large scale agricultural operations such as this to defend against potential lawsuits from adjoining property owners.

Discussion was returned to the planning commission.

Chairman Webb indicated that it appeared the Planning Commission has no standing to require a Special Use Permit from the applicants and the appropriate action would be a recommendation to the Township Board to refund the fees paid by Konos.

Motion made by Roger Rumble, support by Tammy Hoppe to recommend the Township Board refund fees received from Konos for the Special Use Permit.

7 – Yes, 0 – No, 2 – Absent. Motion carried.

Chairman Webb indicated the Planning Commission also had a site plan that was presented as part of the Special Use Permitting process. Ms. Kaufman indicated only items not preempted by the GAAMP could be regulated by the Township, these might include parking and signage but would be minor items of concern. Mr. Scharphorn indicated the site plan had been submitted as part of the Special Use Permit process and since the Township was preempted from requiring the Special Use Permit there was no basis to require a site plan. Karen Burns raised concerns with the drawdown of the local water supply, Ms. Kaufman indicated this would be regulated by Michigan Department of Environmental Quality and again was not subject to local review or control. Ron Cade made a motion to approve the site plan that had been presented by Konos. Scott Reising stated he did not feel it was appropriate to grant approval to a plan which we had no authority to review or enforce stipulations upon. Motion died due to lack of support.

Motion made by Roger Rumble, support by Tammy Hoppe to adjourn the meeting at 8:27 p.m.

7– Yes, 0 – No, 2 – Absent. Motion carried.

Respectfully submitted,

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Jeff Polonowski/js                          Date  
Planning Commission Secretary