

# LIVINGSTON COUNTY PLANNING COMMISSION MEETING MINUTES

**August 18, 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>

<b>PLANNING COMMISSION</b>			
<b>COMMISSIONERS PRESENT:</b>	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">BRIAN PROKUDA MATT IKLE (VIA ZOOM) DENNIS BOWDOIN</td> <td style="width: 50%; border: none;">PAUL FUNK BILL ANDERSON JEANNE CLUM</td> </tr> </table>	BRIAN PROKUDA MATT IKLE (VIA ZOOM) DENNIS BOWDOIN	PAUL FUNK BILL ANDERSON JEANNE CLUM
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<b>COMMISSIONERS ABSENT:</b>	BILL CALL		
<b>STAFF PRESENT:</b>	KATHLEEN KLINE HUDSON ROB STANFORD SCOTT BARB		
<b>OTHERS PRESENT:</b>	BRUCE POWELSON, MARION TOWNSHIP PLANNING COMMISSION DAN STICKLE, TYRONE TOWNSHIP PLANNING COMMISSION CHAIR BOB HANVEY, MARION TOWNSHIP SUPERVISOR		

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 (Via Zoom).

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
Funk	[X]	Location: Livingston County Administration Building

**Absent:** Commissioner Call

#### 4. APPROVAL OF AGENDA

**Commissioner Action: IT WAS MOVED BY COMMISSIONER CLUM TO APPROVE THE AGENDA, AS PRESENTED, DATED AUGUST 18, 2021, SECONDED BY COMMISSIONER FUNK.**

**All in favor, motion passed.**

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

**Nay: None.**

#### 5. APPROVAL OF PLANNING COMMISSION MEETING MINUTES

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

**All in favor, motion passed.**

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

**Nay: None.**

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

#### 7. ZONING REVIEWS:

##### A. MP-01-21: MARION TOWNSHIP: MASTER PLAN AMENDMENT.

Livingston County Planning Department received correspondence from the Marion Township Planning Commission requesting Livingston County Planning Commission review and comment on the proposed new *Marion Township Master Plan* (Draft March 2021). This request is in accordance with Section 41 of the Michigan Planning Enabling Act (P.A. 33 of 2008). This newly proposed Master Plan replaces the current Township Master Plan, which was adopted in October 2010.

**Township Planning Commission Recommendation: Final Approval Pending.**

**Staff Recommendation: Approval.** That the Livingston County Planning Commission concur with staff's comments on the *2021 Marion Township Master Plan* and submit the foregoing comments to the Marion Township Planning Commission.

**Commission Discussion:** Commissioner Bowdoin inquired as to whether staff will be supplying the Township with the new updated Census data? Principal Planner Stanford stated that this data will be refreshed and updated on the County Planning website as new Census 2020 information is released.

Commissioner Funk recommended that the Livingston County Planning Commission concur with staff comments regarding the revision of maps, and conditionally approve the Marion Township Master Plan based on the following additional conditions:

- Revision of the Future Land Use chapter so that it deletes all references to the obsolete Livingston County Master Plan and replaces this language with information from the 2018 Livingston County Master Plan
- Update the Demographic Profile chapter to include the newly released Census 2020 data.

**Public Comment:** Marion Township Supervisor Bob Hanvey stated that these revisions can be made.

**Commission Action:**

**Commissioner Action: IT WAS MOVED BY COMMISSIONER FUNK TO RECOMMEND APPROVAL WITH CONDITIONS AS STATED, SECONDED BY COMMISSIONER BOWDOIN.**

**Motion passed: 6 – 0**

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

**Nay: None.**

**B. Z-25-21 TYRONE TOWNSHIP, ZONING ORDINANCE AMENDMENT.  
ARTICLE 21, SUPPLEMENTAL DISTRICT REGULATIONS, SECTION 21.21.F: SWIMMING POOL ENCLOSURES.**

The Tyrone Township Planning Commission proposes an amendment that revises the current regulation regarding swimming pool enclosures.

According to the Township, the proposed amendment is intended to allow for the use of approved swimming pool safety covers to fulfill residential swimming pool enclosure requirements consistent with the Michigan Residential Building Code. The Zoning ordinance currently requires a fully-fenced enclosure with a self-latching gate meeting the minimum Building Code requirements. He stated that, in recent years, the State Building Code had been amended to recognize the use of certain safety covers as viable alternatives to fencing.

In addition, over the past several years, residents and building inspectors have been applying for land use permits to install residential swimming pools utilizing an approved pool safety cover in lieu of fencing. The Livingston County Building Department (LCBD) and the Michigan Building Code allow for the use of approved safety covers in lieu of fencing, however, due to the Township's current Zoning Ordinance residential swimming pool enclosure requirements, it was preventing the issuance of land use permits that are required prior to issuance of building permits. The Township has been permitting residential swimming pools with approved safety covers for the last several years as long as the application included a signed written agreement. The agreement was drafted by staff and reviewed by the Township's attorney prior to being utilized. The agreement stated that the Township was in the process of reviewing proposed amendments to the pool enclosure requirements to potentially allow for the use of an approved safety cover in lieu of a fenced enclosure with a self-latching gate. By signing the agreement, applicants agreed to erect a fenced enclosure with a self-latching gate meeting the minimum specifications of the Building Code if the Township Board ultimately decided not to allow for the use of approved safety covers. The proposed text amendment would basically defer the minimum pool enclosure requirements to the LCBD, who are responsible for inspecting pools and enclosures to ensure compliance with the Michigan Building Code.

**Township Planning Commission Recommendation: Approval.** The Tyrone Township Planning Commission recommended **Approval** of the text amendments at their November 10, 2020 meeting.

**Staff Recommendation: Approval.** The proposed amendments appear to be reasonable and appropriate. The amendment better describes the more up-to-date, required and approved safety equipment currently allowed in pool enclosures.

**Commission Discussion:** Commissioner Anderson inquired about the material used for the pool covers. Dan Stickle, Tyrone Township PC Chair stated that covers are all very sturdy and acceptable and are compliant with their ordinance and other building standards according to the State of Michigan building codes.

**Public Comment:** None.

**Commission Action:**

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

**Motion passed: 6-0**

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

**C. Z-26-21 TYRONE TOWNSHIP, ZONING ORDINANCE AMENDMENT.  
ARTICLE 21 SUPPLEMENTAL DISTRICT REGULATIONS, SECTION 21.08 STABLES AND ANIMALS.**

The Tyrone Township Planning Commission proposes an amendment regarding stables and keeping of animals which is intended to replace the current Section 21.28 in its entirety.

This set of amendments has been revised since the County Planning Commission previously reviewed a set of similar proposed amendments (see case Z-43-19). The purpose of these amendments revise the requirements and standards for keeping of animals that are not pets in the Farming Residential (FR), Rural Estate (RE), and Single Family Residential (R-1) zoning districts, to clarify the method used to calculate the number of animals allowed, and to add standards for the keeping of chickens (hens), rabbits and bees. The proposed text would revise the current definition of household pet and replace the entire current text in Section 21.28. According to the Township, when the draft amendments were initially sent to the Board for consideration, they sent them back to the PC with some suggestions for revisions to the text (primarily enclosure requirements and reconsideration of standards where roosters may be kept) and suggestions to simply the animal unit calculation table.

**Township Planning Commission Recommendation: Approval.** The Tyrone Township Planning Commission recommended **Approval** of the text amendments at their January 12, 2021 meeting.

**Staff Recommendation: Approval.** With minimal corrections to the sections as noted in Staff Comments, the content of the proposed amendments appears to be reasonable and comprehensive and should do a satisfactory job of regulating the keeping of animals on non-farm lots.

**Commission Discussion:** Commissioner Ikle asked about the animals per acre requirements. Dan Stickle stated that the animal/acreage requirements were constructed using comparable requirements from researching other ordinances throughout the county and state.

**Public Comment:** None.

**Commission Action:**

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

**Motion passed: 6-0**

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

**D. Z-27-21 TYRONE TOWNSHIP, ZONING ORDINANCE AMENDMENT.  
ARTICLE 21 SUPPLEMENTAL DISTRICT REGULATIONS, SECTION 21.08 STABLES AND ANIMALS.**

The Tyrone Township Planning Commission proposes an amendment that revises the current PUD Uses Permitted Table 11.1.

According to the Township, while reviewing an application for a preliminary PUD plan, the Planning Commission noticed that Table 11.1 in the Zoning Ordinance did not align with the Future Land Use Map equivalency table (Table 20 - Comparison of Future Land Use Classifications and Zoning Districts) from the latest Master Plan (2012). The Planning Commission initiated the amendment to Table 11.1 in the Zoning Ordinance so that it would be consistent with Table 20 in the Master Plan.

**Township Planning Commission Recommendation: Approval.** The Tyrone Township Planning Commission recommended **Approval** of the text amendments at their July 13, 2021 meeting.

**Staff Recommendation: Approval.** The proposed amendments appear to be reasonable and appropriate. The amendment brings both Zoning Ordinance and Master Plan documents into conformance and compatibility.

**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: 6-0**

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

**Nay: None.**

**8. OLD BUSINESS:**

**A. Visits to local Planning Commission meetings:** Cohoctah and Genoa Townships are upcoming visits.

**9. NEW BUSINESS:** None.

**10. REPORTS:**

Director Kline-Hudson stated that Natalie Hunt in the Board of Commissioners office has removed all personal information from the committee page on the Livingston County website.

A copy of the August County Planning Connection news blast was distributed to Planning Commissioners and Director Kline-Hudson briefly explained the six Census 2020 tables that are currently on the Livingston County Planning website and the decision to change the deadline for Livingston County Planning Commission amendments so that staff has a couple of extra days to review.

The Planning Department's annual departmental report and budgetary report will be presented on September 20, 2021, at 6:30 p.m. in the Board of Commissioners chambers. Director Kline-Hudson urged Planning Commissioners to be present if possible.

The posting for County Planning Commissioners was put in the newspaper and on the Livingston County website.

Director Kline-Hudson reported that the Planning Department is currently working on a SEMCOG Planning Assistance Program grant in partnership with the IT Department for a broadband study.

Principal Planner Barb and County Planning Commissioner Funk gave a brief update on the Oak Grove/ M59 meeting with MDOT and communities.

- 11. COMMISSIONERS HEARD AND CALL TO THE PUBLIC:** Commissioner Funk briefly discussed the planning commission appointment process. Commissioner Bowdoin stated that the Conway Township Planning Commission has a new chair and he gave a brief update on the future Luke Bryan concert to be held in Conway Township.

**12. ADJOURNMENT:**

**Commissioner Action: IT WAS MOVED BY COMMISSIONER CLUM TO ADJOURN THE MEETING AT 8:05 PM, SECONDED BY COMMISSIONER BOWDOIN.**

**Motion passed: 5-1**

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

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