

**LIVINGSTON COUNTY PLANNING COMMISSION
MEETING MINUTES**

DRAFT – March 21, 2018

6:30 p.m.

304 E. Grand River Ave., Howell, Michigan

PLANNING COMMISSION		
COMMISSIONERS PRESENT:	BRIAN PROKUDA BILL ANDERSON MIKE HUBERT	MATT IKLE JAMES SPARKS
COMMISSIONERS ABSENT:	JEANNE CLUM	LAURA ABRAMSON
STAFF PRESENT:	KATHLEEN KLINE-HUDSON ROB STANFORD	SCOTT BARB
OTHERS PRESENT:	JOHN HAFNER CONOR BATTLE JENNIFER VILLERAL BRUCE POWELSON JOE TERLECKI JR. STEPHEN SINKOVICH TYLER MCCASTLE DAVID LAMOREAUX FRANK MUNSELL RON KARDOS DEEK SPRAULL KAREN PIERCE JULIE BRICE WILLIAM CALL JENNIFER EBERBACH	JOE TERLECKI SR. JULIE GREEN NICHOLAS GARZA TEENA MUNSELL KATHLEEN DEROSIER SUSAN KELLY AARON PANGBORN HUNTER WHITE STEVE DALE MARCIA GEBAROWSKI JEFF SIRRINE TODD TAYLOR MEG BERKABEAM ED ALVERSON ZACH ARCHIBALD

1. **CALL TO ORDER:** Meeting was called to order by Commissioner Prokuda at 6:30 PM.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL AND INTRODUCTION OF GUESTS**
4. **APPROVAL OF AGENDA**

Commissioner Action: IT WAS MOVED BY COMMISSIONER IKLE TO APPROVE THE AGENDA DATED MARCH 21, 2018, SECONDED BY COMMISSIONER HUBERT.

All in favor, motion passed.

5. **APPROVAL OF MINUTES**

Commissioner Action: IT WAS MOVED BY COMMISSIONER ANDERSON TO APPROVE THE MINUTES OF THE PLANNING COMMISSION MEETING DATED FEBRUARY 21, 2018, SECONDED BY COMMISSIONER IKLE.

All in favor, motion passed.

6. **CALL TO THE PUBLIC:** None.

7. **ZONING REVIEWS**

A. **Z-08-18: HANDY TOWNSHIP, ZONING ORDINANCE AMENDMENTS -**

CHAPTER 1 DEFINITIONS; CHAPTER 16 SPECIAL USES: Section 16.6 AAA Qualified Fuel Power Generation Facilities; CHAPTER 20 RD Research and Development District: Section 20.3 Qualified Fuel Power Generation Facilities.

The Handy Township Planning Commission is proposing to amend the Township Zoning Ordinance by amending several chapters of the Ordinance regarding fuel power generation facilities (fuel fed power generation plants). The amendments will add a new definition, create a new use in the RD District, and create new special use standards for such facilities.

Township Planning Commission Recommendation: Approval. There were numerous comments at the January 25, 2018 public hearing both in support of, and against, the proposed text amendments. The proposed text amendments were tabled at the public hearing date with action taken on the proposed changes at the February 14, 2018 planning commission meeting.

Staff Recommendation: Approval. Staff believes the proposed amendments are reasonable and compatible with existing Ordinance language.

Commission Discussion: Commissioner Prokuda questioned proposed setbacks for towers because there now are self-collapsing towers. Principal Planner Barb stated that Staff would still recommend a setback of at least the overall tower height due to debris in fall zone, as well as planning for future development because it is unknown what type of development will occur in the immediately surrounding area. Commissioner Prokuda stated that Material Safety Data Sheets are now referred to simply as Safety Data Sheets. Commissioner Prokuda questioned the requirement of studies to be all the responsibility of the applicant. Principal Planner Barb stated that the applicant is responsible for studies, and approval of the Township is required after all reviews have been done by the applicant. The Township still has a say.

Public Comment:

- 1) Julie Brice, resident: This is an industrial use; concerns about noise, fire, explosion, heightened emergency response needed; only industrial uses will surround this use; changing of agricultural character; this use is not as innovative as it should be in the RD District. She provided the Commissioners with links and examples of detrimental issues associated with similar type plants in the US.
- 2) Sue Kelly, Brighton resident/Sierra Club member: She agrees with the Township Attorney opinion; Township is trying to shoe-horn this use in; all reviews submitted by the applicant should be reviewed by an independent expert at the Township level; Township should require a performance bond; site plan should require that impacts to surrounding areas are addressed; impact Statements should be required from the applicant; the community needs to know the risks associated with this type of use (“incineration zone”); applicant needs to submit evacuation plans to Township before approval is granted; EPA and MDEQ are consistently rolling back regulations. She urges the Planning Commission to decline this proposal or table it until further information and education about the use is undertaken.
- 3) Ron Kardos, long-time county resident and Sierra Club member: Would recommend that the Planning Commission deny this proposal; this proposal paves the way for a Merchant power plant which current environmental protections do not cover; where is the need?
- 4) David Lamoreaux, local tradesman: Believes the power plant will be a benefit, and tradesman will be involved in the construction and long-term maintenance of the facility.
- 5) Meg Berkabeam, county resident: We need to balance jobs versus solar/wind energy sources of power; there are many externalities that need to be addressed like health issues; we don’t know the damages and financial risks now for this use but they will pile up in the future.
- 6) Zack Archibald: Howell resident: He supports the power plant proposal: everyone likes electricity but doesn’t want the power generation in their backyards or town; this plant will enhance economic development to the area (jobs, new families, new homes); not sure why we wouldn’t want this here.

7) Kate DeRosier, Sierra Club member: Communities downwind of facility are in danger due to pollutants and or disaster; residents are very concerned; good planning means that we need to be forward thinking; Handy Township Planner says that the Township has no choice as this would be exclusionary zoning if not granted, and this is not true; there is no demonstrated need; everyone jumped into gear in order to fit this in to satisfy CPV's needs and not resident's needs; County Planning Commission speaks for everyone, not just for the petitioner.

8) Karen Pierce, Sierra Club member: Proposed use is not R&D, it is industrial; we need to move away from fossil fuel power plants; please deny the proposal.

Commissioner Spark reminded the audience that the Commission is only considering and discussing the text amendment at this time, the rezoning will come after this. Commissioner Prokuda stated that because both cases are related, he is allowing discussion and comments on both cases at this time.

9) Todd Taylor, Howell resident and tradesman: He looks forward to the power plant, because it means jobs for lots of tradesman, and natural gas is the future.

10) Steve Dale, resident and tradesman: He supports the natural gas power plant; natural gas power is the way to go for the next few years because it provides a bridge between coal-fired plants and future solar and wind energy production.

11) Nick Garza, resident and electrician: He is in favor of the power plant proposal

Commissioner Hubert disclosed that he lives in the area and has attended the Handy Township public meetings on this proposal. He is in favor of the proposal and would like to make a motion for Approval.

Commissioner Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER HUBERT TO RECOMMEND APPROVAL. SECONDED BY COMMISSIONER IKLE.
Motion passed: 5-0

B. Z-09-18: HANDY TOWNSHIP – REZONING

Current Zoning: AR: Agricultural Residential
Proposed Zoning: RD: Research and Development
Section / Proponents: Section 36 / CPV Mason Road, LLC

Township Master Plan: The Future Land Use Plan and map of Handy Township designates the parcels as Research & Development. The Township Master Plan describes this area in the following manner:

The Research and Development land use designation is intended to provide large areas oriented towards research, emerging technologies, energy innovation and enhancement, testing facilities, high technology manufacturing operations and similar uses that are characterized by a high degree of scientific and technical input, and the employment of professional and technical staff. The standards established for these areas should be designed to promote sound, permanent installations and also to protect any nearby residential areas from undesirable aspects of these operations.

The Township Master Plan was adopted in March 2017 and was amended in December 2017 to include the above future land use designation. Throughout the master plan, the constant theme is the preservation of rural character and the protection of the Township's natural resources and environment. The master plan also supports appropriate development in appropriate locations in the Township. With a large part of the southeast portion of the Township already zoned for and currently utilized as research and development related uses, we believe that the proposed rezoning is compatible with the Township Master Plan and mirrors the intent of the research and development future land use designation.

County Comprehensive Plan: The current Livingston County Comprehensive Plan designates the site as a Transitional Residential Area (page 62). These are areas of the county that have already experienced some development and are poised to experience further development pressures in the near future. Good open space practices and adequate buffering between land uses are encouraged in order to focus higher density land uses to areas where appropriate.

The future land use map contained in the current county master plan is a general guide to land use and is not to be used to dictate development in any specific location in the county. Currently, staff is preparing a new Livingston County Master Plan that will focus on the strengths and weaknesses of multiple land uses and features throughout the county that will aid communities in their multi-jurisdictional planning approaches.

Township Planning Commission Recommendation: Approval. The Handy Township Planning Commission held a public hearing on the rezoning on January 25, 2018. Approval of the proposed rezoning took place at the February 14, 2018 planning commission meeting. There were numerous comments at the meetings in support of and against the proposed rezoning.

Staff Recommendation: Approval. County planning staff recommends Approval of the proposed rezoning from AR Agricultural Residential to RD Research and Development. The proposed rezoning is compatible with both the Handy Township Master Plan and the current Livingston County Comprehensive Plan. No adverse impacts to any adjacent communities are anticipated with the proposed change in zoning.

Commission Discussion: Commissioner Prokuda questioned the Master Plan process undertaken by the township. Principal Planner Barb stated that the township completed a new master Plan in early 2017, and nine months later the Township amended the Plan to include new language regarding the RD District. Commissioner Prokuda asked if this was reviewed by County Planning Commission. Principal Planner Barb said that it was. Commissioner Prokuda asked if a site plan has been submitted.

Public Comment:

- 1) Ed Alverson, Handy Township Supervisor: Rover, Vector and ITC are all located in this same area, so this is the best spot in the community for this use. The township believes they have received the best legal and planning advice concerning this proposal. He encourages the County Planning Commission to support the proposal.
- 2) John Hafner, Competitive Power Ventures: Stated that the company will need to set up a power sub-station.
- 3) Unidentified person, Electrical Engineer: Questioned whether a power plant would bring our energy prices down or raise them? He is aware of the regulatory issues.
- 4) Sue Kelly, Brighton resident/Sierra Club member: She asked if CPV can speak to the emissions of their plants and recent explosions at their plants.

Commissioner Prokuda stated that those issues are outside this venue.

- 4) Hunter White, resident, tradesman: Stated that he lives a few miles from this plant and supports the project; plant means new jobs-immediate and long-term with maintenance; plant means tax benefits to the community, and enhanced economic growth for the community

Commissioner Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER HUBERT TO RECOMMEND APPROVAL. SECONDED BY COMMISSIONER SPARKS.

Motion passed: 5-0

C. Z-10-18: DEERFIELD TOWNSHIP, ZONING ORDINANCE AMENDMENTS -

ARTICLE 10: ZONING DISTRICTS AND MAP: Section 10.01 Establishment of Districts;

ARTICLE 21: Signs

As to the reasoning for the development of a completely new sign ordinance, the Township Planner, in their review supplied to County Planning, dated February 21, 2018, states the following:

The primary reason for the development of a wholly new sign Article is principally tied to the 2015 U.S. Supreme Court decision in Reed v Gilbert. The planner goes on to state that this unanimous decision has had a profound impact on sign regulations nation-wide. In addition to addressing issues associated with this Supreme Court decision, the revised Article also addresses a number of fundamental aspects of sign regulation about which the current provisions are silent or otherwise vague including electronic message center signs (EMCs); prohibited signs; nonconforming signs, and how sign area, height and setbacks are to be measured.

Township Planning Commission Recommendation: Approval. Approval. The Deerfield Township Planning Commission recommended Approval of the text amendments at their February 15, 2018 meeting. There were no public comments.

Staff Recommendation: Approval. Sign Ordinance language is typically fairly complicated and confusing to interpret, however, staff found this newly proposed Deerfield Township sign language to be very user friendly, easy to interpret, and content neutral. County Planning Staff highly recommends that the Deerfield Township Planning Commission and Planning and Zoning staff consider the few comments offered in this review prior to final approval. In addition, County Planning Staff would also suggest that Deerfield Township seek the legal advice of their Township Attorney regarding the comprehensiveness of this newly proposed Article 21: Signs, prior to final approval.

Commission Discussion: Commissioner Ikle asked if the Township has zoning ordinance language regarding billboards? He expressed concern about Section 21.04: “Design and Construction Standards”, item C. “Lighting”, sub-item 5a: “Source and Projection of Illumination”. Most outdoor signs today have projection illumination from the front, not downward from the sign. Additionally, he wondered about the potential conflict between sub-item 5a and Section 21.02: “Definitions”, definition: M “Window Signs”. Commissioner Sparks inquired about the definition of “nit level”. Principal Planner Stanford stated he researched that term and it is a correct term. Commissioner Hubert read the definition to the Commissioners.

Public Comment: None.

Commissioner Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER SPARKS TO RECOMMEND APPROVAL. SECONDED BY COMMISSIONER ANDERSON.

Motion passed: 5-0

D. Z-11-18: GREEN OAK CHARTER TOWNSHIP – CONDITIONAL REZONING

Current Zoning: R2: Residential Single Family

Proposed Zoning: RM: Residential Multiple-Family

Section / Proponents: Section 26 / Dennis Dubuc

Township Master Plan: The Green Oak Charter Township Master Plan adopted in 2014, designates the site and the parcels immediately surrounding it, as Medium Density Single-Family Residential. The master plan defines this future land use category as follows:

Medium Density Single-Family Residential

Medium Density Single-Family Residential is planned for areas with existing medium density development and areas that are more capable of supporting additional development due to lack of constraining natural resource conditions. Medium Density Single-Family Residential areas are intended to have one acre lots, direct access to paved roads and compatibility with the existing zoning/land use of surrounding areas. Larger lots of greater than 1 acre are more appropriate for areas containing sensitive natural resources. Medium Density Single-Family Residential areas are located primarily throughout the southern half of the Township.

County Comprehensive Plan: The Livingston County Comprehensive Plan (as amended) designates this site as Residential. The Plan describes this designation as follows:

Residential - Residential areas are located mainly in the southeast quadrant of the county. This quadrant has had the largest number of new residents move in over the last decade, and is the most built out area of the county. Over 40% of the county's population lived in Residential areas in 2000. It is characterized by fairly dense residential, commercial, and to some extent industrial development, although less dense and intense than uses found in the cities and villages. Residential areas are not without their rural character and scenic vistas. However, few agricultural lands in Residential areas are expected to exist twenty years from now. New residential developments in these areas should be compact and make the best use of sewer and water if it is available, and cluster projects should be utilized when appropriate to preserve open space and scenic vistas. Projects such as planned unit developments that are not feasible in Cities/Villages or Primary Growth Areas because of parcel size or similar restrictions should be channeled into Residential areas. Limited commercial and industrial growth is appropriate.

Township Planning Commission Recommendation: Approval. The Green Oak Charter Township Planning Commission recommended Approval of this rezoning at their February 15, 2018 meeting. The public hearing for this rezoning was held on January 18, 2017. At the public hearing there was one comment from a township resident in favor of the rezoning.

Staff Recommendation: Approval. The conditional rezoning to RM residential multi-family will limit the use of the site to a 12 unit adult foster care small group home and will prohibit the development of other multi-family housing units on the site. The existing foster care use appears to be a compatible residential use to surrounding R2 single-family residential development, and this conditional RM zoning district will act as a buffer between these R2 single-family residential uses and the nonresidential general business use on Rushton Road.

Commission Discussion: Commissioner Ikle inquired whether a particular business was located on this parcel. Director Kline-Hudson stated that the businesses are located to the east of this property on a separate parcel.

Public Comment: None.

Commissioner Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER ANDERSON TO RECOMMEND APPROVAL. SECONDED BY COMMISSIONER IKLE.

Motion passed: Motion passed: 5-0

E. Z-12-18: GREEN OAK CHARTER TOWNSHIP, ZONING ORDINANCE AMENDMENTS - ARTICLE IV: SUPPLEMENTARY PROVISIONS, Section 38-201 Medical Marijuana Activities.

The Green Oak Charter Township Planning Commission proposes to amend Article IV. Supplementary Regulations, Section 38-201 Medical Marijuana Activities. The proposed amendments to this section are prepared by the Green Oak Charter Township Attorney and they ensure that the Township's Ordinance correlates with the updated Michigan Medical Marijuana Act, PA 2008, Initiated Law No. 1, as amended.

Township Planning Commission Recommendation: Approval. The Green Oak Charter Township Planning Commission recommended Approval of the text amendment at their March 1, 2018 meeting. Minutes of the meeting and public hearing do not reflect any public comment.

Staff Recommendation: Approval. The proposed Zoning Ordinance revisions were prepared by the Township Attorney and they ensure that the Green Oak Township Zoning Ordinance correlates with the updated Michigan Medical Marijuana Act, PA 2008, Initiated Law.

Commission Discussion: None.

Public Comment: None.

Commissioner Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER IKLE TO RECOMMEND APPROVAL. SECONDED BY COMMISSIONER ANDERSON.

Motion passed: 5-0

8. OLD BUSINESS

- a. **Amendment and adoption of An Ordinance For The Creation Of A Planning Commission For Livingston County, Michigan.** – Director Kline-Hudson explained that it had recently come to her attention that the 2013 *Ordinance for the Creation of a Planning Commission for Livingston County* has an error in Section IV. The language states that Planning Commissioners shall serve without compensation. Kline-Hudson stated that this is not consistent with our practice nor the approved County Planning Department budget for County Planning Commission compensation. She read the amended language suggested by the Livingston County Attorney's office.

Commissioner Action: IT WAS MOVED BY COMMISSIONER SPARKS TO RECOMMEND APPROVAL of the ordinance amendment, with submission to the Livingston County Board of Commissioners. SECONDED BY COMMISSIONER HUBERT.

Motion passed: 5-0

- b. **February 28, 2018 joint meeting of the Hamburg Township Board and Planning Commission** – Commissioner Anderson and Director Kline-Hudson described this meeting and their participation in it.
- c. **Draft Livingston County Planning Department 2018 Work Program** – Staff and Planning Commissioners briefly discussed changes to the draft work program and some of the programs planned for 2018.

Commissioner Action: IT WAS MOVED BY COMMISSIONER SPARKS TO RECOMMEND APPROVAL. SECONDED BY COMMISSIONER ANDERSON.

Motion passed: 5-0

9. NEW BUSINESS

- a. **Recognition of Mike Hubert's service to the Livingston County Planning Commission-** Planning Commissioners recognized Hubert for his contributions to the County Planning Commission. Director Kline-Hudson read a Certificate of Recognition from the Livingston County Board of Commissioners.

10. REPORTS

- a. **County Planning Staff Reports:** No reports for this month.

11. COMMISSIONERS HEARD AND CALL TO THE PUBLIC

Bruce Powelson, Marion Township Planning Commission: requested a copy of the CPV power plant map. Principal Planner Barb will email a copy to him. Powelson also mentioned items discussed at a recent MTA Conference (medical marijuana – many communities opting out, and conflict of interest issues as a Planning Commissioner or Elected Official and voting rights).

Commissioner Anderson especially appreciated that Commissioner Hubert was in attendance at this meeting as he provided courageous and well-spoken comments, given that many in the audience tonight are his neighbors.

12. ADJOURNMENT

Commissioner Action: IT WAS MOVED BY COMMISSIONER ANDERSON TO ADJOURN THE MEETING AT 8:30 P.M., SECONDED BY COMMISSIONER HUBERT.

Motion passed: 5-0