

CHARTER TOWNSHIP OF FLUSHING
6524 N. SEYMOUR ROAD
FLUSHING, MICHIGAN 48433
810-659-0800 FAX: 810-659-4212
SPECIAL PLANNING COMMISSION MEETING
DATE: JULY 25, 2005 TIME: 7:00 P.M.
WEB ADDRESS <http://www.gfn.org/flushing/index.html>

MEMBERS OF PLANNING COMMISSION

Aaron Bowron, Chair	Richard Buell
Jerome Doyle, Vice Chair	Ronald Flowers
Eric Swanson, Secretary	David Gibbs
Barry Pratt, Board of Trustee Representative	

Jerald W. Fitch, Building Inspector
Julia A. Morford, Recording Secretary

PRESENT: Bowron, Doyle, Buell, Flowers, Gibbs, Pratt, Fitch, and Morford

ABSENT: Swanson

OTHERS PRESENT: Flushing Township Nature Park Manager Tom Enright, Brett Nickola and Harry S. Blecka from the Center of Applied Environmental Research at U of M-Flint

I. MEETING CALLED TO ORDER at 7:00 p.m. by Planning Commission Chair Aaron Bowron with Roll Call.

BOWRON requested to omit the Pledge to the Flag since the American Flag was unavailable to salute.

BUELL MOVED, seconded by Flowers to omit the Pledge to the Flag. **MOTION CARRIED.**

BOWRON stated that **ATTORNEY STEVE MOULTON (ATTORNEY MOULTON)** has not had an opportunity to review the proposed C-1 and C-2 Draft Ordinance. **FLOWERS MOVED**, seconded by Pratt to postpone the issue of the C-1 and C-2 proposed draft ordinance until such time the information has been received from the attorney. **MOTION CARRIED.**

II. ADOPTION OF AGENDA: PRATT MOVED, seconded by Doyle to adopt the Planning Commission Agenda for July 25, 2005 as corrected. **MOTION CARRIED.**

III. APPROVAL OF MINUTES OF JUNE 11, 2005: DOYLE MOVED, seconded by Flowers to approve the June 11, 2005 Minutes as corrected. **MOTION CARRIED.**

IV. UNFINISHED BUSINESS:

1. **Final Review of C-1 and C-2 Proposed Draft Ordinance**
-Postponed-

V. NEW BUSINESS:

1. **Wetland Review**

BOWRON read:

MASTER PLAN, *Goals and Policies, Section 3, Problem Statements, Natural Features*, which states:

- 10) There is potential for inappropriate development in areas with natural features such as flood plains, wetlands, steep slopes and wood lots that are environmentally sensitive and need to be protected.

HISTORY OF FLUSHING TOWNSHIP WETLAND ACTIONS:

1. **PLANNING COMMISSION - April 22, 2004** – met to discuss wetland protections. It was determined that it was a tentative step toward implementation of a Wetland Ordinance or at least toward the goal of further discussion thereon. A wetland study first had to be developed that delineated the boundaries and area of wetlands. The issue before the Planning Commission at the particular meeting was how to fund such a study.

MOTION:

“SWANSON MOVED, seconded by Bowron to approve the funding study in order to bring the Master Plan up to date and find out if there are other places available for funding. **MOTION CARRIED.**

2. **FLUSHING TOWNSHIP BOARD OF TRUSTEES - May 13, 2004:**
“FLOWERS MOVED, seconded by Fotenakes that the Township spend \$1,000.00 to Michigan State University (MSU) to do the 1978-1999 Land Cover-Land Use Update for the GIS Data and Digital Imagery. **MOTION CARRIED.**

BOWRON introduced Tom Enright (Enright), Manager of the Flushing Township Nature Park and Brett Nickola (Nickola) from the Center of Applied Environmental Research at U of M (CAER). The data gathered by the MSU study has been compiled and reformatted by **NICKOLA** and others of CAER at no cost to the township.

7:27 P.M. – OPEN TO THE AUDIENCE FOR COMMENTS:

NICKOLA’S COMMENTS:

- Flushing Township Board of Trustees approved the acquisition of data from Michigan State University.
- MSU had a program that paid for half of the cost to update land use within townships in Michigan and the State of Michigan paid the remaining half of the cost.
- Program Goal of MSU was to update the entire state of Michigan.
- 1978 – 1998: Scientists at MSU did a twenty (20) year land use update study.
- At the Flushing Township meetings it had been decided the action would be a step toward providing some of the information which the Planning Commission needed to make decisions regarding either implementation or further discussion on a wetlands ordinance.
- The data that came back from MSU was reviewed through the GIS (Geographic Information System):
 - a. there were very few large wetlands throughout Flushing Township.
 - b. the smallest area, which was mapped by MSU, was a 2 1/2 acre.
 - c. any wetlands smaller than 2 ½ acres would not have been identified by the data gathered by MSU.

DATA RECEIVED BY NICKOLA:

- **NICKOLA** felt there needed to be more investigation and review of the usefulness of the data which was provided to **NICKOLA** by MSU.
- Second Map – 1978 Land Use Map – was the previous twenty plus (20+) years data that had been previously collected. A percentage of the make up of the township was generated so the Planning Commission could actually compare land use within the township over the twenty plus (20+) year period.
 - a. small increase in wetlands from 1978 to 1998.
 1. much of the farmland that had been farmed during 1978 is no longer in production.
 2. farmland that is no longer in production and the tiles have not been maintained, would revert back.
 - b. residential had an increase in the time period.
 - c. there had been a decrease in agricultural lands for the township.

POTENTIAL GUIDELANDS FOR WETLAND ORDINANCE:

- Map of Hydric Soils:
 - a. some soils are wetlands, many are not wetlands.
 - b. did not compile what wetland soils are currently agricultural, which are maintained for agricultural.
 - c. invested a lot of resources and time beyond the initial mapping done by MSU.

HYDRIC SOILS means soils developed over periods of time with the inundation of water which gives the soils certain properties including anaerobic, the lack of oxygen in the soil. This is one of the factors used to determine wetlands.

- would allow water not to evaporate.
- different types of hydric soils:
 - a. soils that developed in what would be classified as wetlands.
 - b. currently not suggesting the soils are wetlands.
 - c. conditions for the soil:
 1. not enough oxygen in the soil
 2. due to the increase water capacity in the soil
 3. soil map plus the soils would indicate the location or how many potential wetlands would be located.

BUELL stated that most of the potential wetlands indicated on the map were currently located under agricultural control.

BOWRON stated the maps (presented by **NICKOLA**) also listed forest areas, water grasses, and agricultural. The information could be beneficial for broadening the scope of wetland protection to save wood lots. **NICKOLA** stated the maps would be useful for determining Natural Resources, not just wetlands, but rivers, wetlands, forested areas; it would include the items mentioned in the Master Plan.

NICKOLA stated to refine the issue more would be to address the areas that are currently in agricultural production which would reduce a significant amount of the hydric soils which would allow the Planning Commission to identify or focus on any of the cattails, swamps, forest water, etc. that would be generally associated with wetlands or swamps. **ENRIGHT** stated areas that have been developed since the survey, housing, residential, or commercial, could be further reduced.

FLOWERS felt the Planning Commission was looking for something in the developments that would not destroy ecology. **GIBBS** felt agricultural property should not be turned into wetlands.

NICKOLA stated that in attempting to refine wetlands, the best indicator available was soil type. The soil types had developed under wetland conditions. Some are no longer wetlands; the Planning Commission's attempt was to identify and get some type of grasp on the areas that were potential wetlands. The soil map presented the best map. **NICKOLA** stated that at least seventy-five (75%) percent of the wetlands are/were agricultural.

BOWRON stated the idea behind the local wetland ordinance would be to regulate, construction or the development in identified wetlands five (5) acres or less which currently the State nor the Federal Government regulated unless it was contiguous to a permanent body of water. Farming is an exception in the Wetland Ordinance.

GIBBS stated an individual could take a parcel of property and not farm it for three (3) years and a cattail would appear. Would it be considered a wetland? **ENRIGHT** stated it would be listed under the farm exemption.

BOWRON stated the Statutes defined Wetlands as:

“land characterized by the presence of water at frequency and durations sufficient to support that under normal circumstances does support wetland vegetation or aquatic life, which is commonly referred to as a bog, swamp, or marsh.”

GIBBS stated there are wetlands in Flushing Township that have been there for a hundred (100) years and would probably be there for another hundred (100) years.

NICKOLA stated he and the Center for Applied Environmental Research were approached by the Planning Commission to identify some wetlands and point the Commission in a direction to obtain some information which they (Planning Commission) could move forward on making some decisions; University of Michigan does not push agendas. **BUELL** stated the Planning Commission appreciated the work that had gone into the maps which would help navigate the Planning Commission to a starting position. **FLOWERS** stated it was great information that would be very valuable getting to a starting point for the Planning Commission.

BUELL stated there were emotions with some of the Planning Commission members that were involved with agriculture. **GIBBS** stated there were wetlands that were wetlands years ago that are being farmed today because of the availability to drain the land for agricultural use. **BUELL** felt there should be an obligation to protect the wood lots. **GIBBS** stated that if the wood lots were all cut down, the sun could get to the trees and dry the land, so the land in turn, would be farmable. The land would be considered wetland prior to the cutting of the trees.

NICKOLA stated it was the Flushing Township Planning Commission that was interested in dealing with the wetland issue.

HARRY S. BLECKA (BLECKA), **NICKOLA'S** boss at CAER, a program funded by U of M Flint, and also a Flint Township Planning Commissioner was present stated he wore several “hats”:

- have to ask yourself, “who cares” or “why”.
- as a Flint Township Planning Commissioner wished Flint Township had more wetland and woodland.
- have to ask yourself, “what value does it have to save wetlands or woodlands.”
- every township works with the Genesee County Drain Commissioner on storm water runoff issues.
- values such as: area looks great, can go fishing, take hikes, and possibility of connection to some park system.

- as a U of M Instructor, U of M only a place that produces the data because they have the printers, knowledge that makes the pictures, etc.
- Flushing Township Planning Commission needs to decide if they want to get down to a point where the discussion would be on woodlands or wetlands and then make a decision as to the value to the township.
- determine where Flushing Township Planning Commission would draw the line with respect to development, whether it is farming or industrial, commercial, or retail and think about the character that Flushing Township would like to create now and in fifty (50) years.
- once the woods and streams are gone, you cannot get them back.

FLOWERS stated one of the issues had been the Nature Park. It was felt by the Flushing Board of Trustees the area needed to be preserved because the next generation of children wouldn't know what a park or trees would be about because everything would be so commercialized.

FLOWERS stated the Flint River divided Flushing Township and to some point most people wanted to build on the river. Some of the parcels wouldn't support a home due to the flooding of the river.

BOWRON stated some very valid points had been made specifically the one about the Planning Commission figuring out the direction it should go, which would be the next step. If the Planning Commission determined it would like to continue and protect the specifics per the Master Plan, it would identify the preservation and protection of environmentally sensitive areas as a goal.

BOWRON wanted to know the prospects for funding sources for more details maps. **BLECKA** stated a simple process could be done or a more intensive instrument with the computer which would take a few weeks to complete; the smallest area would be a few feet resolution. The decision would be determined if the Planning Commission wanted to view two (2) acres, three (3) acres, etc. or what value would be involved such as is the wetland close to something such as a drain, a bike path, etc. The material could be back in a week or up to a month depending upon the field work and the capability of the students.

ENRIGHT wanted to know if the Planning Commission was interested in proceeding with the project by decreasing the amount of wetlands by eliminating the ones that were in the agricultural areas. If the Commission would like for the wood lots to be included, another study would not have to be done as it would be more affordable to do everything at one time.

BOWRON stated the process would further the goals of flood plains, steep slopes, and wood lots would be environmentally sensitive and would need to be protected. **ENRIGHT** stated the corridors to the new Flushing River Trail should be left open for Phase 3 which would extend out to the Flushing Nature Park.

The University of Michigan only does the work, they do not take a position; CAER compiled the information for the maps. The Center likes being a resource for the community.

FLOWERS recommended the matter be taken to the Board of Trustees to see what their opinions would be on the issue. Each Planning Commission member has to determine the value of what has value now and later.

JERRY FITCH (FITCH) wanted to know what the price of the maps would be with a finer resolution. **BLECKA** would get back with the Chair as to the information

PRATT MOVED, seconded by Buell requesting prices and information regarding different geographic features which would be on the map, and sizes and what U of M would be able to provide the Flushing Township Planning Commission as well as the price for different natural resources inventory maps.

DISCUSSION:

GIBBS would like to drop the matter.

BOWRON stated he felt there would be no harm in assessing the cost that would be involved to commission something that would give the Planning Commission more information; nothing more. It would be useful and give the Planning Commission more of a direction if it were to be cost prohibitive or the Planning Commission could drop the issue.

FLOWERS felt the issue should be referred to the Board of Trustees. **BOWRON** stated the Planning Commission was merely an advisory board, but the board entrusted with land use issues.

PRATT wanted to know if there could be one (1) map for each feature: wetlands, farmland, etc.

ENRIGHT stated there were some grants available for the Planning Commission.

ACTION OF THE MOTION:

ROLL CALL VOTE:

AYES: Pratt, Gibbs, Flowers, Buell, Doyle, and Bowron

NAYS: 0 MOTION CARRIED.

8:14 P.M. CLOSED FOR PUBLIC COMMENTS ON WETLANDS

VI. PUBLIC COMMENTS:

8:14 P.M. – OPEN FOR PUBLIC COMMENTS

8:14 P.M. – CLOSED FOR PUBLIC COMMENTS

VII. BOARD COMMENTS:

1. **BOWRON** thanked **FITCH** for reviewing the C-1 and C-2 proposed draft ordinance and making sure the format table was correct and informing **ATTORNEY MOULTON** of the changes.
2. **BOWRON** gave remarks regarding the Conditional Zoning which was brought out at the MTA Summer Seminar Part I held in Frankenmuth, Michigan on Wednesday, July 20, 2005.
3. MTA Summer Time Seminar: Part II: The Top Zoning Errors – August 17, 2005
Frankenmuth, Michigan (Bavarian Lodge)

VIII. MEETING SCHEDULE:

REGULAR SCHEDULED MEETING – MONDAY, AUGUST 8, 2005, – 7:00 P.M.
PROPOSED SPECIAL MEETING – MONDAY, AUGUST 22, 2005 – 7:00 P.M.
REGULAR SCHEDULED MEETING – MONDAY, SEPTEMBER 12, 2005 – 7:00 P.M.
PROPOSED SPECIAL MEETING – MONDAY, SEPTEMBER 26, 2005 – 7:00 P.M.

IX. ADJOURNMENT: There being no further business, **BOWRON** adjourned the Planning Commission Meeting at 8:22 p.m.

AARON BOWRON, Chair

JULIA A. MORFORD, Recording Secretary

ERIC SWANSON, Secretary

Date of Approval