

**Chairperson**

Roni Christmas

**Vice-Chairperson**

Patti Schafer

**Secretary**

Willis Heisey

**Members**

Jan Motz

Michael O’Bryant

Val Vail-Shirey (BOC Rep.)

William Nurenberg



**Clinton County  
Planning Commission**

**Community Development Dept.**

**Director**

Doug Riley

**Planning & Permit Technician**

Jessica Bolt

Clinton County Courthouse

100 East State Street, Suite 1300

St. Johns, Michigan 48879-1571

(989) 224-5180

**MEETING MINUTES**

**APRIL 13, 2023**

**CALL TO ORDER** The Clinton County Planning Commission (PC) met on Thursday, April 13, 2023 at 6:32 p.m. with Chairperson Christmas calling the meeting to order.

**ROLL CALL** Jan Motz  
Michael O’Bryant  
Patti Schafer  
Roni Christmas  
Val Vail-Shirey  
William Nurenberg  
Willis Heisey

**STAFF PRESENT** Doug Riley, Director  
Jessica Bolt, Planning & Permit Technician  
Joel Haviland, Building Official/Zoning/SESC Administrator

**VISITORS** Alan Cobb, 1319 Sandhill Drive  
Bruce Harte, Bath Charter Township  
Charles Harden, 3574 N. Watson Road  
Claudia Pluger, Ovid Township Clerk  
Curt Kenyon, 13801 S. Hinman Road  
Dan Feldpausch, 11480 State Road  
Dan Smith, 14234 W. Kinley Road  
Dan Smith, 4374 W. Cutler Road  
David Smith, 4739 W. Gratiot Road  
David VanderBroek, 13311 S. Grange Road  
Dawn Levey, Duplain Township Clerk  
Dennis Strahle, Eagle Township Trustee  
Don Potts, Riley Township Supervisor  
Ellen Link, 8767 Price Road  
Eric Voisinet, Olive Township Supervisor  
Fred Gifford, 7100 N. Williams Road  
Gayle Miller, 9395 W. Taft Road  
George Ayoub, 6252 W. Walker Road  
Greg Armbrustmacher, Lebanon Township Supervisor  
Janet Dennings, 7881 N. Upton Road  
Janine Dyer, 15773 Tallman Road  
Jeffrey Taylor, 8980 S. Lowell Road  
Jennings West, Ovid Township Supervisor  
Jim Shirey, 11894 S. Forest Hill Road  
Jody Smith, 4739 W. Gratiot Road  
Joe Ondrusek, 204 Wright Street  
Johanna Balzer, 3450 E. Clark Road  
John Andrews, 453 Avocet Drive

John Husby, 705 S. Mead Street  
 Julie Townsend, Victor Township Trustee  
 Kathy George, Essex Township Treasurer  
 Kelly Kuiper, Project Manager for High Grade Materials  
 Kevin Garvey, Riley Township & DeWitt Area Emergency Services Authority  
 Kylie Feldpausch, 11480 State Road  
 Larry Kindel, 3273 W. Island Road  
 Laurie, Briggs-Dudley, Eagle Township Clerk  
 Lee Thelen, Greenbush Township Supervisor  
 Linda Gifford, 7100 N. Williams Road  
 Lori Feldpausch, 11480 State Road  
 Lynn Romank, 16620 Wright Road  
 Maggie Sayles, 6640 Victoria Shore Drive  
 Marie Howe, Bath Charter Township Supervisor  
 Martha Kenyon, 13801 S. Hinman Road  
 Matthew Dyer, 15773 Tallman Road  
 Melany Mack, 11849 Schavey Road  
 Mike Seger, 2284 S. Hollister Road  
 Missy Porterfield, Bath Township  
 Nancy Hughson, Ovid Township Treasurer  
 Nichole Lattimer, 7227 Parks Road  
 Paige Hicks, 8901 S. Lowell Road  
 Patty Foreman, 10200 S. Wright Road  
 Peg McLeod, 11785 S. Forest Hill Road  
 Penny Tahvonen, 4897 N. Hollister Road  
 Phyllis Smith, 4374 W. Cutler Road  
 Ramona Smith, Greenbush Township Clerk  
 Richard Chapko, 2547 Avery Road  
 Rick Kellogg, 1250 W. Colony Road  
 Robert Skaryd, 7575 Upton Road  
 Roger Dennings, 7881 N. Upton Road  
 Roger Schafer, 2545 Yallup Road  
 Ron Balzer, 3450 E. Clark Road  
 Ron Kinney, Bingham Township  
 Ron Mack, 11849 Schavey Road  
 Sandi VanderBroek, 13311 S. Grange Road  
 Sandie Weismiller, 9401 Krepps Road  
 Steve Willis, 4789 Drumheller Road  
 Tania Coats, 2668 S. St. Clair Road  
 Theresa Hubbard, 1124 E. Alward Road  
 Theresa Owen, 5261 N. Williams Road  
 Tim Roberts, 6712 English Oak Drive  
 Tina Andrews, 453 Avocet Drive  
 Trish Martens, Riley Township Trustee  
 Vicky Ondrusek, 204 Wright Street  
 William Hicks, 8901 S. Lowell Road

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given to the flag of the United States of America.

AGENDA

The agenda was presented for review and approval.  
**PLANNING COMMISSION ACTION:** Jan Motz moved, supported by Patti Schafer to approve the agenda as presented. Motion carried.

APPROVAL OF PLANNING

- Patti Schafer cited a typographical error on page 4 of the minutes.
  - Correction: "Chairperson Christmas" to "Chairperson Schafer".

COMMISSION  
MEETING MINUTES

**PLANNING COMMISSION ACTION:** Patti Schafer moved, supported by Jan Motz to approve the February 9, 2023 PC Meeting Minutes as amended. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 7-0, all in favor, none opposed.]

COMMUNICATIONS  
(A) PA-116

- Doug Riley, Director presented **Notice of Farmland & Open Space Application (PA-116) for:**

(B) PA-116

- Edward H. Lonier – Section 23 of Watertown Charter Township
- Doug Riley, Director presented **Notice of Farmland & Open Space Application (PA-116) for:**

(C) ANNUAL REPORT

- Brian L. & Jayne M. Wieber – Section 14 of Westphalia Township
- Doug Riley, Director presented **Annual Planning & Zoning Activity Reporting – Community Development Department**

**PLANNING COMMISSION ACTION:** Patti Schafer moved, supported by Michael O'Bryant to receive Communication items A, B, and C and place on file. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 7-0, all in favor, none opposed.]

PUBLIC COMMENTS

- Chairperson Christmas called for public comments on non-agenda items. There were no public comments.

OLD BUSINESS

None

NEW BUSINESS  
DISCUSSION /  
INITIATION

- Doug Riley, Director summarized the reasoning for this one (1) year moratorium discussion:
  - At the February 9<sup>th</sup>, 2023 PC meeting, the PC passed a motion to halt solar farm applications until the County reviewed it's solar regulations.
    - The Board of County Commissioners (BOCC) agreed with the PC and authorized working with county legal counsel to evaluate initiation of a moratorium.
  - Recommended the PC to utilize a 1-year period if inclined to initiate a moratorium.
  - Noted, the County extended invitations to the 11 general law townships the County completes zoning for to participate in this discussion.
  - Emphasized that a moratorium, and any potential ordinance amendments, would only apply to the 11 general law townships that the County administers zoning for.
    - This is not applicable to individual residential/commercial use – only "utility scale".
  - Made note of the comments received to-date from townships and individuals of the public – which were sent to the PC as part of their packet materials.
  - Opened the floor for the PC to ask himself or county legal counsel representative, Leslie Abdo, questions.
- Don Potts, Riley Township Supervisor, expressed support for a moratorium.
  - Doesn't believe 1 year will be sufficient, however.
  - Believes the PC should consider and evaluate the duration for utility scale solar use.
- Julie Townsend, Victor Township Trustee, expressed support for a moratorium.

- Dawn Levey, Duplain Township Clerk, expressed support for a moratorium.
  - Asked the PC to review the City of Clare’s solar ordinance as an example.
- Eric Voisinet, Olive Township Supervisor, expressed support of a moratorium.
  - Noted that he feels 1 year is a good amount of time.
    - Asked the PC to take their time and be thorough.
  - Feels utility scale solar, on average, can negatively impact more people than it can benefit.
- Kathy George, Essex Township Treasurer, noted that they submitted a letter of support for a moratorium after reaching out to constituents.
  - Concerned about government subsidies for utility scale solar and what happens when those run out.
- Lee Thelen, Greenbush Township Supervisor, expressed support for a moratorium.
  - Concerned about regulations being too lax.
  - Wants the County to increase regulations to raise the bar on expectations and increase limitations.
- Jennings West, Ovid Township Supervisor, expressed support for a moratorium.
  - Wants to see increased regulations.
    - Restrict utility scale solar to non-agricultural areas.
  - Wants to ensure foreign countries are omitted.
- Dennis Strahle, Eagle Township Trustee, noted that he appreciated Val Vail-Shirey’s motion to halt solar farm applications.
  - Feels the ordinance currently leaves too much to chance.
  - Clarified that he is not speaking on behalf of Eagle Township but is in support of a moratorium.
- Greg Armbrustmacher, Lebanon Township Supervisor, expressed support for a moratorium.
  - Concerned about loss of farmland.
- Don Potts, Riley Township Supervisor, thanked the PC for asking the townships to participate in this discussion.
- Chairperson Christmas opened the floor for any comments from the public.
- Larry Kindel expressed support for a moratorium.
  - Volunteered to be part of a committee to help the PC evaluate solar regulations.
  - Requested the following amendments to solar regulations:
    - Landowner notification be expanded from 300 feet of the development to all owners on both sides of the road.
    - A 60-day waiting period from the time an application is received by the Planning & Zoning Office until the application appears on a PC agenda (i.e., a 2-meeting waiting period).
    - Setbacks be increased to 300 feet from property lines.
    - Pine trees be required for landscaping.
    - All landowners within 2,400 feet from a solar farm be monetarily compensated for impacts.
    - Limit the number/size of solar farms based off the individual township’s power usage – once that threshold is met, restrict any additional from being developed.
    - Require soil testing – paid by the applicant/developer.
  - *Submitted written public comments to be placed in the PC file.*
- Theresa Hubbard expressed opposition to a moratorium.

- Cited a webinar, that she emailed to the PC, where she learned about the State of Michigan's green energy goals.
  - Feels a 1-year moratorium would be a hinderance to the State of Michigan's initiatives.
- Discussed the financial (revenue) opportunity Michigan has from developing renewable energy.
  - Feels there are great economic spinoff opportunities.
- Volunteered her husband, an employee of the State of Michigan, to participate in an advisory committee to the PC.
- *Submitted written public comments to be placed in the PC file.*
- Chairperson Christmas requested respect from the audience when someone is speaking.
- Melany Mack expressed concerns with a 1-year moratorium being proposed.
  - Feels that it would set back progression that is so important.
  - Commented that solar is the cleanest form of renewable energy.
  - Expressed support of solar energy.
    - Warned against groups that are spreading misinformation regarding solar energy.
  - Feels residential development is more harmful to farmland than solar farms.
  - Does not believe it is necessary to pause development while the PC looks to improve regulations.
  - *Submitted written public comments to be placed in the PC file.*
- John Husby expressed opposition to a moratorium.
  - Concerned about loss of progress during that time.
  - Is in-favor of solar.
    - Has solar panels at his home and sees no negative impacts.
- Patti Schafer reiterated that this moratorium would not affect individual residential/commercial use of solar, just "utility scale".
- Theresa Owen expressed support for a moratorium.
  - Is in-support of solar, generally.
    - Has solar panels and geothermal at her home.
  - Has concerns about loss of farmland/food production.
  - Requested that the PC require field tile be protected when solar farms are developed.
- Gayle Miller expressed concerns that Michigan is in jeopardy of a climate change crisis – which is costly and an existential threat.
  - Feels all places need to do their part to solve this issue.
  - Commented that septic systems should be universally tested for pollution.
  - *Submitted written public comments to be placed in the PC file.*
- Steve Willis, Chair of the Clinton County Republican Party, expressed support for a moratorium.
  - Described the PC as a group of elected bureaucrats.
    - Noted, the only entity that can remove a Planning Commissioner is the BOCC.
  - Asked that any PC member with a conflict of interest recuse themselves from the voting matter.
  - Encouraged the 11 general law townships to form their own PCs.
    - Recognized that they may face challenges with funding.
  - Thanked the PC for their service.
  - Asked the PC to take this matter seriously and represent the people.
  - Concerned about a renewable energy-only future and related government incentives.

- Asked the PC to consider their legacy.
- Fred Gifford commented that he does not condone communism.
  - Feels that the people are being forced/coerced.
  - Asked that the County not allow solar products produced by, or development of manufacturing plants of, communist countries.
  - Thanked the PC for the opportunity to speak.
  - *Submitted written public comments to be placed in the PC file.*
- David Smith asked the PC to reconsider the solar regulations.
  - Cited legislation and successful smaller-scale renewable energy projects.
    - Called for restricting utility scale solar projects.
  - Volunteered to participate in an advisory committee.
    - Asked that he be able to gather others as well.
  - *Submitted written public comments to be placed in the PC file.*
- Alan Cobb expressed support for solar and wind farms.
- Rob Alter stated, 1/3 of all corn crops are used in production of gasoline.
  - Which “removes” a lot of farmland (from food production).
  - Noted, solar farms do not require sale of farmland – farmers can simply lease it and reclaim the land.
    - Doesn’t know any farmers, personally, that are interested in ruining their land at a later time.
  - Solar farms can be used in combination with some livestock, benefit some variations of plants, and even support gardens.
  - Shared a story he read about a farmer that invested \$3 million into his own solar farm and has been benefitting from shade and conservation of water.
- Chairperson Christmas asked Mr. Alter to clarify if he is in support of a moratorium?
- Rob Alter stated that he is in support for solar energy.
- Rick Kellogg expressed support of a moratorium.
  - Feels this decision (reform of regulations) should take time.
- Charles Harden expressed support for a moratorium.
  - Stressed that the PC’s decisions need to not be based off fear but be thoughtful/cognizant and data based.
  - Concerned about tax dollars spent on infrastructure.
  - *Submitted written public comments to be placed in the PC file.*
- Jody Smith expressed support for a moratorium for at least 1 year.
  - Noted her appreciation for the PC’s consideration of a moratorium.
  - Acknowledged that the PC members are in the “hot seat” and thanked them for their service.
- Chairperson Christmas asked for any additional comments from the public.
  - Hearing none, Chairperson Christmas thanked everyone for their comments.
  - Stated that she did unintentionally sit through the December meeting where the Greenbush Township solar farm was first heard (having a conflict of interest) –
    - Although it was a mistake, she expressed that she was glad to have had the opportunity to hear a lot of good information such as the concerns of the public and flaws in the current ordinance in relation to solar regulations.
    - *There was not an actionable vote in December as the item was tabled 60 days (until February), at which time she did recuse herself.*

- Noted that just because a 1-year moratorium is being discussed doesn't mean that it will take that long.
    - It could be shorter or extended, if necessary.
- Jan Motz asked Staff for information on forming an advisory committee.
- Doug Riley stated that creation of an advisory committee would be the sole decision of the PC.
  - Deferred to Ms. Abdoo for further information.
- Leslie Abdoo explained that the PC could create/use an advisory committee for discussion only – they could not be a voting body.
  - The scope of work would be determined by the PC.
    - Foster Swift (County legal counsel) could assist with drafts, etc.
  - Any meetings of the advisory committee would have to adhere to the Open Meetings Act (OMA).
- Jan Motz asked if an advisory committee could have representatives from the townships?
- Leslie Abdoo responded, it could include township board members or citizens of the townships.
  - Foster Swift could review Clinton County's bylaws to help determine restrictions/guidance.
- Patti Schafer thanked Ms. Abdoo for taking on this project.
  - Expressed that she is not sure she is comfortable with making any decisions in regards to a moratorium yet.
  - Asked Ms. Abdoo to elaborate on the timeframe of a moratorium.
- Leslie Abdoo explained that the moratorium would self-expire upon adoption of any ordinance amendments.
  - The expiration term would need to be carefully monitored.
  - If the PC is still working on the amendments as the moratorium is approaching the expiration, they would need to respond accordingly to ensure it is extended, if necessary.
    - This would entail ensuring adequate timing for additional noticing, etc.
- Patti Schafer asked how the County can best manage rapid technology changes in terms of ordinance regulations?
- Leslie Abdoo agreed that there are certainly rapid changes in technology that may affect zoning regulations.
  - Recommended that the language in the ordinance stay somewhat general to help with longevity.
    - This would allow the ordinance to grow with changes in technology for renewable energy utility scale projects, for example.
  - Noted that it is important to keep up on state law and periodically review the ordinance as well.
- Willis Heisey noted that little was discussed about wind energy tonight.
  - Asked the room, by show of hands, if they are concerned about wind energy?
- *The majority of the room raised their hands.*
- Doug Riley indicated that the intention for tonight was just to hold discussion about initiating a moratorium.
  - County legal counsel is working on a draft ordinance for a moratorium to be considered for adoption in May, 2023.
- Val Vail-Shirey expressed support for assembling an advisory committee.
  - Asked Ms. Abdoo for a recommendation on an appropriate length of time for a moratorium?
- Leslie Abdoo stated that 1 year is a typical timeframe.

- Advised the PC, if they were to assemble an advisory committee, consider determining their scope of work and frequency of meetings.
  - Would they meet more frequently than the PC?
- Stressed the importance of adhering to noticing requirements.
- Val Vail-Shirey asked the public to stay involved – even when their concerns have passed.
  - Expressed her support of solar energy, for a moratorium, and for an advisory committee.
- Michael O’Bryant asked if the budget has been evaluated to cover the costs of this project?
- Doug Riley assured Mr. O’Bryant that the BOCC has discussed and authorized the budget to work with legal counsel on this project.
- Chairperson Christmas asked for any comments or questions from the PC.
- Doug Riley discussed the recommended action in order to initiate a moratorium.
  - Clarified that he has not received any recent applications or inquiries for solar farms.

**PLANNING COMMISSION ACTION:** Jan Motz moved, supported by Patti Schafer to initiate a zoning ordinance amendment to implement a one-year moratorium on accepting any utility scale solar or wind applications in order to evaluate and potentially amend the County’s renewable energy (utility scale) regulations. This moratorium zoning ordinance amendment will be scheduled for a public hearing and potential recommendation for adoption at the May 11, 2023 Planning Commission meeting.

Voting on the motion by roll call vote, motion carried unanimously. [Vote of 7-0, all in favor, none opposed.]

*PC-06-23 MA  
(OR 184-23)*

- Doug Riley, Director reviewed ***PC-06-23 MA (OR 184-23) – Application for a Zone Map Amendment (Rezoning)*** as detailed in the Staff Report (which includes the Zone Map Amendment criteria to be reviewed by the PC).
- Chairperson Christmas called on the applicant.
- Robert Skaryd Jr., Trustee of the Skaryd Family Trust, explained that his parents are aging and hopes to divide the home from the remaining (approximate) 3.6 acres as to not lose the land.
  - The (approximate) remaining 3.6 acres is proposed to be added to his property – to the immediate south of the subject property.
- Chairperson Christmas asked for any comments or questions from the PC.
  - Hearing none, Chairperson Christmas called for a motion to open the public hearing.

**PLANNING COMMISSION ACTION:** Willis Heisey moved, supported by Patti Schafer to open the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 7-0, all in favor, none opposed.]

- Chairperson Christmas asked for any comments from the public.
  - Hearing none, Chairperson Christmas called for a motion to close the public hearing.

**PLANNING COMMISSION ACTION:** Jan Motz moved, supported by Willis Heisey to close the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 7-0, all in favor, none opposed.]

**PLANNING COMMISSION ACTION:** Willis Heisey moved, supported by Patti Schafer to recommend approval of petition PC-06-23 MA (OR 184-23),



Skaryd, to the Board of Commissioners to amend the Zoning Map from A-2 (General Agriculture) to RR (Rural Residential) for the portion of property located in Section 11 of Duplain Township as legally described in the petition based on the following reasoning:

- Reasoning: **(1)** The seven (7) findings of fact outlined in Section 7.21.E of the Zoning Ordinance, as detailed in the staff report, have been met. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 7-0, all in favor, none opposed.]

PC-07-23 MA  
(OR 185-23)

- Doug Riley, Director reviewed **PC-07-23 MA (OR 185-23) – Application for a Zone Map Amendment (Rezoning)** as detailed in the Staff Report (which includes the Zone Map Amendment criteria to be reviewed by the PC).
- Patti Schafer asked Mr. Riley to give background information on the small properties near the subject property.
- Doug Riley relayed that they are all around 3 acres in size, zoned A-2 (General Agriculture), and were created prior to 2005 (when the Ordinance was amended to require minimum 10-acre parcel sizes in the A-2 zoning district).
- Chairperson Christmas called on the applicant.
- William Hicks summarized, the reason for their request is to allow them to build a new home that will better accommodate their family and enable them to continue to reside in the area.
  - Thanked the PC for their consideration and time.
- Paige Hicks explained that her family loves living in Riley Township and doesn't want to move.
  - She and her husband have 3 children and are running out of space in their current home.
  - They are requesting to rezone their property to split the existing home off for sale in order to build a new home that will better suit their family.
- Chairperson Christmas asked Mr. Riley if this request would be considered "spot zoning"?
- Doug Riley indicated that it is "generally" considered "spot zoning" when the following 3 items are true:
  - If the request does not comply with the adopted Future Land Use Map (FLUM).
  - If the rezoning would allow development that is considered "out of character" with the surrounding area.
  - If the rezoning would allow land uses that are not existing in the area (e.g., the rezoning would allow industrial land uses in a residential area).
- Chairperson Christmas asked for any comments or questions from the PC.
  - Hearing none, Chairperson Christmas called for a motion to open the public hearing.

**PLANNING COMMISSION ACTION:** Jan Motz moved, supported by Patti Schafer to open the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 7-0, all in favor, none opposed.]

- Chairperson Christmas asked for any comments from the public.
- Jeffrey Taylor stated that he is not necessarily opposed to the rezoning.
  - Concerned about drainage (natural) and subsequent potential flooding of his home across Lowell Road to the west.

- Don Potts, Riley Township Supervisor, relayed that the Riley Township Board is opposed to the requested rezoning because it doesn't match the adopted FLUM.
  - Feels A-2 zoned properties need to be left alone for ag preservation.
  - Concerned about setting a precedence for other such zoning requests.
    - And an ensuing "sprawl" of new homes from nonadherence to the FLUM.
  - Also has concerns about drainage.
- Trish Martens, Riley Township Trustee, stated that she feels this request for rezoning does not match the adopted Zoning Ordinance and FLUM.
- Kevin Garvey, Riley Township, expressed his concerns of not adhering to the preceding PC's amendment to the Ordinance (10-acre minimum lot size in the A-2 zoning district).
  - The amendment was done with good intentions.
- Randy Whitney, Chair of the Riley Township PC, questioned why have rules if they are not going to be followed?
- William Hicks noted that he would take all precautions possible to lessen any impacts to neighboring properties.
  - Would have an "open-door" policy to address potential issues with neighbors.
  - Feels the FLUM does not do justice to what was already predetermined (several small lots in the area).
  - Their request is not taking any farmland away.
  - Wants to give the opportunity they had to live in the area to someone else and use the currently unused portion to build a home for his family.
- Willis Heisey inquired why the proposed vacant parcel is not being farmed currently?
- William Hicks explained that he was approached by a farmer in the past but, to his understanding, the ground would require a lot of work to be farmed.
- Val Vail-Shirey asked Mr. Hicks how long he has owned the property?
- William Hicks: since 2014.
- Willis Heisey asked if the property was ever farmed?
- Paige Hicks stated, they purchased the property as a foreclosure and, to her knowledge, the property has never been leased for farming.
- Chairperson Christmas asked for any additional comments from the public.
  - Hearing none, Chairperson Christmas called for a motion to close the public hearing.

**PLANNING COMMISSION ACTION:** Jan Motz moved, supported by Patti Schafer to close the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 7-0, all in favor, none opposed.]

- Val Vail-Shirey noted that she does not feel rezoning this property is harmful to agricultural land.
- Jan Motz expressed, just because the land isn't currently being farmed, doesn't mean it's not valuable to farmland.
  - Such as providing drainage.
  - Agrees that the Ordinance/FLUM needs to be followed.
- Patti Schafer agreed with Commissioner Motz.
  - Has concerns about setting a precedence.
- Willis Heisey explained that he feels this request is a good exception to the Ordinance/FLUM because the land isn't being farmed.

- William Nurenberg asked Mr. Riley what the review of the Clinton County Drain Commissioner's Office (CCDC) stated?
- *Doug Riley read aloud the email (review) provided from the CCDC.*
- Jan Motz noted that the water table could become over-stressed with additional wells.
- Val Vail-Shirey indicated that she respects the landowners' desire to build a new home on the property (which rezoning would allow).
- Don Potts requested additional speaking time from Chairperson Christmas.
- Chairperson Christmas granted 1 minute.
- Don Potts urged the PC against approving this request so not to set a precedence.

**PLANNING COMMISSION ACTION:** Val Vail-Shirey moved, supported by Willis Heisey to recommend approval of petition PC-07-23 MA (OR 185-23), Hicks, to the Board of Commissioners to amend the Zoning Map from A-2 (General Agriculture) to A-3 (Agriculture/Residential Transition) for the property located in Section 23 of Riley Township as legally described in the petition based on the following reasoning:

- Reasoning: **(1)** The seven (7) findings of fact outlined in Section 7.21.E of the Zoning Ordinance, as detailed in the staff report, have been met. Voting on the motion by roll call vote, AYES: Willis Heisey, Val Vail-Shirey, Roni Christmas; NAYS: Jan Motz, Patti Schafer, Michael O'Bryant, William Nurenberg, motion denied. [Vote of 3-4, three in favor, four opposed.]

*PC-08-23 SP (EXT)*

- Doug Riley, Director reviewed ***PC-08-23 SP – Application for Extension of Site Plan Approval*** as detailed in the Staff Report (which includes the Site Plan Approval criteria to be reviewed by the PC).
- Chairperson Christmas asked for any comments or questions from the PC.
- Val Vail-Shirey asked, prior to the approval of this mining operation, what was the property zoned?
- Doug Riley responded, A-2.
- Patti Schafer inquired if extensions are normal/expected for this type of use?
- Doug Riley indicated that they can be.
  - It is project dependent based on pace of extraction, unforeseen issues, market demand, etc.
- Willis Heisey identified a deviation on the site plan:
  - The site plan indicates there are 3 proposed phases – it looks like there was great progress on phase 1 but phase 2 was skipped and phase 3 is underway.
    - Asked Mr. Riley if a new site plan is necessary?
- Doug Riley commended Commissioner Heisey's thorough review.
  - In 2018, he administratively approved this change to the site plan per the request of the operator at that time due to unforeseen challenges on the site.
    - The Ordinance authorizes the Director to sign-off on minor changes, such as this.
- Chairperson Christmas called on the applicant.
- Kelly Kuiper, Project Manager for High Grade Materials, commented that the subject site was a great fit for their aggregate business.
- Patti Schafer advised Ms. Kuiper that it will be important to be "good neighbors", especially as the extraction gets closer to adjacent homes.
- Kelly Kuiper thanked Commissioner Schafer for the advisement.

- Noted that High Grade Materials has historically prioritized being “good neighbors”.
- Val Vail-Shirey inquired how many acres the site encompasses?
- Doug Riley indicated that the County’s aerial mapping system (GIS) shows the property is a total of approximately 56 acres.
- Val Vail-Shirey noted that a common concern with mineral resource extraction is their affect to wells.
  - Asked Ms. Kuiper to address this potential concern.
- Kelly Kuiper explained that adverse effects on wells is generally only a concern related to extraction using dewatering.
  - High Grade Materials is not proposing to use dewatering with this site.
    - The Michigan Department of Environment, Great Lakes, and Energy (EGLE) requires hydrogeological testing when using this method.
    - She diligently reviews the results of those tests when completed.
  - Ensured, they make their contact information widely available so that they are the first to hear complaints – not the municipality.
- Chairperson Christmas asked for any additional comments from the PC.
  - Hearing none, Chairperson Christmas called for a motion to open the public hearing.

**PLANNING COMMISSION ACTION:** Patti Schafer moved, supported by Michael O’Bryant to open the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 7-0, all in favor, none opposed.]

- Chairperson Christmas asked for any comments from the public.
- Lee Thelen, Greenbush Township Supervisor, requested the applicant provide maintenance (such as new gravel) to Williams Road every 2-3 years as part of their approval due to operational impacts of the use.
  - Concerned about Greenbush Township having to incur those extra costs.
- Kelly Kuiper stated, as brand-new information, she can only say that High Grade Materials is willing to come to the table to discuss solutions for this issue.
  - Commented, the Clinton County Road Commission (CCRC) should also be involved in this discussion.
- Doug Riley suggested adding a condition of approval (#5) to satisfy this concern.
- Richard Chapko expressed concerns of the gravel pit operations coming within 200 feet of his home.
  - Is not concerned about (potential future) rezoning or as long as the operators adhere to the approved site plan.
  - Is concerned about the effects on the reservoir and what it may do to the local wells.
  - Generally, feels that Clinton County needs to restrict gravel pits.
- Chairperson Christmas asked if approval of this extension would change the haul route?
- Doug Riley indicated that the haul route would now follow All Season roads as approved by the CCRC.
- Jan Motz inquired what the required setback is to homes?
- Doug Riley responded, 75 feet from the property line (to berm area) per the site plan.
- Chairperson Christmas asked for any additional comments from the public.

- Hearing none, Chairperson Christmas called for a motion to close the public hearing.

**PLANNING COMMISSION ACTION:** Patti Schafer moved, supported by Michael O'Bryant to close the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 7-0, all in favor, none opposed.]

**PLANNING COMMISSION ACTION:** Patti Schafer moved, supported by Jan Motz to recommend approval of PC-08-23 SP, a five (5) year extension of the site plan for a mining operation in Section 2 of Bingham Township based on the following reasoning and subject to the following conditions:

- Reasoning: **(1)** The standards set forth under the original site plan approval and Section 3.11 (permit to mine) have been or can continue to be met subject to the conditions set forth below.
- Conditions: **(1)** amended exterior haul route using all season roads as approved by the Clinton County Road Commission is incorporated into this approval. The amended haul route is north on Williams Road, west on E. Colony Road to N. Scott Road, south of N. Scott Road to W. Kinley Road and west on W. Kinley Road to US-127. **(2)** The applicant shall finalize the transfer of the permit with the Community Development Department by providing a new surety bond for the project which shall remain in place with the Community Development Department in compliance with Section 3.11.G of the Zoning Ordinance. **(3)** The operation shall remain in compliance with the originally approved site plan and all standards of Section 3.11 (Permit to Mine) of the Zoning Ordinance. **(4)** Approval to mine is valid for a 5-year period, renewable, with annual inspection by the Community Development Department to verify compliance with the permit and the Zoning Ordinance. **(5)** The applicant shall work with the Clinton County Road Commission and Greenbush Township on the maintenance requirements for Williams Road to Colony Road.

Voting on the motion by roll call vote, motion carried unanimously. [Vote of 7-0, all in favor, none opposed.]

OTHER BUSINESS

None

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

- Doug Riley, Director provided a brief update:
  - The Comprehensive Plan Update, Eagle Township special area study, has been put on hold until December, 2023.
  - There will be a May Planning Commission meeting.
    - There is currently 1 case.
    - Will also include moratorium business – will prep materials regarding a potential advisory committee.
  - Announced his retirement – June 2, 2023.
    - Commented that Clinton County's Planning Commission has been one of the best he's ever worked with!
    - Has enjoyed working for Clinton County overall.
- Jessica Bolt, Planning & Permit Technician, announced that she is expecting.
  - Noted, she will be taking some time off of work toward the end of September, 2023.

PLANNING COMMISSIONER COMMENTS

None

ADJOURNMENT

**PLANNING COMMISSION ACTION:** With no further business to come before the Commission, Patti Schafer moved, supported by Jan Motz to adjourn the meeting at 9:47 p.m. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 7-0, all in favor, none opposed.]



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Jessica Bolt, Planning & Permit Technician

NOTE: These minutes were approved by the Planning Commission on May 11, 2023.