

DRAFT
LIVINGSTON COUNTY PLANNING
COMMISSION MEETING MINUTES

March 15, 2023
6:30 p.m.
Hybrid In-Person and Virtual Zoom Meeting

Zoom Virtual Meeting Room Meeting ID: 399-700-0062 / Password: LCBOC
<https://zoom.us/j/3997000062?pwd=SUdLYVFFcmozWnFxbm0vcHRjWkVIZz09>

PLANNING COMMISSION	
COMMISSIONERS PRESENT:	BILL ANDERSON MATT IKLE DENNIS BOWDOIN BILL CALL PAUL FUNK
COMMISSIONERS ABSENT:	JASON SCHROCK BRIAN PROKUDA
STAFF PRESENT:	SCOTT BARB ROB STANFORD
OTHERS PRESENT:	TROY LANGER - HARTLAND TOWNSHIP PLANNER NUMEROUS AUDIENCE (REFER TO SIGN IN SHEET) BRUCE POWELLSON – MARION TOWNSHIP PLANNING COMMISSION

- 1. CALL TO ORDER:** Meeting was called to order by Planning Commissioner Anderson at 6:30 PM.
- 2. PLEDGE OF ALLEGIANCE TO THE FLAG**
- 3. ROLL AND INTRODUCTION OF GUESTS:** None.
- 4. APPROVAL OF AGENDA**

Commissioner Action: IT WAS MOVED BY COMMISSIONER CALL TO APPROVE THE AGENDA, DATED MARCH 15, 2023, SECONDED BY COMMISSIONER IKLE.

All in favor, motion passed 5-0.

- 5. APPROVAL OF PLANNING COMMISSION MEETING MINUTES**

Commissioner Action: IT WAS MOVED BY COMMISSIONER IKLE TO APPROVE THE MINUTES, DATED FEBRUARY 15, 2023, SECONDED BY COMMISSIONER BOWDOIN.

All in favor, motion passed 5-0.

- 6. CALL TO THE PUBLIC:** Steve Smith, Robb Road, Conway Township -Thanked Commissioner Prokuda for his comments at the last meeting regarding the need for underground lines to be buried and for solar developers to be regulated as utilities.

7. ZONING REVIEWS:

A. Z-12-23 HARTLAND TOWNSHIP, REZONING, CA CONSERVATION AGRICULTURE DISTRICT TO LI LIGHT INDUSTRIAL DISTRICT IN SECTION 33.

Current Zoning: CA Conservation Agriculture

**Proposed Zoning: LI Light Industrial
Section 33**

Township Master Plan:

The Hartland Township Future Land Use Map (September 2015) designates the subject site as Medium Urban Density Residential. The Medium Urban Density Residential designation is intended to preserve the established character of the identified areas while permitting new development that is consistent with the established density. It is intended as a transitional use between high intensity and lower intensity uses. In the Medium Urban Density Residential area, land can be developed at a density of approximately one (1) acre per every two (2) to three (3) dwelling units. Lot sizes would be 8,000 to 20,000 square feet per dwelling.

County Comprehensive Plan:

The 2018 Livingston County Master Plan does not direct future land use patterns, or development within Livingston County. Alternatively, it offers a county-wide land use perspective when reviewing potential rezoning amendments. The Land Use & Growth Management chapter of the plan includes decision-making recommendations regarding potential land use conflicts and promoting good land governance.

Township Planning Commission Recommendation: Disapproval. The Hartland Township Planning Commission recommended disapproval at the February 9, 2023, public hearing on the proposed rezoning. Minutes from the public hearing were not available for review at the time of this report preparation.

Staff Recommendation: Disapproval. The proposed rezoning does not comply with the overall goals and policies of the Hartland Township Comprehensive Plan and a deviation from the Hartland Township Future Land Use Map is not advisable for the proposed rezoning from CA (Conservation Agricultural) to LI (Light Industrial) at this location within the Township.

Commission Discussion: Commissioner Funk had concerns about not receiving the minutes for this case from the township in time for commissioners to make a good decision on the case. He asked if the property owner did not want to be identified, and that this looks nebulous. Not having the meeting minutes doesn't tell the enough about the case to make a good decision. Commissioner Call stated that its crystal clear what's going on. Also, the timing of meetings between the township and the county and the associated differing deadlines between the planning commissions of the two entities to make decisions on the case may affect the availability of minutes to be forwarded to the county planning commission. Commissioner Ikle agreed with Commissioner Call's comments and with the township planning commission and county staff recommendation for this case.

Public Comment: Michelle Shippy, Hartland Township resident, spoke against the proposed rezoning and stressed the importance of not allowing industrial development to spread into the sensitive residential areas near Bergin Road.

Commission Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER CALL TO RECOMMEND DISAPPROVAL, SECONDED BY COMMISSIONER IKLE.

Motion passed: 5-0

B. Z-13-23 PUTNAM TOWNSHIP, REZONING, AO AGRICULTURAL RESIDENTIAL TO RS-2 SINGLE FAMILY RESIDENTIAL, SECTION 12.

Current Zoning: AO Agricultural Residential
Proposed Zoning: RS-2 Single Family Residential
Section 12

Township Master Plan: The Putnam Township Future Land Use Map designates the subject parcel as Low Density Residential (3 to <5 acres). The Township Master Plan states the following regarding the Rural Preservation future land use classification:

The LDR classification accommodates single-family development at relatively low to moderate suburban densities in areas located near existing residential development and the Village of Pinckney. These are semi-rural areas not significantly affected by environmental constraints, and on-site sanitary sewer service and water may be readily accommodated. LDR development patterns respond to and help preserve rural visual character by maintaining adequate setbacks and by minimizing the number of lots that directly front onto existing public streets and roads. Where no other options are available, homes must front onto existing streets.

The proposed zoning designation of RS-2 directly corresponds to the Township Future Land Use Map that establishes Low Density Residential (3 to <5 acres) for this area. This area lends itself to the preservation of rural character with parcels ranging in size from 3 to 10 acres and will parallel both the Township Master Plan and the Township Zoning Ordinance.

Township Planning Commission Recommendation: Approval. The proposed rezoning was approved at the February 8, 2023, public hearing. There were no major comments indicated in the draft meeting minutes of the February 8, 2023, public hearing on the proposed rezoning.

Staff Recommendation: Approval. The proposed rezoning from AO (Agricultural Open Space) to RS-2 (3-acre minimum) is compatible with both the Putnam Township Master Plan and the Livingston County Master Plan.

Commission Discussion: None.

Public Comment: None.

Commission Action:

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

Motion passed: 5-0

C. Z-14-23 CONWAY TOWNSHIP, TEXT AMENDMENT TO THE ZONING ORDINANCE: ARTICLE 6 GENERAL AND SUPPLEMENTAL REGULATIONS, SECTION 6.27 AN ORDINANCE TO IMPOSE A MORATORIUM ON THE ISSUANCE OF PERMITS, LICENSES, OR APPROVALS FOR, OR FOR ANY CONSTRUCTION OF, COMMERCIAL WIND AND SOLAR ENERGY PROJECTS AND TO REPEAL SECTIONS OF THE TOWNSHIP ZONING ORDINANCE PERTAINING TO "WIND ENERGY" AND "SOLAR ENERGY COLLECTORS".

The Conway Township Planning Commission has proposed the above-referenced zoning amendment and request (by resolution) of the Conway Township Board of Trustees to impose a moratorium on the issuance of permits, licenses, or approvals for, or for any construction of, commercial wind and commercial solar energy projects and to repeal sections of the township zoning ordinance pertaining to "wind energy" and "solar energy collectors".

Township Planning Commission Recommendation: Approval. The Conway Township Planning Commission recommended Approval of this zoning amendment at its February 13, 2023. There were several public comments noted in the minutes.

Staff Recommendation: Take No Action, Encourage Further Review. For consistency's sake with prior decisions made by the County Planning Commission, Staff would recommend that the proposed repeal be taken without implementation of a further moratorium by the township as proposed by the amendment. This recommendation follows recent precedent set in similar solar moratoriums and ordinance repeals reviewed recommended on by the County Planning Commission. Ultimately it will be the responsibility of the township and its legal counsel to defend this action, therefore Staff would recommend that the County remain neutral in its decision regarding this moratorium action. County Planning Staff encourages and fully supports the township in its on-going pursuit and completion of a full and final wind and solar energy ordinance in the very near future and welcomes any request by the township for further assistance by County Planning Staff in this endeavor.

Commission Discussion: Commissioner Bowdoin agrees with the staff recommendation and stated he didn't think the moratorium was a good idea and thought that the county planning commission should take a neutral stand at this point. He also stated he doesn't like the township being without an ordinance. Commissioner Call questioned the purpose of another long moratorium. Commissioner Funk stated that communities are working hard to gain momentum on solar and is in favor of a neutral stance at this time. Principal Planner Stanford introduced the standards for local government regarding solar. Commissioner Ikle addressed the audience and discussed the importance of good planning and the need to look well-forward into the future when doing so. Commissioner Funk concurred with Commissioner Ikle and stated the importance of good planning for the townships. Commissioner Call stated he highly regards good planning, legal counsel, and proper avenues of getting things done. Commissioner Funk stated he favors the composite approach (township board, planning commission, planners, legal counsel, and residents) versus just going with the township board in planning decision making processes. Planning Chair Anderson read an email message received from Kelly Ralko to Commissioner Bowdoin on March 15, 2023 and which was forwarded to county planning, regarding the township board taking over the task of developing the township wind energy ordinance going forward, without the planning commission being involved. There was general concern and much discussion by all county commissioners with this action. Commission Ikle stated he agreed with Commissioner Bowdoin in that this is a case of being reactive instead of being proactive. Commissioner Funk stated he agreed with the recommendation and that its important for planning to look beyond the immediate. Also, good, and proper planning utilizes a combination of local residential action and support, public work sessions, and planning as a collective. Commissioner Call stated he knows Attorney Mike Homier having worked with him on a few key projects when he was Zoning Administrator in Handy Township (Gas Plant), and that Mr. Homier is a good, solid attorney and he can certainly help townships with the solar issue. He stressed that not having an ordinance in place is not acceptable and that townships need to get this done. Conway Township's Board must get this done soon. Attorney Homier can help.

Public Comment: Steve Smith – Robb Road, Conway Township, spoke about the issue of solar and his concerns about the poor planning involved when the prior draft ordinance was constructed. He submitted written comments to the case file. Sara Porter – Conway Township, read her statement on record and it was placed into the case file. Mike Brown – Sober Road, Conway Township, has concerns about the soils and how the potential pollution from the solar panels will affect local farmland. Rob Porter – Conway Township, stated that the township meetings are highly toxic with the solar discussion. Bruce Powellson, Marion Township – stated that each member of the local township planning commission a piece of the action concerning solar energy ordinance development.

Commission Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER IKLE TO RECOMMEND NO ACTION, ENCOURAGE FURTHER REVIEW. SECONDED BY COMMISSIONER CALL.

Motion passed: 5-0

D. Z-15-23 DEERFIELD TOWNSHIP, TEXT AMENDMENT, ARTICLE 10 ZONING DISTRICTS AND MAP; ARTICLE 19 GENERAL PROVISIONS; ARTICLE 20 ACCESS, PRIVATE ROADS, AND SHARED DRIVEWAYS.

The Deerfield Township Planning Commission is proposing to amend the Township Zoning Ordinance by modifying language pertaining to nonconforming lots, shared driveways, and outdoor storage.

Township Recommendation: Approval. There were no comments from the public at the February 16, 2023, public hearing on the proposed amendments to the Ordinance.

Staff Recommendation: Approval. The proposed amendments to the Deerfield Township Zoning Ordinance are appropriate and will reinforce existing ordinance language.

Commission Discussion: Commissioner Funk asked for clarification regarding Section 20.04(G). Commissioner Ikle inquired about assignment of tax IDs.

Public Comment: None.

Commission Action:

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

Motion passed: 5-0

E. Z-16-23 GREEN OAK CHARTER TOWNSHIP, TEXT AMENDMENT, ARTICLE VIII. ENVIRONMENTAL PERFORMANCE STANDARDS, SECTION 38-363 TREE AND WOODLANDS PROTECTION AND PROTECTION.

The Green Oak Charter Township proposes to amend in its entirety Chapter 38, Zoning, Section 38-363, Tree and Woodlands Protection and Preservation, and replace it with a completely new ordinance. This ordinance was first initiated by the township in 2003.

This review was also peer reviewed in partnership with Sara Thomas, President of the Livingston Land Conservancy (LLC), and her comments, observations and recommendations have been incorporated with County Planning Staff comments.

Township Recommendation: Approval. The Green Oak Charter Township Planning Commission recommended Approval of this zoning amendment at its February 16, 2023 public hearing. There were no public comments noted in the minutes.

Staff Recommendation: Approval with Conditions. The proposed amendments appear to be generally reasonable and appropriate. They appear to pose no undue hardship as proposed. The township first initiated a similar ordinance in 2003, which was ground-breaking for the County at the time. This current revision provides a satisfactory update to that original ordinance. The intent and purpose of the ordinance is very good. It is comprehensive. However, there are a fair number of important concerns indicated in the review of the ordinance that County Planning Staff and its peer review partner, the Livingston Land Conservancy (LLC), felt needed more information and better clarification prior to final approval. For example, in a few cases there is provided a regulation or standard intended to be enforced, however, in another part of the ordinance, there may be an exemption or other provision that unintentionally reduces the level importance of that regulation or standard and its enforcement. Therefore, Staff would encourage the township to consider all comments raised in the review prior to final approval of the ordinance by the Township Board. This is the basis for the recommendation of Approval with Conditions.

In comparison to the Canton ordinance, this ordinance does do a good job seeking the implementation a process of more careful examination of each case that comes before the township for review on a case-by-case basis, with a very wide scope of criteria to make assessment with, rather than applying a blanket regulatory policy approach that attempts to address all cases under the same set of rules. In addition, given the recent Court decision involving takings and the Canton ordinance, it will be imperative going forward

that Green Oak Charter Township be very careful, diligent, and specific when performing tree replacement reviews in the future.

Commission Discussion: Commissioner Ikle asked how the Township will enforce the ordinance and who will pay for that enforcement (i.e., Arborist fees)? Commissioner Funk inquired about the fact that there were no comments from the public on this preservation ordinance. Principal Planner Stanford stated that there may have been public comments during the time that the ordinance was being developed, and that we were only provided with the public hearing minutes which may not be reflective of the total public participation situation. Commissioner Bowdoin expressed the same comments regarding enforcement of the ordinance, i.e., who enforces the ordinance at the township level (or on behalf of the township), and who pays the fees for the Arborist reviews.

Public Comment: None.

Commission Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER IKLE TO RECOMMEND APPROVAL WITH CONDITIONS WITH STAFF COMMENTS AS DETAILED IN THE REVIEW, SECONDED BY COMMISSIONER FUNK.

Motion passed: 5-0

8. **OLD BUSINESS:** None.

9. **NEW BUSINESS:**

A. CAPITAL IMPROVEMENT PLAN REVIEW COMMITTEE - PC MEMBER REPRESENTATIVE BY VOTE.

Commission Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER ANDERSON TO RECOMMEND COMMISSIONER IKLE TO SERVE AS PC MEMBER REPRESENTATIVE TO THE CAPITAL IMPROVEMENT PLAN REVIEW COMMITTEE, SECONDED BY COMMISSIONER CALL.

Motion passed: 5-0

B. NEW PC APPOINTMENT: Margaret Burkholder will begin her appointment at the April planning commission meeting.

10. **REPORTS:** Planning commissioner terms and contact information was collected for distribution to members. Planning commissioners were notified of their position on the Airport Zoning Board of Appeals.

11. **COMMISSIONERS HEARD AND CALL TO THE PUBLIC:** Commissioner Funk read a letter regarding the Act 51 funds and intent to acquire grant funding to connect trails throughout the county. Pattern Energy individuals (Dave Donofrio and Garrett Parzygnot) introduced themselves and briefly discussed their solar development efforts inside of Livingston County. Bruce Powellson congratulated Director Barb on his promotion to County Planning Director.

12. **ADJOURNMENT:**

Commissioner Action: IT WAS MOVED BY COMMISSIONER BOWDOIN TO ADJOURN THE MEETING AT 8:51 P.M., SECONDED BY COMMISSIONER FUNK.

Motion passed: 5-0