

Chairperson

Roni Christmas

Vice-Chairperson

Patti Schafer

Secretary –

Members

Jan Motz

Margaret Sayles

Michael O’Bryant

Peter Psarouthakis

Val Vail-Shirey (BOC Rep.)



**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

MAY 11, 2023

CALL TO ORDER	The Clinton County Planning Commission (PC) met on Thursday, May 11, 2023 at 6:31 p.m. with Chairperson Christmas calling the meeting to order.
PLEDGE OF ALLEGIANCE	The Pledge of Allegiance was given to the flag of the United States of America.
INTRODUCTION	<i>New PC members, Margaret Sayles and Peter Psarouthakis, introduced themselves and provided information regarding their backgrounds.</i>
ROLL CALL	Jan Motz Margaret Sayles Michael O’Bryant – <i>absent with notification</i> Patti Schafer Peter Psarouthakis Roni Christmas Val Vail-Shirey
STAFF PRESENT	Doug Riley, Director Erin McElroy, Building Department Secretary/Accounting Clerk Jessica Bolt, Planning & Permit Technician Joel Haviland, Building Official/Zoning/SESC Administrator
VISITORS	Alannah Woodring, 12875 Thompsen Ashley Faivor, 4373 W. Colony Road Bob Randolph, 4275 S. DeWitt Road Brian Lawless, Riley Township Trustee Bruce Harte, 14060 Watson Road Claudia Pluger, Ovid Township Clerk Curt Kenyon, 13801 S. Hinman Road Dan Feldpausch, 11480 State Road Dan Pung, Westphalia Township Daniel Smith, 4374 W. Cutler Road David Plont, 8713 S. Shepardsville Road David Smith, 4739 W. Gratiot Road Dawn Levey, Duplain Township Clerk Don Potts, Riley Township Supervisor Ed Rivet, 4751 Elliott Road (Aurelius Township Planning Commissioner) Fred Gifford, 7100 N. Williams Road Gail Wadell, 5112 E. Maple Rapids Road Gerald Hough, 13670 Pearwood Drive Gregory Hunt, 1190 E. Taft Road Janet Dennings, 7881 N. Upton Road Janice Harte, 14060 Watson Road

Janine Dyer, 15773 Tallman Road
 Jeffrey Taylor, 8980 S. Lowell Road
 Jennings West, Ovid Township Supervisor
 Jeremy Blatt, Representative Slotkin's Office
 Jessica Tramontana, Consumers Energy Public Affairs Manager
 Jim Johnson, 700 E. Main Street
 John Nurenberg, 11258 Taft Road
 Joe Lawson, Consumers Energy
 Joseph Ondrusek, 204 Wright Street
 Joyce Hough, 13670 Pearwood Drive
 Julie Townsend, Victor Township Trustee
 Ken Wieber, 5048 N. Wright Road
 Kevin Cole, 10250 Penlawn
 Kevin Garvey, Riley Township & DeWitt Area Emergency Services Authority
 Kevin Kirk, 4375 Pratt Road
 Larry Kindel, 3273 W. Island Road
 Laurie, Briggs-Dudley, Eagle Township Clerk
 Laurie Hunt, 1190 E. Taft Road
 Linda Gifford, 7100 N. Williams Road
 Lynn Johnson, 700 E. Main Street
 Madison Rasch, 6840 Sydney Street
 Martha Kenyon, 13801 S. Hinman Road
 Mary Beth Adams Rosenbaum, 6227 W. Parks Road
 Matthew Dyer, 15773 Tallman Road
 Melany Mack, 11849 Schavey Road
 Nathan Anderson, 4380 W. Price Road
 Paige Hicks, 8901 S. Lowell Road
 Penny Tahvonen, 4897 N. Hollister Road
 Ramona Smith, Greenbush Township Clerk
 Randy Tahvonen, 4897 N. Hollister Road
 Ray Vitek, 1209 Hampshire Drive
 Rene Rosenbaum, 6227 W. Parks Road
 Rob Mack, 11849 Schavey Road
 Roger Dennings, 7881 N. Upton Road
 Roger Schafer, 2545 Yallup Road
 Ron Balzer, 3450 E. Clark Road
 Ryan Diederichsen, 5295 Stray Drive
 Sandi VanderBroek, 13311 S. Grange Road
 Stephen Willis, 4789 Drumheller Road
 Steven Gohlke, 6845 W. 75th Street
 Theresa Hubbard, 1124 E. Alward Road
 Trish Martens, Riley Township Trustee
 Vicky Ondrusek, 204 Wright Street
 William Hicks, 8901 S. Lowell Road

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.

ELECTION OF SECRETARY

- Chairperson Christmas opened the nominations for the election of a secretary for the remainder of 2023.
- Patti Schafer nominated Margaret Sayles for Secretary.
- Val Vail-Shirey supported.

PLANNING COMMISSION ACTION: Voting on the motion by roll call vote, motion carried unanimously. [Vote of 6-0, all in favor, none opposed.]

SOLID WASTE
COUNCIL
APPOINTMENT
(RECOMMENDATION)

- Chairperson Christmas opened the nominations for a PC member appointment to the Solid Waste Council.
- Patti Schafer recommended Peter Psarouthakis to be appointed to the Solid Waste Council by the Board of County Commissioners.
- Margaret Sayles supported.

PLANNING COMMISSION ACTION: Voting on the motion by roll call vote, motion carried unanimously. [Vote of 6-0, all in favor, none opposed.]

APPROVAL OF
PLANNING
COMMISSION
MEETING MINUTES

PLANNING COMMISSION ACTION: Patti Schafer moved, supported by Jan Motz to approve the April 13, 2023 PC Meeting Minutes as presented. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 6-0, all in favor, none opposed.]

COMMUNICATIONS
(A) PA-116

- Jessica Bolt, Planning & Permit Technician presented **Notice of Farmland & Open Space Preservation Application (PA-116) for:**
 - Glenn & Phyllis Slagell – Section 1 of Olive Township

(B) PA-116

- Jessica Bolt, Planning & Permit Technician presented **Notice of Farmland & Open Space Preservation Application (PA-116) for:**
 - Braun Trust – Section 21 of Ovid Township

(C) EAGLE TWP

- Doug Riley, Director presented Eagle Township's **Notice of Ordinance to Establish a Planning Commission**

PLANNING COMMISSION ACTION: Margaret Sayles moved, supported by Patti Schafer 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 6-0, all in favor, none opposed.]

PUBLIC COMMENTS

- Chairperson Christmas called for public comments on non-agenda items.
- Don Potts, Riley Township Supervisor, requested the PC allow public comments on case PC-07-23 MA (OR 185-23).
- Chairperson Christmas called for any additional public comments on non-agenda items.
- *There were no additional public comments.*

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

- Doug Riley, Director reviewed the **Memorandum** for case PC-07-23 MA (OR 185-23):
 - This application was referred back to the PC by the Board of County Commissioners (BOCC) for additional consideration.
 - The applicants (Hicks family) provided some supplemental materials on May 3rd, 2023 – which was included in the PC packet.
 - Encouraged the PC to follow the criteria as detailed in the Staff Report (i.e., Zone Map Amendment criteria).
- Patti Schafer requested Staff show an image of the subject and surrounding properties in order to identify the size of properties in the area.
- *Doug Riley displayed an aerial photo of the subject area.*
- Margaret Sayles asked for clarification on the “Motion of Denial” in the Staff Report.
- Doug Riley explained that the “Motion of Denial” is just one of three potential motions for the PC’s consideration – motion to approve, deny or table.
- Margaret Sayles asked Val Vail-Shirey why the BOCC sent the item back to the PC?

- Val Vail-Shirey indicated that the BOCC did not want to deviate from the PC's recommendation, so they referred the case back to the PC for further consideration.
- Chairperson Christmas posed the question: the BOCC could have made a decision, regardless of the PC's recommendation?
- Doug Riley confirmed.
- *The PC discussed allowing additional public comment for a period of 2 minutes per speaker.*

PLANNING COMMISSION ACTION: Peter Psarouthakis moved, supported by Patti Schafer to re-open the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 6-0, all in favor, none opposed.]

- Chairperson Christmas asked for any comments from the public.
- Don Potts, Riley Township Supervisor, stated that he is disappointed that the BOCC didn't follow the PC's recommendation from April.
 - The Riley Township Board is opposed to the requested rezoning because it doesn't match the adopted Future Land Use Map (FLUM) – which the Township put a considerable amount of thought into when it was revised.
 - Concerned about setting a precedence for other like zoning requests.
- Trish Martens, Riley Township Trustee, stressed the importance of the 10-acre minimum lot size for A-2 zoned properties – which has been in place since 2005.
- Trish Martens stated that non-conforming properties divided prior to 2005 are “grandfathered-in”.
- Doug Riley confirmed that all of the non-conforming (smaller) parcels in the subject area were divided prior to 2005.
- Peter Psarouthakis spoke in regard to comments claiming the applicants are “breaking rules” – the applicants are not “breaking rules” by simply making application.
 - The subject property hasn't been farmed and will not be farmed?
- Don Potts stated that it was farmed in the past and could be farmed in the future.
- Jan Motz inquired if the subject property is enrolled in a conservation program?
- Doug Riley indicated, not that he is aware of.
- Chairperson Christmas called on the applicant(s) for clarification.
- William Hicks indicated that their land does not qualify for Farmland & Open Space Preservation (PA-116).
 - Reiterated that their request is to accommodate their growing family and allow them to stay in the same area.
 - Referenced the Ordinance, which states that ag preservation is for commercial production.
 - This property is not and cannot be commercially farmed.
 - Discussed how they have been mindful of surrounding ag land while living there, in regard to their use of dirt bikes, etc.
 - They are not trying to “break rules”.
 - Trying to accomplish what they want by taking the right path.
 - In his opinion, their proposed land division (following approval of the request for rezoning) would match the character of the area.
- Paige Hicks noted that the southeast corner of their property is low and holds water.

- Understands all of the concerns but is willing to face those challenges.
- Stated that they have had farmers approach them to farm their land, but the lease wouldn't even cover ¼ of the taxes they pay.
- Their proposal will still allow them to use their property and let their children play on it.
 - They should be able to use the property they pay taxes on how they want.
- The Ordinance doesn't allow 2 homes on a single property, so their existing home would have to be removed if they wanted to build a new home and were unable to divide their property.
- William Hicks discussed past precedencies already set in Riley Township.
 - Argued that agricultural preservation is not applicable to their property.
- Doug Riley confirmed, the Ordinance only allows 1 home per parcel.
- Margaret Sayles asked Mr Hicks if he has talked to Mr. Straus (neighbor) in regards to involvement with farmland?
- William Hicks responded that he has not.
- Jan Motz asked if the subject property is designated a wetland?
- William Hicks responded: no, not to his knowledge.
- Doug Riley confirmed that the property is not a wetland (according to any County information).
- Brian Lawless, Riley Township Trustee, explained that he is disappointed.
 - The FLUM does not support this rezoning.
 - Concerned about setting a precedence and ensuing influx of 5-acre lots as a result.
 - Referring to the soil survey, indicated that the soils in the subject area are poor and rated for severe wetness/floods.
 - Concerned about compounding runoff and flooding in the area that would likely happen as a result from building another home on the site.
- Jan Motz asked if there is enough good/perk-able soil for another home?
- Brian Lawless indicated that the soil survey does not support it – “perks slowly.
- Val Vail-Shirey stated that it sounds like the subject property does not have prime agricultural soils.
 - Asked Mr. Riley to clarify if evaluation of the soils is part of their charge in reviewing the request to rezone?
- Doug Riley indicated that it is not, specifically.
 - Relayed comments from the Mid-Michigan District Health Department (MMDHD):
 - They would require a vacant land evaluation to determine if the site perks (qualifies for/type of septic system).
- Val Vail-Shirey inquired, even if the rezoning were approved, the MMDHD could still deny well/septic permitting?
- Doug Riley confirmed.
 - Clarified that a rezoning cannot be conditioned.
- Jan Motz commented, even if the land is poor – the open space still supports farming activities.
 - Asked if the 10-acre minimum lot size was implemented to prevent urban sprawl?

- Doug Riley answered, the logic behind the 10-acre minimum lot size and 330-foot minimum road frontage combined was to limit urban sprawl – prevent homes/drives every 150 feet.
 - This request is for agricultural transition and would require a minimum frontage of 185 feet.
- Peter Psarouthakis asked for confirmation on the validity of the applicant’s comment that the land is not commercially farmed and can’t be.
- Doug Riley indicated that evaluation of farm-ability is difficult to determine.
 - However, in his research, he did find that the subject property was farmed 25 years ago.
- Peter Psarouthakis asked Mr. Lawless if there has ever been precedence set to influence increased requests for 5-acre parcels previously in Riley Township?
- Brian Lawless responded: not to his knowledge / not during his 2 terms.
 - Asked the PC to make a mindful decision on this case.
- Kevin Garvey, Riley Township & DeWitt Area Emergency Services Authority, stated that this decision needs to be made on facts – not emotion.
 - Understands and empathizes with the Hicks family.
 - However, the Ordinance needs to be followed.
 - The PC needs to review/revise the Ordinance if they want to deviate from the regulations; otherwise, a precedence will be set.
- Peter Psarouthakis asked Mr. Garvey if he is saying that the Ordinance states that the PC needs to make decisions based off precedencies?
- Doug Riley explained that each case should be reviewed on a case-by-case basis.
 - Each situation is unique.
 - The FLUM allows the PC some discretion.
- Margaret Sayles commented that if the Ordinance must be followed strictly, then variances (rezonings) shouldn’t be considered.
 - The PC needs to consider the uniqueness of the case and intent of the County moving forward.
- Kevin Garvey, referencing his experience as a contractor, explained that he has been denied variances many times.
 - Requests for variances are not guaranteed.
 - Believes the majority of people in Clinton County would be much happier with a 5-acre minimum lot size (in the A-2 zoning district); however, the Ordinance needs to be followed.
 - Reassured that he is not “picking” on the Hicks family and empathizes with them.
- Peter Psarouthakis expressed that he does not believe Mr. Garvey, or the Township, is “picking” on the Hicks family.
- Chairperson Christmas inquired how many 10-acre farms there are in Clinton County?
- Doug Riley responded that he is unsure.
 - Explained that the County allowed 1-acre land divisions for 1 year prior to the implementation of the 10-acre minimum lot size in the A-2 zoning district when it was implemented in 2005.
 - Hundreds were created during that time.
- Val Vail-Shirey noted that there have been 7 properties rezoned from A-2 to A-3 in Victor Township, alone.
 - This is case-by-case and should be reviewed individually.

- There are some cases where she would vote to deny but does not feel this is one of those cases.
 - Denying this request is not going to open up the land for agricultural use.
 - The land is not farmed currently.
 - Doesn't feel approval of this case will cause Riley Township to be flooded by 5-acre land division requests.
- Don Potts rebutted that he is concerned approval of this case will expand the area of higher-density zoning on the FLUM.
 - *Showed a picture of the subject property.*
 - Concerned about flooding as well.
- Jeffrey Taylor, adjacent property owner (across the road from the subject property), indicated that he has owned his property since 2004.
 - The area is wet and has already caused his basement to flood.
 - Concerned that if the Hicks were to build a new home, it would contribute to flooding issues and impact his quality of life.
- William Hicks discussed how the Comprehensive Plan breaks down proper procedure.
 - Their request is following the procedure.
 - Cited flexibility for some instances.
 - Questioned why the bubbles on the FLUM do not appear to have changed since 2005?
- Laurie Briggs-Dudley, Eagle Township Clerk, commented that she is dismayed that the PC is not listening to the recommendations of the Township – even when nearly the whole board is present.
 - Does not understand why Commissioner Vail-Shirey's recommendation to the BOCC was to return this case to the PC without an explanation other than saying that she did a lot of research.
 - Feels that the PC is as much a representative of townships as of the people.
 - Lack of consideration of the townships is concerning as a township official.
 - Regarding the bubble designations on the FLUM – the Comprehensive Plan was just reviewed and approved June of 2022.
- Peter Psarouthakis questioned, if the PC is always to follow the townships' recommendations, why are we (the PC) even here?
 - The PC is in the position to hear both sides to make the best decision.
- Trish Martens asked why the applicants can't build the desired home on their existing parcel?
- Doug Riley explained that the Ordinance only allows 1 home per parcel.
- 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: Peter Psarouthakis moved, supported by Margaret Sayles to close the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 6-0, all in favor, none opposed.]

- Patti Schafer discussed the difficulty of the PC's review and decisions.
 - Feels the Planning Commissioners need to go on-record for their votes.
 - No vote explanation:

- The parcel was 10 acres in size when the current owners purchased it and they knew it was a 10-acre parcel.
 - Although wanting a smaller parcel is not out of character for the area, the true issue is “spot zoning”.
 - Explained that “spot zoning” is something that the PC has tried to avoid.
 - Concerns of water/flooding is not part of their charge (review).
 - Has to stick to the facts, and plans to, although she understands the family’s situation.
- Peter Psarouthakis’ yes vote explanation:
 - The applicants came to the PC in an appropriate manner.
 - The land is not, and will not, be commercially farmed.
 - Precedent is not a requirement for to approve this review – the case needs to be looked at individually and narrowly.
 - Drainage is not part of their consideration.
- Patti Schafer asked Commissioner Vail-Shirey if she feels 5.6 of the Findings of Fact in the Staff Report has been met?
 - Does not have a suggested clause/recommendation.
- Val Vail-Shirey stated that she would entertain an amendment but does not have any suggestions either.
 - Asked Commissioner Schafer if there is any language that could be included in 5.6 that would allow her to support the application?
- Patti Schafer explained, as she stated previously, the reasons to deny and stands by her vote.

PLANNING COMMISSION ACTION: Val Vail-Shirey moved, supported by Margaret Sayles 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: Peter Psarouthakis, Val Vail-Shirey, Margaret Sayles; NAYS: Patti Schafer, Jan Motz, Roni Christmas, motion lost. [Vote of 3-3, three in favor, three opposed.]

NEW BUSINESS
OR 187-23

- Doug Riley, Director presented **OR 187-23 – an ordinance to amend the County’s zoning ordinance to impose a one (1) year moratorium on the issuance of permits, licenses, or approvals for, or for any construction of, wind energy conversion systems, MET towers and solar energy facilities.**
- Leslie Abdoo, representative of Clinton County’s legal counsel, clarified that there is language in the draft moratorium that refers to electrical voltage that is put into the grid to define “large” solar/wind projects.
- Doug Riley read into the record comments that were received after the PC packets were sent out – which were forwarded to the PC today.
 - *Essex Township: support for a moratorium.*
 - *Melany Mack: various information/articles regarding solar panels.*
 - *Olive Township: support for a moratorium.*
 - *Theresa Owen: support for a moratorium.*
 - Discussed potential recommended motions for the PC’s consideration.
- Peter Psarouthakis asked if there are any applications for solar farms currently?
- Doug Riley responded: no.

- 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: Patti Schafer moved, supported by Jan Motz to open the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 6-0, all in favor, none opposed.]

- Chairperson Christmas asked for any comments from the public.
- Melany Mack, citing the County legal counsel advisement to the PC in April that they could create an advisory committee, expressed support of a balanced committee.
 - Stated that she read that the Comprehensive Plan was revised/updated in-house due to the COVID-19 pandemic.
 - Is impressed with the excellent work.
 - *Submitted written public comments to be placed in the PC file.*
- Joe Lawson, representative of Consumers Energy, expressed that he and his colleague are here as community partners and to offer resources.
 - Is understanding of the moratorium.
- Jessica Tramontana, Consumers Energy Public Affairs Manager, expressed appreciation for the thought that is going into this process.
 - Encouraged the PC to reach out to Consumers Energy as a resource during this time.
- Larry Kindel expressed support for a moratorium.
 - Stated that he feels agricultural preservation, as it's written in the Comprehensive Plan, is currently under attack.
 - Requested the following amendments to solar regulations:
 - The term "solar farm" be changed.
 - Landowner notification be expanded from 300 feet of the development to all owners on both sides of the road within 1 square mile of the site.
 - 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.
 - Three rows of pine trees be required for landscaping.
 - Require soil testing – paid by the applicant/developer.
 - *Submitted written public comments to be placed in the PC file.*
- Gail Wadell expressed support of a moratorium and advisory committee.
 - *Read a letter into the record on behalf of her daughter-in-law and son, Amy and Jeff Wadell – who could not attend due to disability, expressing opposition to solar farms.*
 - *Using farmland for solar panels is a waste of resources.*
 - *There are better, multi-functional places to put solar panels.*
 - Added, God has only given us so much land – once it's gone, it's gone.
- Ken Wieber expressed that he is taken by the fact that Jeff Wadell would take the time to write that letter given his circumstances.
 - Cited an article that discussed the importance of farmland/farming to this community (Clinton County).
 - A large footprint of farmland is required just to support the milk industry that is so significant to the area.

- DTE Energy and Consumers Energy have committed to installing 150,000 acres of solar, offering over \$1,000 per acre – farmers cannot compete with that.
- Solar panels and farming do not co-exist.
- In support of a moratorium.
 - Feels this process needs to take time and be thoughtful.
- Dawn Levey, Duplain Township Clerk, expressed support of a moratorium.
 - Noted, she has been attending workshops and doing research in these regards and feels thoughtful deliberation is required.
 - Expressed support for an advisory committee, consisting of at least 1 representative per township.
- Kevin Kirk expressed that he is sorry for creating such hatred toward solar in Greenbush and surrounding townships, referencing PC-33-22 SLU (solar farm in Section 27 of Greenbush Township, which included Kirk/Whitlock portions of land).
 - Cited an area in Section 34 of Greenbush Township which has developed 24 homes over the past 30-40 years, representing over 96 acres of lost farmland.
 - Feels solar doesn't have nearly the impacts that homes (and accompanying wells and septic systems) do.
 - Stated that elected officials should have never rallied people to come to township meetings to speak in opposition.
 - Referenced the work/research that went into the creation of Clinton County's solar regulations adopted by the PC in 2017.
 - Congratulated Doug Riley on his retirement.
 - Commended him for his knowledge and professionalism.
 - *Submitted written public comments to be placed in the PC file.*
- Ed Rivet, Aurelius Township Planning Commissioner, advised the PC to make decisions based on facts rather than emotions.
 - Ag land is used for the production of food – yes; however, a portion of the corn that is grown is used to produce ethanol.
 - So, ag land can be used to produce energy in addition to food.
 - Referencing projected increased electric vehicles (EV) in the future, not as much ethanol will be needed.
- David Smith referenced several global warming-related headlines – if sun exposure is declining, why are we promoting solar?
 - Concerned about littering of solar panels across Clinton County.
 - Requested the PC to vote “yes” on the solar moratorium.
 - *Submitted written public comments to be placed in the PC file on his behalf and on the behalf of Jody Smith.*
- Stephen Willis expressed support of a moratorium.
 - Noted, China and India have a 30-year pass on green energy.
 - Claimed that we (the US) are making rash decisions too quickly.
 - There are other alternatives.
 - Advised the PC to be cautious in regards to making decisions that will jeopardize the future of the citizens of Clinton County.
 - Volunteered to serve on an advisory committee.
- Nathan Anderson expressed support of a moratorium.
 - Feels the “green solution” is pollution.
 - Is disgusted by all of the solar and wind development, which increases as you travel north in Michigan.
 - Has sighted a lot of bald eagles in Clinton County and would rather continue to see those over solar panels and wind turbines.

- Suggested that solar panels and windmills be scattered on Grand Traverse Bay, etc. to infringe on Governor Whitmer and the elites directly.
- 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: Peter Psarouthakis moved, supported by Jan Motz to close the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 6-0, all in favor, none opposed.]

PLANNING COMMISSION ACTION: Peter Psarouthakis moved, supported by Margaret Sayles to recommend approval of OR 187-23 to the Board of County Commissioners, an ordinance amending Section 4 of the Zoning Ordinance regarding establishing a one-year moratorium on the issuance of permits, licenses, or approval for, or for any construction of, wind energy conversion systems, MET towers and solar energy facilities, as outlined in the attached ordinance amendment exhibit.

- Reasoning: **(1)** Based upon review of the amendment as presented, the Planning Commission has assessed and resolved the seven (7) findings of fact under Section 7.21.E.2 of the zoning ordinance as referenced in the staff memorandum.

Voting on the motion by roll call vote, motion carried unanimously. [Vote of 6-0, all in favor, none opposed.]

*CONSIDERATION –
ADVISORY
COMMITTEE*

- Chairperson Christmas initiated discussion in regard to forming an advisory committee to assist in the evaluation of the County’s zoning regulations for utility scale solar and wind projects.
 - There are a lot of people that want to be involved in this process.
 - Need to ensure this process is efficient – done within a year, preferably less.
 - There are a lot of issues that need to be considered in deciding whether the PC wants to form an advisory committee.
 - Noticing requirements/postings in adherence with the Open Meetings Act (OMA).
 - Agendas/minutes.
 - Establishing a schedule and posting it.
 - An individual webpage for the committee?
 - Meeting times and access to County facilities.
 - Additional demands on staff.
- Jan Motz inquired, if the PC considers a small advisory committee, will all PC members be participating in the advisory committee meetings?
- Chairperson Christmas replied, these are things that the PC needs to consider.
 - Also, not just what it may mean for the PC, but Staff and extra costs to the County.
 - Offered the option for the PC to complete this project by holding special meetings (in addition to the regular PC meetings).
 - At these special meetings, the PC could invite professionals/speakers to present information on these topics and hold hearings to get public input.
 - Agreed that both sides need to be heard through this process.
 - Noted, there could also be additional staffing needs in order to complete this work.

- Referred to Jessica Bolt, Planning & Permit Technician, for any questions the PC may have regarding staffing needs for the “behind the scenes” work.
- Peter Psarouthakis expressed that he believes the PC needs to establish a goal first, then determine the format of an advisory committee.
- Chairperson Christmas agreed that the PC needs to establish objectives.
 - That’s a whole other facet of this conversation – if the PC decides to form an advisory committee, it will be up to the PC to give the advisory committee direction.
- Jan Motz identified the goal as reviewing the existing Zoning Ordinance and make recommendations for changes.
- Doug Riley indicated that the Zoning Ordinance has 2 separate sections addressing utility scale solar and wind projects.
 - This review will require the PC to determine if any parts of the existing sections should change (be revised or added to).
 - Districts they’re allowed in.
 - Discretionary standards.
 - Permitting type/process.
 - To Commissioner Psarouthakis’ point, any future applications that may be submitted will be tailored to the requirements set forth in the Zoning Ordinance.
 - Referred to Legal Counsel, Leslie Abdoo, for further information.
- Leslie Abdoo agreed; the primary goal here is to amend the zoning ordinance and update those regulations as they relate to utility scale solar and wind projects.
 - The PC will need to ensure the advisory committee has direction.
 - Offered her opinion – an advisory committee may cause concern in regards to the length of the moratorium.
 - In her experience, advisory committees tend to elongate this type of process because they’re acting in a limited capacity and the PC will ultimately need to re-review the advisory committee’s recommendations and work.
 - An advisory committee can add, for lack of better words, bureaucracy to the process.
 - However, it can certainly add value as well.
 - These are just some things to keep in mind when determining if an advisory committee is an acceptable approach.
- Jan Motz inquired how this process works if there is no advisory committee?
- Leslie Abdoo explained that the PC would take on the responsibility of amending the ordinance in conjunction with County Legal Counsel and Staff by hearing public comment, presentations, etc. through regular and (potentially) special meetings.
- Peter Psarouthakis asked how far the PC/advisory committee can go with recommended changes to the Zoning Ordinance?
- Leslie Abdoo explained that there are provisions in the Michigan Zoning Enabling Act that prohibit exclusionary zoning – essentially, prohibiting a lawful land use anywhere within the zoning jurisdiction if there’s a demonstrated need for that particular use in the community.
 - Clarified, if anyone were to challenge the Ordinance on the basis that the Ordinance is exclusionary, they would have to prove that (1) the Ordinance does prohibit that land use within the zoning

- jurisdiction or (2) there is a demonstrated need for that land use within the zoning jurisdiction (i.e., Clinton County).
 - Otherwise, it is up to the PC and Board of County Commissioners (BOCC) how far they want to go when revising regulations.
 - Foster Swift (Clinton County's legal counsel) will review those decisions for legality.
- Margaret Sayles inquired about budgeting for staffing.
 - Referenced a good rule for forming committees is that it can be fed by just one pizza (in regards to size).
 - Otherwise, it can be difficult for them to be efficient without a strong leadership and administrative presence.
 - Is there a budget in place for additional staffing needs?
 - Would look to the larger sized committee if there was budget support from the County since there has been so much participatory interest.
- Val Vail-Shirey indicated, as the BOCC liaison and the only County Commissioner whose district includes townships that all utilize the County's PC, her constituents feel very strongly about participating.
 - There needs to be at least 4 representatives from each side (support and opposition).
 - Spoke with the Chair of the BOCC and the request is to get this revision done within a year.
 - Also spoke with the County Administrator in regards to funding.
 - Believes that they are open to additional funding for the necessary professional staff in order to assist with utilizing an advisory committee for this process.
 - The advisory committee works, presents recommendations to the PC; the PC does their work, presents recommendations to the BOCC.
 - Believes this can be done by the end of the year.
 - Volunteered to chair/moderate the advisory committee.
 - Looks forward to working with everyone.
- Margaret Sayles agreed with Commissioner Vail-Shirey's points in regard to participation as a constituent of Victor Township (who utilizes the County's PC).
 - Feels it is necessary, to be beneficial, to come together in a work group-type setting and work together without "booing" and clapping.
- Patti Schafer stated that she feels it is not necessary to recreate the wheel through this revision process.
 - Asked Ms. Abdoo if her firm (Clinton County's legal counsel) would be willing to share previous ordinances they have worked on?
- Leslie Abdoo confirmed they would absolutely share those examples and generally prefer it that way.
- Patti Schafer thanked Ms. Abdoo.
 - Asked if the PC needs to make a decision on an advisory committee tonight?
 - Asked Commissioner Vail-Shirey how the PC would get people from 11 different townships involved?
 - Applications?
 - How do you see this being formed?
- Val Vail-Shirey stated, all townships are invited to participate, and each township can appoint 1 or 2 people.
 - Feels it is necessary to have at least 4 people from the general citizenry.

- For the at-large members, it can be as simple as volunteers sending a letter of interest to the Planning & Zoning Office.
 - Then the PC can select those members.
- Doug Riley clarified that an advisory committee is the PC's statutory board and responsibility to choose if, how many, and who of the public will be appointed to the committee.
- Val Vail-Shirey asked if the PC could do that at the June meeting?
 - And for efficiency, establish the first advisory committee meeting – which will be open to the public.
 - The task/goal of the advisory committee is also approved at the June meeting.
 - The goal is presented to the advisory committee at their first meeting and there are professional presentations planned (2-3, depending on timeframe).
 - No discussion.
 - There will be 2 or 3 meetings with the same format.
 - The advisory committee will need to meet at least twice a month for the first 2 months, then 1 month of work group meetings to prepare the document (recommendations) to present to the PC by September 1st.
 - Everyone should be invited but the only participants will be those on the advisory committee during the work group meetings to ensure efficiency.
 - All of the meetings will be pre-planned.
 - To the PC's pleasure, this could be presented to the BOCC at the Ways & Means Committee meeting on May 18th and the BOCC meeting is on May 30th.
 - There is time to get these decisions to the Board.
 - Asked Mr. Riley what the timeframe and process is once the advisory committee and PC have a document ready for recommendation?
- Doug Riley indicated that the final adoption process will take approximately 2 months from the public hearing to the official adoption of the language changes and final legal publication.
- Val Vail-Shirey inquired, if the PC received the advisory committee's recommendations by September 7th, that would give the advisory committee 4 months to complete this process?
- Doug Riley confirmed that this timeline would allow the final adoption to occur by the first of the year.
- Chairperson Christmas asked if it would be okay if the PC makes a decision on forming an advisory committee at this meeting and sets the criteria for it at the June meeting?
- Doug Riley indicated that it is the discretion of the PC.
 - Noted, he is in a tough position to make such recommendations as he is retiring in June.
 - Hoped to get some guidance tonight regarding the structure of the committee in order to address necessary administrative elements.
- Margaret Sayles stated that she could be on-board with Commissioner Vail-Shirey's advisory committee recommendations.
- Jan Motz commented, this timeline would give the townships time to establish their representatives and citizens time to submit letters of interest.
- Leslie Abdoo indicated that the townships may be making this decision at a regular township board meeting and this notice should accommodate the time needed to do that.

- Val Vail-Shirey commented that this timeline would give them 1 month to prepare.
- Margaret Sayles inquired how the PC might be able to reach more diverse age ranges for the advisory committee?
 - Would appreciate townships being considerate of that as well.
- Patti Schafer asked if Clinton County would be willing to put an ad in the paper (advertising for the at-large positions)?
- Jan Motz suggested a post on Clinton County's website and social media platforms.
- Doug Riley indicated that the Planning & Zoning Office currently uses the County's website and Facebook Page for this type of notification.
- Val Vail-Shirey commented that she feels, due to the public participation at these past few meetings, there will be a lot of public interest.
- *Margaret Sayles discussed wording for a potential motion.*
- Doug Riley requested clarification – what is your expectation for the June meeting in regard to making appointment decisions?
- Val Vail-Shirey indicated that the PC would have appointments from each of the 11 General Law Townships and letters of interest from at-large representatives by the June PC meeting.
 - The appointment of the at-large members will be done at the June PC meeting.
 - The deadline to receive both could be May 30th.
- Doug Riley stated, in order to include that information when preparing the June packets, it would be best to have received all appointments and letters by May 26th.
 - Explained that the PC will need to consider establishing a schedule for meeting dates, times, facility availability and staffing resources moving forward.
- Leslie Abdoo agreed that it will be necessary for this advisory committee to have a specific timeline/deadline.

PLANNING COMMISSION ACTION: Margaret Sayles moved, supported by Patti Schafer to establish a nineteen (19)-person advisory committee with the end goal of reviewing and perhaps revising the Zoning Ordinance, consisting of one (1) appointment from each of the eleven (11) General Law Townships within Clinton County, 6 at-large appointments, and 2 Planning Commission members. The at-large members will be chosen from letters of interest that are required to be submitted to the Planning & Zoning Office by May 26, 2023.

Voting on the motion by roll call vote, motion carried unanimously. [Vote of 6-0, all in favor, none opposed.]

PC-10-23 SP

- Doug Riley, Director reviewed **PC-10-23 SP – Application for Site Plan Approval** as detailed in the Staff Report (which includes the Site Plan Approval criteria to be reviewed by the PC).
- Margaret Sayles asked how the proposed treatment facility would “tie in”?
- Doug Riley explained that waste would be brought on-site, treated, piped to a sewer line that ties into Bingham Township's lift station and ultimately connect to the City of St. Johns' wastewater treatment plan for final processing.
- Chairperson Christmas called on the applicant.
- Gregory Hunt indicated that he did not have anything to add to Mr. Riley's report.
- Chairperson Christmas questioned if the facility Mr. Hunt is currently using is closing?

- Gregory Hunt clarified that the facility they currently use in Lansing is undergoing a change of ownership and will no longer allow them to use their facility.
 - Explained that they would process their own; however, this facility would expand their ability to receive waste from others as well.
- Chairperson Christmas asked for any comments or questions from the PC.
 - Hearing none, Chairperson Christmas called for a motion.

PLANNING COMMISSION ACTION: Peter Psarouthakis moved, supported by Jan Motz to approve PC-10-23 SP, the final site plan for a septic receiving facility in Section 28 of Bingham Township, based on the following reasoning and conditions:

- Reasoning: **(1)** The standards set forth under Section 6.1 (Site Plan) as applicable have been or can be met subject to the conditions set forth below.
- Conditions: **(1)** The evergreens shall be a minimum of five (5) feet in height at time of planting. **(2)** All conditions of approval of the special land use permit under project PC-21-22 SLU shall remain in effect and shall be addressed prior to building permitting or during the operation of the facility as applicable.

Voting on the motion by roll call vote, motion carried unanimously. [Vote of 6-0, all in favor, none opposed.]

PC-11-23 MA
(OR 186-23)

- Patti Schafer disclosed that she is related (cousins) to the applicant.
 - Clarified that she does not have anything to gain/lose from a decision on this case.
- Doug Riley, Director summarized that the PC Bylaws consider a conflict of interest when the applicant is an immediate family member/lives with the PC member or has a financial interest in the property, neighboring property, request, or applicant's business.
 - Reviewed ***PC-11-23 MA (OR 186-23) – 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.
- John Nurenberg indicated that he did not have anything to add to Mr. Riley's report.
- 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: Peter Psarouthakis moved, supported by Margaret Sayles to open the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 6-0, 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 Patti Schafer to close the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 6-0, all in favor, none opposed.]

PLANNING COMMISSION ACTION: Jan Motz moved, supported by Margaret Sayles to recommend approval of petition PC-11-23 MA (OR 186-

23), MARTIN, 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 5 of Westphalia 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 6-0, all in favor, none opposed.]

PC-13-23 SLU

- Doug Riley, Director reviewed **PC-13-23 SLU – Application for a Special Land Use Permit** as detailed in the Staff Report (which includes the Special Land Use Permit criteria to be reviewed by the PC).
- Peter Psarouthakis inquired if the applicant is aware of the 8 recommended conditions of approval?
- Doug Riley confirmed that the applicant is aware as Staff sends the Staff Report and Agenda to each applicant the same day as the packet is sent to the PC for their review prior to the meeting.
 - This allows the applicant time to read the agency comments and correspond with agencies as well.
 - Continued Staff Report.
 - Read into the record the updated MMDHD comments received today: *no objection to the SLU.*
- 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: Margaret Sayles moved, supported by Patti Schafer to open the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 6-0, all in favor, none opposed.]

- Chairperson Christmas called on the applicant.
- Madison Rasch, representative of United Powersports Outlet, indicated that she did not have anything to add to Mr. Riley's report.
 - Thanked Mr. Riley for his help in this process and the PC for staying late to review this application.
- 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: Val Vail-Shirey moved, supported by Pater Psarouthakis to close the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 6-0, all in favor, none opposed.]

PLANNING COMMISSION ACTION: Patti Schafer moved, supported by Jan Motz to recommend approval to the Board of Commissioners of PC-13-23 SLU/SP UNITED POWERSPORTS OUTLET, application for Special Land Use and Final Site Plan Approval, in Section 8 of Greenbush Township based on the following reasoning and conditions:

- Reasoning: **(1)** The standards set forth under Sections 6.1 (Site Plan requirements), Section 6.2.F (Special Land Use – General Standards/Basis of Determination) and Section 4.29 (Open Air Businesses/Outdoor Sales Lots and Displays) have been or can be met subject to the conditions set forth below.
- Conditions: **(1)** The applicant shall comply with the requirements of the Mid-Michigan District Health Department regarding the well and septic

provisions for the site. Written approval from the Health Department shall be provided to the Community Development Department prior to occupancy of the site. **(2)** All site lighting shall be in accordance with code and directed toward the interior of the site. Section 5.6 of the Zoning Ordinance requires that the lights be shielded/directed downward to avoid any adverse impacts on adjacent properties or streets. **(3)** All signage will be required to comply with Section 5.7 of the Zoning Ordinance which will be verified at time of sign permit issuance by the Community Development Department. **(4)** Any future storage yard for inoperable units shall be completely obscured from view by a fence, wall or perennial green vegetation and shall be reviewed and approved by the Community Development Department prior to installation. **(5)** There shall be no broadcast of continuous music or announcements over any loudspeaker or public address system. **(6)** All repair, assembly, disassembly or maintenance of units shall occur within an enclosed building. **(7)** There shall be no strings of flags, pennants or bare lights bulb on-site. **(8)** No merchandise, other than the display of new and used units as proposed in the application shall be displayed within the required front yard setback of the site. No units shall be displayed within the N. US-27 right-of-way.

Voting on the motion by roll call vote, motion carried unanimously. [Vote of 6-0, all in favor, none opposed.]

OTHER BUSINESS

None

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

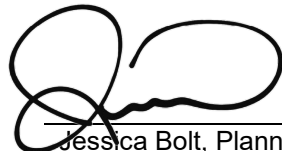
- Doug Riley, Director provided a brief update:
 - Welcomed the new PC members: Peter Psarouthakis and Margaret Sayles.
 - There will be a June Planning Commission meeting.
 - There is currently 4 rezonings and 1 SLU.
 - Thanked the PC for being such a great board to work with.
- Peter Psarouthakis thanked Mr. Riley for his service.
 - Commented that he is clearly a wealth of knowledge that will be missed.

PLANNING COMMISSIONER COMMENTS

None

ADJOURNMENT

PLANNING COMMISSION ACTION: With no further business to come before the Commission, Jan Motz moved, supported by Val Vail-Shirey to adjourn the meeting at 9:55 p.m. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 6-0, all in favor, none opposed.]



Jessica Bolt, Planning & Permit Technician

NOTE: These minutes were approved by the Planning Commission on June 8, 2023.