

**APPROVED
LIVINGSTON COUNTY
PLANNING COMMISSION
MEETING MINUTES**

January 17, 2024

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>**

*Due to technical difficulties, participation via Zoom was not available for this meeting.

PLANNING COMMISSION			
COMMISSIONERS PRESENT:	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Bill Anderson Matt Ikle Dennis Bowdoin Margaret Burkholder </td> <td style="width: 50%; border: none;"> Jason Schrock Bill Call </td> </tr> </table>	Bill Anderson Matt Ikle Dennis Bowdoin Margaret Burkholder	Jason Schrock Bill Call
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COMMISSIONERS ABSENT:	Paul Funk		
STAFF PRESENT:	Scott Barb Rob Stanford Martha Haglund		
OTHERS PRESENT:	Russ Springborn – Soapy Bucket Car Wash, Patrick Cleary – Boss Engineering; Joann Haas & Clint Beach, Cohoctah Twp.; Sarah Porter, Conway Twp, Emily Palecios – Attorney for DTE; Ann Gebauer – Iosco Twp.; Erin Harman – Iosco Twp.; Theresa Hannata from DTE. (No Zoom Online availability).		

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 Anderson suggested switching Zoning Reviews 7A. and 7B.

Commissioner Action: IT WAS MOVED BY COMMISSIONER IKLE TO APPROVE THE AMENDED AGENDA, DATED JANUARY 17, 2024, SECONDED BY COMMISSIONER BOWDOIN.

All in favor, motion passed 6-0.

5. APPROVAL OF PLANNING COMMISSION MEETING MINUTE

Commissioner Action: IT WAS MOVED BY COMMISSIONER CALL TO APPROVE THE MINUTES, DATED DECEMBER 20, 2023, SECONDED BY COMMISSIONER IKLE.

All in favor, motion passed 6-0

6. CALL TO THE PUBLIC: None.

7. ZONING REVIEWS:

**A. Z-01-24: IOSCO TOWNSHIP AMENDMENTS TO THE ZONING ORDINANCE:
ARTICLE 13 SPECIFIC LAND USES – SOLAR ENERGY SYSTEMS.**

The Iosco Township Planning Commission proposes amendments to the Iosco Township Zoning Ordinance related to the creation of a Solar Overlay District.

Township Recommendation: Approval. The Iosco Township Planning Commission recommended Approval of this zoning amendment at its December 12, 2023, public hearing. There were no public comments noted in the minutes.

Staff Recommendation: Approval with Conditions. The proposed amendments in general appear to be suitable and reasonable, however Staff did find a few instances where this ordinance appeared to be stricter than the State law, which would nullify it with respect to PA 233. Therefore, Conditions of Approval for this set of proposed amendments would be that the township should reassess these issues, and others if these are local concerns, and make the necessary revisions to bring them into compliance. As regulating this land use activity continues to be new and challenging territory for many local communities, it remains to be seen if the provisions of this proposed ordinance amendment will adequately and effectively govern the use to the complete satisfaction of State Law, the township, and its residents in the future. County Planning Staff encourages townships to continue to explore adopting compatible renewable energy ordinances as well as to retain forms of local control, consider the risks and rewards of including requirements beyond those in the legislation, and think creatively about using host community agreements to protect township residents.

Commission Discussion: Commissioner Bowdoin questioned access regarding Section 13.19.E.2.b.1. regarding wildlife corridor fencing (compatibility with MI State Electrical Code) and suggested the Township revisit the item, as any allowed opening in the perimeter may present an unintended consequence to the township. Commissioner Schrock complimented staff for the review of the proposed language and for supplying additional information to the township regarding the elements of PA 233. Commissioner Anderson inquired about mapping of the proposed areas for solar in the Township. Principal Planner Stanford noted that no overlay district map was supplied to the County for review, and not sure if one is included as part of the proposed amendment, as at one-time, Staff saw a draft version of these amendments that included a map. Commissioner Bowdoin inquired of audience participant, Emily Palecios, if the trend seen currently is with solar entities and developers that are willing to develop projects with what would be considered workable ordinances. Ms. Palecios stated that the preference is to develop projects within local communities that have workable ordinances as the best path forward.

Public Comment: Sarah Porter is disappointed with the perspectives from County Planning Staff and other interested parties that communities must always comply with State Law concerning solar energy systems and would like to see more balance and neutrality and concern for local issues regarding regulatory provisions going forward. Emily Palecios, Attorney representing DTE, shared her views on the importance of retaining local zoning control of the solar issues and encourages Townships to work on creating workable ordinances, as those communities that take the path of unworkable local siting standards, are setting themselves up for State siting standards taking control. Mike Brown, Conway Twp., asked if each developer needs a new workable ordinance. Joann Haas, commented on the difficulty dealing with different types of solar developers (i.e., LLCs and private utilities vs. public utilities (DTE)). Ann Gebauer, Iosco Twp., stated this ordinance has been in the works for a while and that there is a map of the overlay district that may not have been forwarded to Staff for the review and requests approval of the ordinance as proposed.

Commission Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER IKLE TO RECOMMEND APPROVAL WITH CONDITIONS TO INCLUDE MAPS OF THE OVERLAY AREAS AND ENSURING FENCING IS BASED ON STATE ELECTRICAL CODE FOR COMPLETE ENCLOSURES, SECONDED BY COMMISSIONER BOWDOIN.

Motion passed: 6-0

**B. Z-02-24: HOWELL TOWNSHIP, REZONING:
OS OFFICE SERVICE DISTRICT TO NSC NEIGHBORHOOD SERVICE COMMERCIAL DISTRICT, SECTION 25.**

Current Zoning: OS Office Service District

**Proposed Zoning: NSC Neighborhood Service Commercial District
Section 25**

Township Master Plan: The Howell Township Future Land Use Map (2022) designates the subject parcel as Local Commercial and Medium Density Residential. The Township Master Plan states the following regarding the future land use classifications (paraphrased)...

Local Commercial areas are intended to have smaller scale commercial uses that serve the needs of the immediately surrounding neighborhoods. These areas support small scale retail, personal service establishments, small offices, and low intensity local contractors such as plumbers, electricians, or similar service providers that would not create nuisances for neighboring businesses or residences.

Medium Density Residential areas are intended to provide more dense housing near developed areas. These areas would support attached multifamily developments such as duplexes, condos, townhomes, or low-density apartments and would have similar amenities to single family developments such as sidewalks, pedestrian lighting, and parks.

The parcels are primarily planned as local commercial which corresponds to the neighborhood service commercial zoning designation. A proposed rezoning of both parcels to NSC would be compatible with the Howell Township Master Plan. The general area of the rezoning site is adjacent and near to the intersection of a commercial hub that is shared between the Township and the City of Howell.

Township Planning Commission Recommendation: Approval The proposed rezoning was approved at the December 19, 2023, public hearing. There were no major comments indicated in the draft meeting minutes of the December 19, 2023, public hearing on the proposed rezoning.

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

Commission Discussion: Commissioner Bowdoin asked about the road access to the site. Commissioner Burkholder asked about permitted uses. Commissioner Schrock asked about the adjacent residential zoning. Director Barb spoke briefly about intersection upgrades that have been done at this intersection.

Public Comment: Russ Springborn, applicant, stated that access would not be from Grand River, but rather from a private road that lines up with the access drive to Kroger which is across the street from this site.

Commission Action:

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

Motion passed: 6-0

**C. Z-03-24: OCEOLA TOWNSHIP AMENDMENTS TO THE ZONING ORDINANCE:
ARTICLE 5, STANDARDS FOR USE, SECTION 5.41.5B: SOLAR ENERGY SYSTEM (SMALL OR LARGE).**

The Oceola Township Planning Commission proposes amendments to Article 5, Standards for Use, Section 5.41.5B: Solar Energy System (Small or Large) of the Oceola Township Zoning Ordinance, related to solar panel setback requirements.

Township Planning Commission Recommendation: Approval. The Oceola Township Planning Commission recommended Approval of this zoning amendment at its December 12, 2023, public hearing. There were no public comments noted in the minutes.

Staff Recommendation: Approval. The proposed amendments appear to be, in general, suitable, reasonable and in compliance with PA 233. However, County Planning Staff would recommend that township officials and planners take the time now to reassess the township's current renewable energy ordinances to ensure compliance with the signed state laws.

As regulating this land use activity continues to be new and challenging territory for many local communities, it remains to be seen if the provisions of this proposed ordinance amendment will adequately and effectively govern the use to the complete satisfaction of State Law, the township, and its residents in the future. County Planning Staff encourages townships to continue to explore adopting compatible renewable energy ordinances as well as to retain forms of local control, consider the risks and rewards of including requirements beyond those in the legislation, and think creatively about using host community agreements to protect township residents.

Commission Discussion: Commissioner Burkholder inquired about the community agreements element mentioned in Staff's review and recommendation, and Principal Planner Stanford stated that it is mentioned in PA 233.

Public Comment: None.

Commission Action:

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

Motion passed: 6-0

8. OLD BUSINESS: None.

9. NEW BUSINESS: None.

10. REPORTS:

- A. January 25, 2024: MSU Extension/County Planning - Roles & Responsibilities Training**
- B. 2025 Livingston County Master Plan Survey**
- C. 2024 Annual Local Township Planning Commission Visits**
- D. Solar Siting Citizens Group Petition**

11. CALL TO THE PUBLIC: Emily Palecios, DTE Energy Attorney, stated that counties will need to address compatible renewable energy ordinances (CREO's). Theresa Hannata, from DTE Energy spoke about the development planned for Iosco Township.

12. ADJOURNMENT:

Commissioner Action: IT WAS MOVED BY COMMISSIONER IKLE TO ADJOURN THE MEETING AT 7:55 P.M., SECONDED BY COMMISSIONER CALL.

Motion passed: 6-0

APPROVED