

**LIVINGSTON COUNTY PLANNING
COMMISSION MEETING MINUTES**

July 21, 2021

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:	BRIAN PROKUDA MATT IKLE (via Zoom) JEANNE CLUM PAUL FUNK	BILL ANDERSON DENNIS BOWDOIN BILL CALL
COMMISSIONERS ABSENT:		
STAFF PRESENT:	KATHLEEN KLINE-HUDSON ROB STANFORD SCOTT BARB	
OTHERS PRESENT:	BRUCE POWELLSON, MARION TWP	

1. **CALL TO ORDER:** Meeting was called to order by Planning Commissioner Prokuda at 6:30 PM.
2. **PLEDGE OF ALLEGIANCE TO THE FLAG**
3. **ROLL AND INTRODUCTION OF GUESTS:** Roll call by Principal Planner Stanford indicated the presence of a quorum. Members of the public were acknowledged in the audience.

Present: All commissioners were present at Livingston County Chambers except Matt Ikle.

Prokuda	[X]	Location: Livingston County Administration Building
Clum	[X]	Location: Livingston County Administration Building
Ikle	[X]	Location: Genoa Township (via Zoom)
Anderson	[X]	Location: Livingston County Administration Building
Bowdoin	[X]	Location: Livingston County Administration Building
Call	[X]	Location: Livingston County Administration Building
Funk	[X]	Location: Livingston County Administration Building

Absent: None.

4. APPROVAL OF AGENDA

Commissioner Action: IT WAS MOVED BY COMMISSIONER BOWDOIN TO APPROVE THE AGENDA, AS PRESENTED, DATED JULY 21, 2021, SECONDED BY COMMISSIONER ANDERSON.

All in favor, motion passed.

Yea: Prokuda [X] Clum [X] Ikle [X] Anderson [X] Bowdoin [X] Call [X] Funk [X]

Nay: None.

5. APPROVAL OF PLANNING COMMISSION MEETING MINUTES

Commissioner Action: IT WAS MOVED BY COMMISSIONER CLUM TO APPROVE THE MINUTES, DATED JUNE 16, 2021, SECONDED BY COMMISSIONER IKLE.

All in favor, motion passed.

Yea: Prokuda [X] Clum [X] Ikle [X] Anderson [X] Bowdoin [X] Call [X] Funk [X]

Nay: None.

6. CALL TO THE PUBLIC: None.

7. ZONING REVIEWS:

A. **Z-23-21 HAMBURG TOWNSHIP, ZONING ORDINANCE AMENDMENT. MULTIPLE AMENDMENTS TO ARTICLE 7.00 DISTRICT REGULATIONS, AND ARTICLE 8.00 SUPPLEMENTARY PROVISIONS**

The proposed text amendments clarify, streamline and/or clean up multiple sections of the Hamburg Township Zoning Ordinance, and they are based on information provided by zoning staff on the inefficiencies of these regulations experienced when processing new applications or code enforcement cases.

Township Planning Commission Recommendation: Approval. The Hamburg Township Planning Commission recommended Approval of the zoning ordinance text amendments to Article 7.00 District Regulations, and Article 8.00 Supplementary Provisions, at their May 19, 2021 Planning Commission meeting. The minutes from the May 19, 2021 public hearing reflect that there were no public comments.

Staff Recommendation: Approval. The proposed text amendments clarify Hamburg Township Zoning Ordinance language regarding district regulations and supplementary provisions.

Commission Discussion: Commissioner Bowdoin asked if they are eliminating Planning Commission Review from 7.7.9.1 Design Standards. Director Kline-Hudson stated that as she understood it, the Zoning Administrator would have first review and the Planning Commission would have secondary review. Commissioner Ikle questioned whether Planning Commission review is optional according to the amendment. Commissioner Anderson asked if the Planning Commission will be evaluating the Zoning Administrator's review. Director Kline-Hudson stated that according to the language, the Zoning Administrator would have control over the review and may direct the review to the Planning Commission.

Commissioner Funk inquired about the raising and keeping of horse and poultry on contiguous properties under the same ownership and how this affects grandfathering of land uses? Planning Commissioners discussed various ownership options and how the keeping of animals would not be a grandfathered use.

Public Comment: None.

Commission Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER BOWDOIN TO RECOMMEND APPROVAL WITH CONDITIONS AS STATED IN ATTACHMENTS SECONDED BY COMMISSIONER ANDERSON.

Motion passed: 7-0

**Yea: Prokuda [X] Clum [X] Ikle [X] Anderson [X] Bowdoin [X] Call [X] Funk [X]
Nay: None.**

**B. Z-24-21 COHOCTAH TOWNSHIP, ZONING ORDINANCE AMENDMENT.
ARTICLE XVI. SUPPLEMENTAL REGULATIONS, SECTION 16.21 HOME OCCUPATIONS**

The Cohoctah Board of Trustees requested an opinion from their municipal attorney about the Township's current medical marijuana caregiver ordinance provisions and whether or not a primary caregiver may lawfully conduct a medical marijuana growing operation in a building that sits on a parcel where the primary caregiver does not reside (this was occurring in several locations throughout the Township). Attorney Abby Cooper deemed that "it is not permissible for an owner to conduct a medical marijuana caregiver growing operation on a parcel that the owner does not occupy as their primary residence." She stated that while the ordinances do allow medical marijuana caregiver operations as a home occupation, there could be clarity added to the Zoning Ordinance.

Township Planning Commission Recommendation: Approval. The Cohoctah Township Planning Commission recommended Approval of the zoning ordinance text amendments to Article XVI. Supplemental Regulations, Section 16.21 Home Occupations, at their June 3, 2021 Planning Commission meeting. The minutes from the June 3, 2021 public hearing reflect that there were no public comments.

Staff Recommendation: Approval. The amendments to Section 16.21 Home Occupations, do a fine job of clarifying home occupations in accessory structures.

Commission Discussion: Commissioner Call clarified that this amendment refers to the storage and keeping of medical marihuana only, not personal use of.

Public Comment: None.

Commission Action:

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

Motion passed: 7-0

**Yea: Prokuda [X] Clum [X] Ikle [X] Anderson [X] Bowdoin [X] Call [X] Funk [X]
Nay: None.**

8. OLD BUSINESS:

A. Visits to local Planning Commission meetings: Director Kline-Hudson briefly discussed upcoming visits to local planning commissions and asked for volunteer attendance.

B. Capital Improvement Plan (CIP): Receipt and File by Board of Commissioners: Director Kline-Hudson distributed the Board of Commissioners Resolution of acceptance, dated July 12, 2021.

9. NEW BUSINESS: How to find our LCPC roster on the website. Online demonstration to the Planning Commission of the new County Boards, Commissions and Appointments web page.

10. REPORTS:

A. Brown Bag Lunch: Will be held via Zoom on July 28, 2021.

11. COMMISSIONERS HEARD AND CALL TO THE PUBLIC:

A. Bruce Powellson, Marion Township: Marion Township is discussing dog ownership and kennel topics at their Township Planning Commission meeting in August.

B. Planning Commissioner Jeanne Clum: Commissioner Clum has decided that she will not seek reappointment after her term is completed in October 2021. The September 2021 meeting will be her last in attendance.

C. Planning Commissioner Bill Call: Commissioner Call will not be in attendance at the August and October LCPC meetings.

D. Brian Prokuda: Commissioner Prokuda said that his attendance at the August LCPC meeting is tentative.

12. ADJOURNMENT:

Commissioner Action: IT WAS MOVED BY COMMISSIONER FUNK TO ADJOURN THE MEETING AT 7:20 P.M., SECONDED BY COMMISSIONER CALL.

Motion passed: 6-1

Yea: Prokuda [X] Clum [X] Anderson [X] Bowdoin [X] Call [X] Funk [X]

Nay: Ikle (in honor of the late Jim Sparks)