

# LILLEY TOWNSHIP PLANNING COMMISSION MINUTES

JULY 18th, 2024

UNAPPROVED

The July 18<sup>th</sup>, 2024 Regular Meeting of the Lilley Township Planning Commission, held at the Multi-Purpose Building was called to order by Chairperson Israels at 7:00 P.M.

The Pledge of Allegiance was recited followed by the Invocation by Robert Doornbos.

The roll was called with the following members present: Israels, Doornbos, Bonnett, Hoving and Moore.

**Approval of Previous Meeting's Minutes 4-18-24:** Motion by Moore, Second by Doornbos to approve

Roll Call: Moore Yes, Doornbos Yes, Israels Yes, Bonnett Yes, Hoving Yes – Motion Carried

**Approval of Agenda:** Motion by Bonnett, second by Moore to approve tonight's agenda

Note: Dock Lengths under New Business will be tabled.

Roll Call: Moore Yes, Doornbos Yes, Israels Yes, Bonnett Yes, Hoving Yes – Motion Carried

**Correspondence:** None

**Visitors:** None

**Public Comment on Old Business: Section 3.21 Keeping of Animals (B) Page 34 Zoning Ordinance**

With only 3 new audience members present, Chairperson Israels suspended the 3-minute limit to comments. Some questions were answered and new information and opinions offered and responded to under old business. This issue has been on our agenda for over a year and we welcome new input from residents.

Scott DeBruyne spoke regarding understanding the area we live in and considering all who live in the different zoning areas. He hopes due consideration will be given to the ability of people to have chickens in our Township. Spoke of taxpayer dollars for enforcement. Feels that banning roosters will not be approved of by some. Is in favor of chickens as good clean chemical free food for a family and has raised chickens in the past. Hopes for a reduction in acreage allowed and inexpensive fees for permits.

Randy Price spoke regarding permits, if required, being inexpensive and affordable. He spoke of moving here from a large city in favor of this rural area. Chickens are allowed in many large cities on small lots. He does not have chickens. He has researched many other areas including the City of Newaygo zoning for backyard chickens. The Planning Commission has been working from this already regarding lot size and setbacks among other requirements. He agrees with some requirements and would change some such as setbacks, He is in favor of backyard chickens and keeping Bitely rural. He mentioned requirements regarding square footage. Planning has been looking at acreage in the Zoning Ordinance. Shared the City of Newaygo permit application.

Brian Magoon spoke next and agreed with the comments by the others. He lives here because he prefers a rural area. One thing he thinks is nonsensical is banning roosters and disagrees with banning the slaughter of chickens on the property for meat. Comments made that this is a rural hunting area and that it should be OK to kill the chickens for meat on the properties in the residential neighborhoods. Brian has a large family and would like a rooster for some fertilized eggs to get chicks for future egg production. Opinion is that 4 hens is not enough to feed a large family and provide eggs for baking. Hope we can come up with something better.

### **Old Business (continued)**

Chairperson Israels responded that she is not sure that we can get exactly where you all want us to get but we are going to get a lot closer than where we are right now. This committee has been trying to resolve this issue along with the STR issues for over a year. Now that the other issue has calmed down somewhat, we can concentrate on this. We have been looking at a number of different Ordinances including Grand Rapids and Big Rapids. City of Newaygo is the one we actually decided on working with as template because it is located within Newaygo County where we are located. Lot size has been discussed and we started with two and are now looking at one acre maybe more or less. Moore objects to one acre as “too big”. City of Wyoming allows 8 chickens on a “postage stamp” lot. She feels that as long as setbacks can be met she does not see why it has to be an acre. For example, setbacks in the City of Newaygo say that a covered or fenced enclosure must be at least **ten feet from the property line** and **40 feet from any residential structure** on adjacent property. This will be examined. Israels says enforcement could be an issue. There have to be set rules to enforce to prevent encroachment on the rights of neighbors. Various opinions were voiced regarding Roosters and the slaughter of chickens as well as selling the eggs along the roadside which can be unlawful. Every ordinance we have seen so far allows Backyard chicken eggs for personal consumption only by the family. Zoning spoke of a previous resident who despite being told that they were unlawful and the subject of many neighbor complaints, continued to add various fowl to the property in violation of the Zoning existing at that time. Zoning officers have received numerous complaints on properties with chickens who do not keep the area clean or lock up feed so they have vermin coming in. Discussion continued on acreage or square footage. There was agreement that setbacks could determine whether or not a parcel would be compliant or not depending on whether the shape of the parcel allows them. One acre is 43,560 square feet. Doornbos suggested that there should be a setback in the ordinance from the water including lakes, rivers, streams, canals and wetlands. **Our Zoning Officer, Madalyn Wroblewski, reminded all that our Zoning has been in place for many years, with areas within the Zoning Ordinance providing a number of different lifestyle choices.** Further argument was made in favor of roosters, slaughter of chickens each year, incubating chicks to produce future meat and eggs and that it should be allowed because Bitely is rural. No other Zoning Ordinances we have studied have allowed this as it does not seem to be the original intent for “backyard chickens”. Argument was made that roosters should be allowed because Lilley Township does not have a “noise ordinance”. Question was raised concerning Zoning around lakes. Israels replied that **MDR (Medium Density Residential) Zoning** has the smallest lots at 50 feet wide. Wroblewski then shared some information from the Zoning book. This district is intended to provide areas for the preservation and establishment of residential neighborhoods. Lot sizes are small. The district will promote a **higher density residential environment (for people)** at the same time **preserving those natural features** that are important to the character of the Township. Israels brought out the large Zoning map and information was provided to the audience as to where the Zoning Book was available to read and download. It is published complete on the Township website.

Israels went on to describe the difficulties in accommodating some while still protecting the rights of others. The Planning Commission must follow and enforce existing Zoning until change is required. Becky Wilkinson is the person who came to us over a year ago to get a solution underway. We hope to find a way to accommodate Becky’s needs with good changes to our current restrictions. Unfortunately, the Short-Term Rental situation overwhelmed us. Further discussion continued with good questions and answers provided. Doornbos asked Madalyn whether the City of Newaygo could monitor enforcement for a fee but was told that enforcement and interpretation should and does remain with local government. **(Note)** Fees are set or approved by the Township Board with fees set to somewhat cover cost of enforcement. Further discussion ensued regarding an acreage requirement. Suggested that even less than an acre could be approved if setbacks can be met. A site plan would be required when applying for a permit with Zoning for approval. Suggested square feet & setback could be criteria instead of acreage. Important to get it right to begin with.

**Old Business (continued)**

Israels suggested input regarding allowing less than an acre. Some city restrictions allow measurements in square footage. Wroblewski explained the difficulty in setback distances for those with previously built properties that are non-conforming. She noted, when someone moves into a new area, they should check with zoning to find an area compatible with the plans they have for the property and that they are compliant. Starting with setbacks from water, she could check with the agencies that control that. When she had work done requirements were 300 feet from water. She agreed to check on this and report back to Planning. Next, setbacks from the side of property. We have seen 10, 15 and 20 feet. We need a consensus. Setback distance from neighboring housing also to be determined. We welcomed Becky Wilkinson's input and her patience with struggles to accommodate her requests. We also appreciate the important input from tonight's residents. Questions arose regarding number of animal units multiplied by area. It was suggested that because the current Zoning allows 20 chickens on 5 acres then should 4 chickens now be allowed per acre so someone with 2 acres could have 8, 3 acres could have 12 and so on. This needs to be discussed. It is not known for sure how the 20 per acre was decided and no mention made of Roosters. Was this the intention when Zoning created Residential areas for people? Should separate parcels be combined into one parcel number on the tax role to qualify? Also examined were requirements for a site plan to be submitted that must have one parcel number. Setbacks also must be decided. Permits will also require proof in writing that adjacent neighbors agree. If there are those who object for no reasonable reason, should that be decided by Zoning or the Board? Madalyn clarified the process for getting neighboring property owners' approval. First the applicant would apply for a permit and Zoning would approach neighbors to gain their approval. They would have to have a reasonable objection. Setback distances are not finalized. Question asked regarding the original Zoning Ordinance regarding the keeping of animals. The new Ordinance as Amended will not change the original but will be separate. Most prefer just four or maybe six chickens per owner no matter how many parcels are owned.

Israels then, noting the late hour, concluded deliberation at this point. For the next meeting she will compile these notes, make a document out of them, then give them to the Planning Commission members for review. Members can then review the information heard at this meeting and return their decisions to Cindy.

Dock Length is being tabled requiring more information.

Zoning has completed the Licensing Application for Short-Term Rentals and it will be distributed for input.

Another meeting may have to be scheduled and will be properly announced.

The next regular meeting is on October 17<sup>th</sup>, 2024 at 7:00 P.M.

Motion to adjourn by Moore, Second by Doornbos – All in favor  
Meeting adjourned at 9:05 P.M.

Respectfully Submitted

*Judith C. Hoving*

Recording Secretary