

**LIVINGSTON COUNTY PLANNING
COMMISSION MEETING MINUTES**

November 16, 2022

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 | | | |
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| COMMISSIONERS PRESENT: | <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> BRIAN PROKUDA BILL ANDERSON PAUL FUNK JASON SCHROCK </td> <td style="width: 50%; border: none;"> BILL CALL DENNIS BOWDOIN MATT IKLE </td> </tr> </table> | BRIAN PROKUDA BILL ANDERSON PAUL FUNK JASON SCHROCK | BILL CALL DENNIS BOWDOIN MATT IKLE |
| BRIAN PROKUDA BILL ANDERSON PAUL FUNK JASON SCHROCK | BILL CALL DENNIS BOWDOIN MATT IKLE | | |
| COMMISSIONERS ABSENT: | NONE | | |
| STAFF PRESENT: | KATHLEEN KLINE-HUDSON ROB STANFORD SCOTT BARB | | |
| OTHERS PRESENT: | BOB HANVEY, MARION TOWNSHIP SUPERVISOR BRUCE POWELSON, MARION TOWNSHIP PLANNING COMMISSIONER MARK FOSDICK, COHOCTAH TOWNSHIP SUPERVISOR MARK CICAN, COHOCTAH TOWNSHIP PLANNING COMMISSIONER JESSICA BUTTERMORE, COHOCTAH TOWNSHIP PLANNING COMMISSIONER NUMEROUS PUBLIC – SIGN IN SHEET NATALIE HUNT (PROVIDING SCRIBE SERVICES) | | |

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:** None.
4. **APPROVAL OF AGENDA**

**Commissioner Action: IT WAS MOVED BY COMMISSIONER ANDERSON TO APPROVE THE AGENDA, DATED NOVEMBER 16, 2022, SECONDED BY COMMISSIONER FUNK.
All in favor, motion passed**

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

**Commissioner Action: IT WAS MOVED BY COMMISSIONER BOWDOIN TO APPROVE THE MINUTES, DATED OCTOBER 19, 2022, SECONDED BY COMMISSIONER FUNK.
All in favor, motion passed.**

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

7. **ZONING REVIEWS:**

A. **Z-37-22 COHOCTAH TOWNSHIP, TEXT AMENDMENT**

ARTICLE 13: SPECIAL USES, SECTION 13.27: UTILITY SCALE SOLAR ENERGY SYSTEMS

The Cohoctah Township Planning Commission proposes a completely new set of regulations for the Township Zoning Ordinance, as Section 13.27, to regulate utility scale solar energy systems. Also included as part of this update are amendments to Sections 2.02, 4.03, 6.03, 7.03, 10.003, 11.03, 16.58, and otherwise necessary to replace reference of solar farms to utility scale solar energy systems.

Township Planning Commission Recommendation: Approval. The Cohoctah Township Planning Commission recommended Approval of this zoning amendment at its October 6, 2022. There were several public comments regarding this amendment.

Staff Recommendation: The proposed amendments appear to be reasonable and appropriate. The township has done a very admirable job of attempting to address all facets of this land use activity to ensure the desired form of development takes place and to preserve the community's rural character to the best extent possible in the process. To County Planning Staff's knowledge, Cohoctah Township leadership utilized an educated and reasoned approach to the best of its abilities throughout this process. The proposed ordinance should serve Cohoctah Township and its residents well as the demand for utility scale solar energy systems begins in the very near-future.

Township Representative Comments: The Township Representative, Mark Fosdick, stated that the recommendations by the County Planning Department are agreeable and the Township Board plans to address concerns of the staff and residents.

Commission Discussion: Commissioner Bowdoin questioned the wildlife corridor amendments and considers it a negative aspect due to humans also being able to access the utility scale solar energy systems. Commissioner Schrock asked if security measures are standard as part of a solar farm approval process. Commissioner Anderson asked if the minimum lot size requirements of the Light Industrial zoning district are also too small like the RR and NSC zoning districts. Commissioner Schrock asked who sets the minimum acreage for the use? Commissioner Ikle questioned why the bond would be returned after construction – bond should remain open for landscaping and maintenance. Commissioner Funk stated that he has no issue with tabling the proposed amendments since the Township will be substantially amending the solar energy zoning regulations. He questioned whether Cohoctah Township had considered an overlay district. Commissioner Call stated that the decommissioning statement is very good, and this is not always included in regulations of this type. He also questioned the bond issue within the proposed amendments. Commissioner Prokuda had several questions and concerns regarding the amendments and they included the following: energy storage (not included in definitions), the definition of abandonment does not include the timing of what abandonment is, setbacks from property lines, approval process for emergency vehicles access, maintenance plans for access roads (including winter maintenance), whether or not the Township has a lighting ordinance because the lighting measures in the regulations need to be further detailed with specifics such as lumens, site restoration should include more specifics, whether the IEEE standard is the correct reference, more clarification is needed for the phases of development, and the density locations are not correct based on the size of the township. Commissioner Ikle suggested that the notification of amendments be set as 300 feet per the standard for property owner notification. Commissioners would like the Township to address all comments made in the review by County Planning Staff and Dr. Sarah Mills.

The Livingston County Planning Commissioners commended everyone for their participation in the meeting and stated that they were heard.

In addition, during Commission discussion, the following specific items were also identified by the Planning Commission as needing further review:

- Section 13.27 (A). Re-assess allowing USSES in the following districts as they appear to be incompatible with regards to their district intent statements: RD, WRD, RR, and NSC.
- Section 13.27 (B). The amendments do not speak anywhere about the consideration of energy storage.
- Section 13.27 (D.4). Isn't the normal distance for public notices 300'-0", not 150'-0"?
- Section 13.27 (D.14). Consider access maintenance for Emergency Service vehicles.
- Section 13.27 (D.16). Consider maintenance for access during winter months.
- Section 13.27 (H). Abbreviation for Electronic Testing Laboratories should be changed to "ETL" in the paragraph.
- Section 13.27 (N.2.c.). Consider utilizing an "open bond" to make sure everything is properly and adequately covered/insured.
- Section 13.27 (R). Need more details. Is there an existing lighting ordinance that could define conformance with this provision better (i.e. how many lumens, etc.)?
- Section 13.27 (Z). Does this mean the entire complex or just the section that is affected?
- Section 13.27 (BB). Please reevaluate the density/location ratio determination factor. It's very difficult to understand. Perhaps include a small diagram with the explanation.
- Once the value of the decommissioning is determined, it should be updated on a periodic basis of not less than three (3) years.

Public Comment: The following individuals provided comments in disagreement of allowing utility solar scale energy systems in Cohoctah Township: Drew Beach, 11388 Owosso Rd., Cohoctah Twp.; Kelly Ralko, 11935 Daisey Lane, - provided photos to Commissioners; Conway Township; Cynthia Malmquist, 10618 Owosso Rd.; Joann Haas, 10785 Fleming Rd., Fowlerville; Steve Barron, Fleming Rd, Fowlerville; Jim Dannemiller, 6425 Chase Lake Rd, Conway Twp.; Ellie Steyskal 8875 Owosso Rd., Conway Twp; Roy Steyskal 8875 Owosso Rd., Conway Twp; Andrea Bedwell, 11109 Owosso Rd., Fowlerville; Drew Beach, 11388 Owosso Rd. – submitted documents for the record; Cohoctah Twp.; Jennifer Davis, 8058 Fleming Rd., Fowlerville.

Commission Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER BOWDOIN TO RECOMMEND NO ACTION- ENCOURAGE FURTHER REVIEW, SECONDED BY COMMISSIONER ANDERSON.

Motion passed: 7-0

Chairman Prokuda recessed the meeting at 8:05 p.m. for a five-minute break.
The meeting was reconvened by Chairman Prokuda at 8:14 p.m.

- B. Z-38-22 AMENDMENTS TO ZONING ORDINANCE ARTICLES -**
ARTICLE III: DEFINITIONS, ARTICLE VI: GENERAL PROVISIONS: SECTION 6.31
PRIVATE SOLAR ENERGY SYSTEMS, ARTICLE VII: ZONING DISTRICTS AND MAPS;
SECTION 7.01 ESTABLISHMENT OF DISTRICTS, ARTICLE XII: SOLAR FARM
OVERLAY DISTRICT; SECTION 12.01 SFO SOLAR FARM OVERLAY DISTRICT,
ARTICLE XVII: STANDARDS FOR SPECIFIC SPECIAL USES; SECTION 17.34: UTILITY
SOLAR ENERGY FACILITIES

The Marion Township Planning Commission proposes a completely new set of standards and regulations and associated ordinance amendments for the Township Zoning Ordinance, as referenced above, to regulate utility scale solar systems and private solar energy systems.

Township Planning Commission Recommendation: Approval. The Marion Township Planning Commission recommended Approval of this zoning amendment at its October 25, 2022. There were few public comments regarding this amendment.

Staff Recommendation: The proposed amendments appear to be reasonable and appropriate. The township has done a very admirable job of attempting to address all facets of this land use activity to ensure the desired form of development tasks place and to preserve the community's rural character to the best extent possible in the process. To County Planning Staff's knowledge, Marion Township leadership utilized an educated and reasoned approach to the best of its abilities throughout this process. The proposed ordinance should serve Marion Township and its residents well as the demand for utility scale solar energy systems begins in the very near-future.

Township Representative Comments: Marion Township Supervisor Hanvey provided additional explanation regarding the Overlay District map, and how the district was determined.

Commission Discussion: Commissioner Bowdoin had concerns regarding the opaque material used for the wildlife crossings, and the use of cement because of the difficulty of reclaiming the land. He also stated the Township should be named as an additional insurer. Commissioner Ikle stated he doesn't believe that the landscaping should be spaced with wide distances between plants, bonding should not be up to the operator in case the operator changes, he likes the 3-year review, and the timing for repair of solar panels is 7 days for commercial systems and just in a 'timely manner' for private systems which he believes is unfair. Commissioner Funk questioned the overlay districts and wondered if property owners had a say in whether their property should be included in the overlay district. Commissioner Prokuda asked about lighting standards and fire suppression plans for emergency personnel. He also stated that decommissioning would require storage to disassemble the panels quickly.

In addition, during Commission discussion the following specific items were identified by the Planning Commission as needing further review:

- Section 17.34 (F.3). Consider utilizing the Township as "Additional Named Insured".
- Section 17.34 (F.11). Who is the responsible party required to pay for the fire training?
- Section 17.34 (F.12.c). Refer to a lighting standard and provide more requirement details.
- Section 6.31 (G). This provision should be exactly the same as Utility Scale. "Timely manner" is too ambiguous.

Public Comment: Joanne Haas, 10785 Fleming Rd., Cohoctah Twp.; questioned if property owners were asked if they wanted to be included in the overlay district.

Commission Action:

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

Motion passed: 7-0

C. Z-39-22. AMENDMENTS TO THE ZONING ORDINANCE: CHAPTER 1 DEFINITIONS; CHAPTER 9 NEIGHBORHOOD SERVICE COMMERCIAL DISTRICTS; CHAPTER 10 ANCILLARY COMMERCIAL DISTRICTS; CHAPTER 16.6 SPECIAL USE SPECIFIC DESIGN STANDARDS.

The Handy Township Planning Commission is proposing to amend the Township Ordinance by amending several sections of the Township Ordinance to allow organized event buildings as a special use in the NSC and AC Districts.

Township Planning Commission Recommendation: Approval The proposed amendments were approved at the October 27, 2022 public hearing with no public comments noted in the minutes.

Staff Recommendation: The proposed amendments are a reasonable addition to the Township Ordinance.

Commission Discussion: Commissioner Funk noted that the time frame mentioned in Article 16, item 12. incorrectly notes the ending time as 12:00 p.m. instead of 12:00 a.m. He asked about tents being used for special uses. Principal Planner Barb noted that organized event buildings must have at least four walls and a roof.

Public Comment: None.

Commission Action:

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

Motion passed: 6-1

NAY: FUNK

8. OLD BUSINESS:

- A. **Fall 2022 Citizen Planner Educational Series:** The educational series is now halfway complete and will continue December 1st. Commissioner Schrock stated that this has been a good opportunity. Commissioner Ikle agreed that it has been a beneficial series and he will be taking the Master Citizen Planner test at the end of the course.
- B. **2023-2027 Parks & Open Space Plan:** Currently out for public comment, available online or in the County's Planning Department. A public hearing on the plan will take place at the Courts, Public Safety, Infrastructure & Development Committee meeting on the evening of December 19, 2022.

9. NEW BUSINESS: None.

10. REPORTS:

- A. Michigan Spark Grant: efforts are currently underway to apply for this grant to help with development of Fillmore County Park.

11. COMMISSIONERS HEARD AND CALL TO THE PUBLIC:

Roy and Ellie Steyskal, 8875 Owosso Rd. spoke regarding the Conway Twp. solar energy ordinance language. Kelly Ralko, 11935 Daisey Lane, spoke about her concerns regarding solar energy farms in the County.

12. ADJOURNMENT:

Commissioner Action: IT WAS MOVED BY COMMISSIONER IKLE TO ADJOURN THE MEETING AT 9:30 P.M., SECONDED BY COMMISSIONER BOWDOIN .

Motion passed: 7-0