

**LIVINGSTON COUNTY PLANNING
COMMISSION MEETING MINUTES**

October 20, 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:	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> BRIAN PROKUDA MATT IKLE (via Zoom) PAUL FUNK </td> <td style="width: 50%; border: none;"> BILL ANDERSON DENNIS BOWDOIN </td> </tr> </table>	BRIAN PROKUDA MATT IKLE (via Zoom) PAUL FUNK	BILL ANDERSON DENNIS BOWDOIN
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COMMISSIONERS ABSENT:	JEANNE CLUM BILL CALL		
STAFF PRESENT:	KATHLEEN KLINE-HUDSON ROB STANFORD SCOTT BARB		
OTHERS PRESENT:	ED ALVERSON, SUPERVISOR, HANDY TOWNSHIP GARY TOWNS, CHAIR, HANDY TOWNSHIP PLANNING COMMISSION		

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
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: Clum, Call.

4. APPROVAL OF AGENDA

Commissioner Action: IT WAS MOVED BY COMMISSIONER FUNK TO APPROVE THE AGENDA, AS PRESENTED, DATED OCTOBER 20, 2021, SECONDED BY COMMISSIONER IKLE.

All in favor, motion passed.

Yea: Prokuda [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 ANDERSON TO APPROVE THE MINUTES, DATED SEPTEMBER 15, 2021, SECONDED BY COMMISSIONER BOWDOIN.

All in favor, motion passed.

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

Nay: None.

6. CALL TO THE PUBLIC: None.

7. ZONING REVIEWS:

**A. Z-29-21 IOSCO TOWNSHIP, ZONING ORDINANCE AMENDMENT.
ARTICLE 3 ZONING DISTRICTS, REGULATIONS AND MAP AND ARTICLE 13 STANDARDS AND REGULATIONS FOR SPECIFIC LAND USES**

The Iosco Township Planning Commission proposes to revise *Article 3: Zoning Districts, Regulations and Map* and *Article 13: Standards and Regulations for Specific Land Uses* of the Township Zoning Ordinance, related to Wind Energy Conversion Systems, Wireless Communication Facilities, and Solar Energy Systems.

According to the Township, this set of proposed amendments began with correcting minor clerical errors. However, once work began on them, there seemed to be a wave of conversations within the community about utility companies that were offering to lease land from township landowners for 'solar farms.' The township received a lot of feedback from residents who wanted to make sure that large solar arrays in the township would comply with the 'rural character' that the township Master Plan includes. Therefore the township decided to ensure that the ordinances, particularly in the interest of solar energy, had sufficient regulations on screening, setbacks, and performance guarantees.

The proposed wind energy amendments were undertaken in order to correct an issue in Table 3-2 that needed better clarification, based on what was listed in Article 13. The Township Planner also chose to list the sizing in terms of a numerical value, rather than the generic "medium or large" terminology to be more concise.

Lastly, the changes to wireless communications were also initiated in order to better clarify the types of wireless 'antennae' that are allowed in zoning districts. This was previously listed with a simple reference - "see article 13" - for any type of wireless communication facilities in Table 3-3, however it did not show an allowed district for its use.

Township Planning Commission Recommendation: Approval. The Iosco Township Planning Commission recommended Approval of this zoning amendment at its September 14, 2021. Three members of the public were present and brought up their concerns with screening requirements, setbacks, and ensuring there is an escrow set up. The Township Planning Commission informed the residents that many of their concerns were addressed.

Staff Recommendation: Approval. The proposed amendments appear to be reasonable and appropriate. The updates and proposed new regulations correct minor clerical errors and better clarify the legal provisions regarding usage of wireless communication facilities and solar and wind energy facilities within the township.

Commission Discussion: Commissioner Funk stated that this ordinance language is extremely thorough and he would move for approval.

Public Comment: None.

Commission Action:

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

Motion passed: 5-0

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

B. Z-30-21 HANDY TOWNSHIP, ZONING ORDINANCE AMENDMENT.
ARTICLE 16 SPECIAL USES, SECTION 16.6 WIND ENERGY CONVERSION SYSTEMS

The Handy Township Planning Commission is proposing to amend the Township Ordinance by creating new special land use standards for wind energy conversion systems.

Township Planning Commission Recommendation: Approval. The proposed text amendments were approved at the September 23, 2021 public hearing. No comments regarding the amendments were noted.

Staff Recommendation: Approval. The proposed amendments are a well written and thorough addition to the Township Ordinance.

Commission Discussion: Commissioner Funk asked if 65 feet constitutes a small, mid-size or large system for residential use. Principal Planner Barb stated that this is small compared to utility sized turbines that can be 300 – 350 feet tall. Commissioner Prokuda asked about the decommissioning plan and how it would be funded for reclamation of abandoned projects or property? Principal Planner Barb stated that the proposed text amendments allow for a 10 Million insurance policy and a continual escrow account that would require developers of such projects to ensure funding was there to do this. Commissioner Ikle asked if Handy Township has a solar farm ordinance.

Public Comment: Handy Township personnel stated that Handy Township does have a solar farm ordinance.

Commission Action:

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

Motion passed: 5-0

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

C. Z-31-21: HOWELL TOWNSHIP – REZONING
Current Zoning: NSC-Neighborhood Service Commercial
Proposed Zoning: OS-Office Service
Section 26

Township Master Plan:

The 2016 Howell Township Master Plan designates the subject parcel as **Local Commercial** and describes this future land use category by establishing several goals and strategies to accomplish the continued intent of appropriate development and an overall sound land use vision for the Township. Some of these goals included in the master plan include:

- Supporting the continued development of varying levels of commercial intensity in appropriate areas.
- Identifying appropriate locations based on proximity to surrounding land uses, access, and those who the commercial development is intended to serve.
- Commercial developments intended to serve the region should be located in areas that are easily accessible to the highway and the interstate and do not create disturbances such as traffic, light, or noise that are disturbing to residential use.
- Commercial developments intended to serve local neighborhoods should be located in proximity to local residential uses and provide convenient and safe access for multiple modes of transportation.

The proposed rezoning is located along Highland Road in an area where both office and neighborhood service uses co-exist and this site would allow for reuse of the existing structure on site. Across Highland Road to the south of the proposed rezoning, the City of Howell had designated much of the area as office related uses. Due to the abundance properties located in the immediate area and with the support of the Township Master Plan, the rezoning of the site to OS Office Service would complement the existing goals and strategies of the master plan.

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 policies that encourage appropriate land use management.

Township Planning Commission Recommendation: Approval. The proposed rezoning was approved at the September 28, 2021 public hearing at the Howell Township hall. There were no comments from the public on the proposed rezoning and comments from the planning commission focused only on the positive aspects of the proposed rezoning.

Staff Recommendation: Approval. The proposed rezoning from NSC (Neighborhood Service Commercial) to OS (Office Service) is compatible with both the Howell Township Master Plan and the Livingston County Master Plan.

Commission Discussion: Commissioner Bowdoin said that he has noticed that several funeral homes throughout the state have allowed crematoriums. Principal Planner Barb stated that a funeral home will be a special land use in the OS District, so Howell Township would consider all uses during this process and site planning. Funk said that there are some sales associated with funeral homes (e.g. selling of caskets) and he sees this as an ancillary use.

Public Comment: None.

Commission Action:

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

Motion passed: 5-0

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

Nay: None.

D. Z-32-21: HOWELL TOWNSHIP – REZONING

Current Zoning: I-Industrial

Proposed Zoning: IFZ-Industrial Flex Zone

Section 28

Township Master Plan:

The 2016 Howell Township Master Plan designates the subject parcel as part of the Innovation Zone and describes this future land use classification in the following way:

The Innovation Zone is a proposed district that is intended to be flexible with regard to specific use while being more prescriptive with regard to design and quality of development. It is recognized that many of the uses currently permitted in one or more of the industrial or commercial districts could be compatible land uses. In fact, such uses have the same or similar building and special requirements. The flexibility of the district is intended to foster economic development, create job opportunities, and increase tax base by promoting the development or redevelopment of land that is adjacent to existing industrial and commercially developed property. Regulations should encourage the development of property in a manner that allows mixed industrial and commercial development; eliminates blighted properties; incorporates low impact design practices, as well as ensuring safe and complimentary vehicular and pedestrian circulation patterns; improves environmental quality and remediates degraded properties; and provides an attractive transition between residential and non-residential properties.

One of the main goals of the Township Master Plan is to support the continued growth of industrial uses in appropriate areas of the Township. Location should be based on current development patterns, existing and planned infrastructure such as highways, rail lines, and utilities. The proposed rezoning of the west 10 acres of the subject property fits well within the planned intentions of the master plan by adhering to these objectives. The parcel is located in an area that is already developed heavily with industrial land uses and is part of the Township's Innovation Zone that specifically targets industrial and commercial properties within Howell Township.

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 policies that encourage appropriate land use management.

Township Planning Commission Recommendation: Approval. The proposed rezoning was approved at the September 28, 2021 public hearing at the Howell Township hall. There were no comments from the public on the proposed rezoning and comments from the planning commission focused only on the positive aspects of the proposed rezoning.

Staff Recommendation: Approval. We believe the requested rezoning from I – Industrial to IFZ – Industrial Flex Zone is compatible with the Howell Township Master Plan and the Livingston County Master Plan.

Commission Discussion: None.

Public Comment: None.

Commission Action:

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

Motion passed: 5-0

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

E. PA-01-21: DEERFIELD TOWNSHIP PA 116 FARMLAND AGREEMENT:

**Section 33
89 acres
Dale Laier**

Commission Discussion: Staff briefly explained the P.A. 116 Farmland and Open Space Act for the benefit of Planning Commissioners.

Commission Comment: None.

Public Comment: None.

Commission Action:

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

Motion passed: 5-0

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

F. PA-02-21: DEERFIELD TOWNSHIP PA 116 FARMLAND AGREEMENT:

**Section 24
37.1 acres
Charles W. Laier**

Commission Discussion: None.

Commission Comment: None.

Public Comment: None.

Commission Action:

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

Motion passed: 5-0

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

Nay: None

G. PA-03-21: DEERFIELD TOWNSHIP PA 116 FARMLAND AGREEMENT:

Section 27

100 acres

Charles W. Laier

Commission Discussion: None.

Commission Comment: None.

Public Comment: None.

Commission Action:

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

Motion passed: 5-0

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

Nay: None

H. PA-04-21: DEERFIELD TOWNSHIP PA 116 FARMLAND AGREEMENT:

Section 29

74 acres

Charles W. Laier

Commission Discussion: None.

Commission Comment: None.

Public Comment: None.

Commission Action:

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

Motion passed: 5-0

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

Nay: None

8. OLD BUSINESS:

- a. **Visits to local Planning Commission meetings:** Commissioner Bowdoin explained the proceedings of the October 12 Genoa Township Planning Commission. Commissioner Funk explained that Oceola Township is working on a new master plan and he told them about the M-59 traffic committee so that they can be involved. Commissioner Funk will be attending a future Oceola township meeting with Principal Planner Stanford, presumably in December 2021. Principal Planner Stanford visited Cohoctah and Broadband is something that their community is really interested in.

9. NEW BUSINESS

- a. **Planning Commission Vacancies:** Director Kline-Hudson briefly explained to the planning commission that we have a total of 7 applicants for the vacancy and that the interview process was anticipated to begin the first week of November.

10. REPORTS:

Director Kline-Hudson reported that the Planning Department was awarded a \$38,000 SEMCOG Planning Assistance Program grant for a broadband study with MERIT. The grant request was for \$40,000 so the department has revised the grant resolution to alter the source of the match and request an additional \$2,000 to remedy the grant shortfall.

Two County Planning Connection newsletters were distributed in October. Each newsletter highlights the Broadband study. Kline-Hudson noted that the survey should be answered from the participants fixed internet at home versus mobile internet from a cell phone.

A November 3 Brown Bag lunch will be held at the Oceola Township hall on Reducing Light Pollution for Night Sky Viewing (Noon to 1:00). Kline-Hudson stated that this subject is relevant to Lutz County Park and the night sky designation that the department is trying to obtain for the park.

Director Kline-Hudson stated that the County Planning Department annual report on September 20 went very well and Commissioner Anderson was present for support. There was only one question/comment from County Commissioners.

- 11. COMMISSIONERS HEARD AND CALL TO THE PUBLIC:** Commissioner Funk will be attending the Michigan Planning Association conference next week.

12. ADJOURNMENT:

Commissioner Action: IT WAS MOVED BY COMMISSIONER ANDERSON TO ADJOURN THE MEETING AT 7:45 P.M., SECONDED BY COMMISSIONER BOWDOIN. Motion passed: 4-1

**Yea: Prokuda [X] Anderson [X] Bowdoin [X] Funk [X]
Nay: Ikle [X] (in honor of the late Jim Sparks)**