

## **RIVES TOWNSHIP**

### **PLANNING COMMISSION**

**DATE: JANUARY 7, 2019**

To: Rives Township Board (TB)

From: Rives Township Planning Commission (PC)

Re: **2018 Annual Report Summary**

#### **Planning Commission (PC) members**

1. Chairman- Mr. Roger DeCamp
2. Vice- Chairman – Mr. Dwight Carmer
3. Secretary – Mr. Jim Lindstrom
4. Ex-officio member from Township Board (with full voting rights) – Mr. Cliff Herl
5. Member – Mrs. Phyllis Pitmon

#### January 15, 2018 Regular Meeting

1. Mr. Herl reported that Clerk will sign official Zoning Map.
2. Chairman DeCamp researched and reported that Michigan Court of Appeals decided not to hear Williams Aeropark case, therefore Circuit Court 1995 decision stands. Township Code of Ordinance requires a PUD to be in a residential zone use, therefore he believes the Court decision establishes the property to be residential zone. This should be affirmed by Township action.
3. The Township Board cancelled a joint PC and TB meeting to discuss topics of Zoning Ordinance, permit process, writing permits, and Code of Ordinances enforcement because Public Notice had not been given. May be rescheduled for April 2018.
4. No public comment given because no one was in attendance.
5. PC has completed its duty of preparing the Draft of the Rives Township Master Plan (MP). MP sent to TB for review and comments. Also used steps recommended by Region 2 for releasing for 63 day Public Comment Period.
6. Chairman lead discussion of the Code of Ordinances and the wording that would apply to a potential application by Novi Energy to construct a natural gas to electricity conversion plant along the gas pipeline in the Township. Chairman stated that a representative of Novi Energy plans to attend the February 2018 PC meeting.
7. Second opportunity for public comment resulted in none because no one was in attendance.

Length of meeting 1 hour 42 minutes.

Public comment given – 0 comments for 0 minutes.

February 19, 2018 **Regular Meeting**

1. Report from TB a) Novi Energy had made introduction presentation to TB, b) MP draft submitted to TB was tabled, c) update on Williams Aeropark PUD, d) TB appointed Kelly Holmes as Board of Review, Walk Luck as PC member, and Brian Phillips as PC alternate.
2. Chairman reported that Township attorney concluded that zoning for Williams Aeropark is unclear even though the Circuit Court ordered the approval of the PUD.
3. 3 people (residents) made public comments at this time slot. Some topics a) citizen asked for more information on Williams Aeropark, b) will people have chance to read MP, c) asked if any of the PUD conditions could be changed from what was ordered.
4. Agenda business – a) Mrs. Pitmon relinquished her position of secretary of PC and agreed to stay on PC until work on MP is completed, b) Mr. Lindstrom appointed as secretary of PC, c) Mr. Anand Gangadharan of Novi Energy made the initial overview presentation to the PC of a natural gas to electricity conversion plant along the natural gas pipeline in Section 5 of the Township. He discussed the potential projected size of the project, projected capacity, projected \$ invested, projected natural gas usage, and projected service date. Discussion ensued with the PC members through Q & A, d) future PC meetings will occur on the 1<sup>st</sup> Monday of each month at 6:30 pm, e) a Capital Improvement Plan (CIP) will be developed for 2018 in a joint meeting between the TB and the PC, f) Chairman discussed recent 8 hour FEMA training “Introduction to Continuity of Government Planning for Rural Jurisdictions” received by Mr. DeCamp and Lindstrom
5. 3 people (residents) made public comments. Some topics a) expressed concern about water aquifer protection, effect on Ingham County residents in neighborhood of Novi Energy project. Questioned potential future costs of project to Township, b) FEMA training obtained is a good thing.

Length of meeting – 1 hour 45minutes

2 time slots of public comment – 3 people for 5 minutes, 3 people for 17 minutes. **Total** 22 minutes.

March 5, 2018 **Regular Meeting**

1. Region 2 planner, Grant Bauman, explained the process the PC will use to advance the MP to the TB for review and comments, 63 day Public Comment period, Public Hearing after 63 day Public Comment period expires.
2. Chairman opened meeting to public comments. 32 people (residents and non- residents) gave public comments. Most had questions and comments regarding their concern about Novi Energy who has not made an application.
3. Chairman DeCamp advised the TB had given task of preparing the Capital Improvement Program (CIP) to the PC.

Length of meeting – 3 hours 9 minutes

Public comment given 32 comments for 2 hours 30 minutes.

April 2, 2018 **Regular Meeting**

1. Mr. Herl reported for TB that 2018-2019 budget is approved. Also reported on road work to be built by JCRC and RR crossing improvements to be made in Township this season.
2. Purpose of this meeting is the Master Plan (MP) and its 63 Day Public Comment period therefor the usual 2 periods of public comment allowed are consolidate to 1 continuous period.
3. The MP was released for public review and comment March 9, 2018 and the 63 days will end on May 10, 2018. Chairman explained that the work by the PC on the MP started in September 2016 and was conducted in public at the Regular Meetings of the PC. Region 2 planner, Grant Bauman, assisted with the MP update process. These prior public meetings were sparsely attended.
4. Chairman mentioned several times throughout meeting that written comments are desired by PC so that issues can be concisely stated for understanding by the PC.
5. 37 people (residents and non-residents) gave public comment. Some topics a) need to correct topo errors b) need for concentric zoning and grouping of similar land uses, c) FLU map seems to have expanded use d) discussion of Consumers Energy survey question to PC Chairman regarding knowledge of natural gas pipeline path in the Township e) questioned why MP didn't differentiate industrial land use between light and heavy f) comments regarding Novi Energy who has not made an application g) as public comment on MP strayed from MP to Novi Energy requested that to help the PC evaluate comments the MP should be the topic h) property owners close to potential Novi Energy rumored site expressed concern of flooding, noise, gravel road, increase traffic, etc. i) 2 neighboring township officials commented on orderly meeting, opposition from NIMBY (not in my back yard), and that a successful society needs electricity and a natural gas to electricity plant is a low impact way to get it j) resident asked why she is only now learning about plant k) comment that desire to "keep Rives rural is about 50 years too late with small parcels of land having been bought to put a house, small barn and have horses."

Length of meeting – 3 hours 9 minutes

Public comment given by 37 people for 2 hours 57 minutes.

#### May 7, 2018 **Regular Meeting**

1. Mr. Herl report from TB that PC should look at how Code of Ordinances address solar energy, wind energy, medical marijuana, and outside wood burner units.
2. Chairman conducted agenda business – MP 63 day Public Comment period.
3. Chairman provided a map presentation from the MP. His narrative was a training session to describe the laws that apply to the MP, zoning, and how the preparation of a MP and the public comment period are specified by law. He described how existing zoning has occurred in the past by previous land owner requests and approved by past Township Boards.
4. 32 people (resident and non-resident) gave public comment. Some topics a) commercial zone by implement dealer includes houses b) questioned Code of Ordinances process for zoning requests c) questions regarding FLU plan along natural gas pipeline through Township d) statement that high speed internet and fiber optics service is needed in Township e) statement by PC that written public comments have been received and will be through May 10 f) concern expressed that potential rumored power plant (application for permit has not been submitted) will cause noise pollution, air pollution, water pollution, use of 1M gallon/day of water , and decrease in property values g) Chairman reminded the attendees that the purpose of the meeting is to seek public comments regarding the MP and not regarding any potential energy plant h) resident

questioned email letter from Novi Energy to Supervisor, PC Chairman and Township attorney. Chairman expressed his anger at being made a part of a “confidential letter” through no invitation by him. Chairman reiterated that the PC conducts its business at its public meetings. i) Written comments received through May 10 will be reviewed and discussed among PC at next regular Meeting j) “conditional rezoning” was described and questioned k) Chairman requested feedback on solar energy and wind energy permission in Township l) the current Code of Ordinances is effective May 14, 2003 per Chairman.

Length of meeting – 3 hours 32 minutes.

Public comment given by 32 people – 3 hours 19 minutes

#### June 4, 2018 – Regular Meeting

1. This meeting is conducted in public as a **working session** among the PC members using the PC Regular Meeting protocol. One time slot would invite public comment.
2. As agenda business, Steve Miller was given 2 opportunities throughout meeting to discuss property on Henry Rd. He was not present during meeting to address the PC.
3. Agenda business by the PC to review discuss and amend MP. Mr. Lindstrom described the 4 hour task of indexing and inventorying the comment letters made by citizens during the 63 day public comment period of March 9 through May 10, 2018. This task was done to accomplish the chain of custody to view, index and categorize the 112 responses received and secured by the Township Clerk at the Township office. Mr. DeCamp, Mr. Lindstrom, and Mrs. McCord signed the inventory.
4. Chairman acknowledged and thanked the public for its participation over the recent few months regarding the MP. It was mentioned that PC actually started the MP work in September 2016 in meetings open to the public and that public comments had been sought at each meeting.
5. Chairman used FLU and Zoning maps to initiate discussion of the proposed FLU as industrial zone in section 5 of the Township. He asked each PC member in turn to give their thoughts on this expanded industrial land use. Each member stated that they thought the proposed explanation should be removed from the FLU map. Mrs. Pitmon also stated that it was offensive to her that letters alleged lack of integrity on the part of PC members in the way the proposed MP was prepared. Mr. Carmer thanked the citizens for their letters and the input it provided. Mr. Lindstrom read into the record his written reasons for supporting the removal of the proposed expansion of future industrial use. By consensus the draft MP FLU map will not include in Section 5 the expanded industrial land use.
6. By consensus FLU use map was amended to include commercial use at State rd. and Berry Rd. and limited commercial use on east side of Lansing Ave. south of Berry Rd. Other Chairman proposed changes by consensus were not made to FLU map.
7. Discussion among PC members as to what FLU map should include. By 3-2 vote it was decided that FLU would not include existing uses but only proposed future uses.
8. Text changes to the MP of clerical errors and factual errors were approved. Other text changes were proposed, discussed and some were approved.
9. 6 people gave public comment. Some topics a) commended PC for listening to citizens, b) citizen stated that some residents didn't received survey, c) Chairman stated that during previous few meetings inaccurate and untrue comments had been made and PC members had not challenged, d) 208 surveys were returned, were made part of the MP and have been preserved in the

Township records, e) several citizens thanked and commended the PC members for their work on the MP, f) PC declined to seek review by the MSU Department on Planning and Zoning as the 63 Public Comment period had expired and MSU had not responded, g) citizen claimed inaccurately that PC had incurred legal expense related to MP and power plant. h) Mrs. Pitmon commented that she had served on the PC for quite a while and has been disheartened by the current TB not cooperating with the PC in communicating topics of interpretation of the Code of Ordinances.

Length of meeting – 3 hours 14 minutes.

Public comment given by 6 people – 0 hours 46 minutes

July 2, 2018 - **Regular Meeting**

1. From TB reported that 19 acres for potential boat launch had been purchased, new light in Village had been approved for purchase, 3 laptops for election use approved for purchase.
2. Citizen submitted information from surrounding townships for consideration by PC that FLU map includes proposed and existing use.
3. MP will include 15 maps.
4. Chairman asked for public help in making sure PC has all clerical/factual errors identified prior.
5. 9 people gave public comments. Some topics a) choice of some text wording in MP, b) questioned where are records of past PC review of 1977 MP, suggestion to work on definition in Code of Ordinances now, c) questioned FLU designation of commercial for corner of Berry Rd and State Rd. d) request for Consumers Energy correspondence regarding natural gas pipeline, e) citizen stated that when solar energy is incorporated in Code of Ordinances be careful to not include other forms of energy.

Length of meeting – 2 hours 40 minutes

9 people gave public comment – 0 hours 38 minutes

August 6, 2018 – **Regular meeting**

1. Report from TB that Township Historical Society is seeking donation of artifacts, 4 planned RR crossing improvements for 2018 are postponed to 2019 due to RR owner economic reasons
2. 3 candidates seeking elected office were allowed to address attendees at meeting.
3. Agenda business – James DeBaeke submitted application for proposed equine veterinary hospital at 981 Merry Lane. Representative from the proposed equine veterinary hospital helped with presentation and answered questions. Two amendments were made to application after discussion with the PC. Public Hearing was scheduled for 9-4-18.
4. Chairman displayed and discussed added maps to be included in MP.
5. PC voted unanimously to have FLU map include existing and future uses.
6. Chairman took verbal inventory of edits and changes in member's notes and memories. It was confirmed that proposed MP Draft is ready to submit to Region 2 for their republishing.
7. 7 people gave public comment. Some topics a) citizen questioned industrial definition in MP b) question as to how a natural gas to electric power plant would be classified c) citizen questioned the road maintenance on the private road in the equine veterinary hospital application, d) citizen spoke regarding need for equine veterinary hospital.

Length of meeting – 2 hours 21 minutes

7 people gave public comment – 0 hours 38 minutes

September 4, 2018 – **Public Hearing for Conditional Use Permit (CUP)**

- 1.** Chairman explained the public hearing process and how the Code of Ordinances is the guide used to evaluate the Application for this CUP for an equine veterinary hospital at 981 Merry Lane, Leslie, Michigan in Rives Township.
- 2.** The Secretary read aloud into the record 1. The Application, 2. The public notice of hearing posted, and 3. The list of land owners given written notice within the prescribed distance to the subject property.
- 3.** Chairman read from Code of Ordinances to show this use requires a condition use permit.
- 4.** James DeBaeke, the applicant and current land owner, introduced Denise Bickel, veterinarian and Katy Timmer, co –worker. They explained that their business model and practice is of a mobile nature making house calls at horse owner’s property. This proposed use, will on occasional circumstances bring 1-4 horses to the applicant property for limited hospital day care. The building structure of the hospital will also serve as the primary residence of the operators of the hospital. No retail sales of equipment, feed or other accessories will happen on this property. No services of horse training, riding lessons, or boarding of horses will happen here.
- 5.** People spoke giving 18 public comments – some topics a) concerns of potential increase traffic, cost of upkeep on this private road, b) home owners association control of existing private construction business, c) how long is CUP good for if it becomes inactive, d) Ms. Bickel stated that permit approval is necessary for SBA loan approval to buy the property, e) citizen asked if home owners association had a feeling about the application. No one responded, f) 5 people spoke that they have used the mobile veterinary services, support the application and think the operators will be good neighbors and will add to the community
- 6.** The PC deliberated as it reviewed the Applicant comments, the Public Comments, Code of Ordinances, and Application.

The PC recommended to the TB that they approve the CUP with conditions listed in the recommendation.

Length of Public Hearing – 1 hour 50 minutes

Length of Public Comments – 1 hour 1 minute

September 4, 2018 – **Regular Meeting**

1. Agenda business – Chairman showed MP maps that had updates or revisions
2. Chairman lead discussion of textual amendments to Draft MP – 8 amendments were approved.
3. 5 people offered public comments. Some topics – a) citizens questioned choice of wording, b) citizen expressed desire to have light and heavy industry to be defined in MP, c) citizen asked how expanded industrial use in Section 5 had started. Chairman states that this topic had been discussed and answered at least 3 times in prior meetings.

Length of meeting – 1 hour 32 minutes

5 people gave public comment – 0 hour 34 minutes

October 1, 2018 – **Regular Meeting**

1. Report from TB that new fire truck will not be purchased at this time, the 9-27-18 joint workshop of TB and PC was an excellent meeting of open discussion to work together on Township issues, the CUP with conditions for the equine veterinary hospital was approved by the TB
2. Agenda business – Chairman stated that TB had exercised their option to exempt the PC from its duties of the Capital Improvement Program (CIP). PC discussed edits in the MP needed after discussion.
3. Chairman discussed how MP is a “framework, guide, not cast in stone, balance of property rights, MP has no regulatory authority, a flexible document, etc.”
4. PC approved motion to give approved edits to Region 2 to update the Draft MP and to proceed to advertise and conduct a Public Hearing for the Draft MP.
5. 8 people (residents and non- residents) gave public comments. Some topics a) attorney from Fahey Schultz Burzych Rhodes made comments regarding MP covering 5 topics, b) citizens questioned wording choices in multiple places in MP.
6. From public comments some edits were made to the update to be taken to Region 2 for typing.

Length of meeting – 3 hours 56 minutes

8 people gave public comment – 0 hours 46 minutes

November 5, 2018 – **Regular Meeting**

1. Report from the TB that a) Sam’s Late Night Auto Repair issues with the Township had been settled in Circuit Court, b) the Township authorized \$136k to clean the Foster Dodd Drain with work supervised by the Calhoun County Drain Commissioner. Chairman discussed proposed actions by the Michigan legislature to pre-empt some local zoning issues.
2. 4 people (residents and no-residents) gave public comments in first time slot. Some topics a) citizen submitted comments for amended language for MP. PC will review for next meeting. b) Citizens asked for clarification of previous comments by PC member, c) consider moratorium on considering energy issues.
3. Agenda business – Chairman discussed Michigan’s Renewable Energy Standards (RES) set by the Michigan legislature.
4. 11 people (residents and non-residents) gave public comment at this time slot. Some topics a) Citizen commented that if the PC would have listened to the comments by citizens the MP preparation wouldn’t have taken so long. PC member responded by saying that isn’t true. The PC has put all other PC matters aside to work on the MP and have read the written comments and listened to the verbal comments at numerous regular PC meetings and incorporated those that they thought appropriate. Chairman stated that to claim that the PC hasn’t listened to the public is untrue, inaccurate and false news, b) citizen stated that she had been contacted by a solar developer, c) citizen said she had volunteered to serve on Parks and Recreation and hasn’t heard response d) question regarding MP stating that Baseline Rd is gravel and under jurisdiction of ICRC, e) comments about achieving proper citing for solar farms and Hacker Machine industrial use, f) discussed process of Public Hearing for adoption of the MP g) comments on Foster Dodd Drain planned clean-up.

Length of meeting – 2 hours 42 minutes

2 time slots for public comment- 4 people spoke for 0 hours 16 minutes, 11 people spoke for 0 hours 54 minutes. **Total** 15 comments for 1 hour 10 minutes

December 3, 2018 – **Public Hearing on adoption of MP**

1. Chairman discussed procedures of conduct for Public Hearing. PC secretary read public notice advertised in the Salesman. Secretary reported that no written responses had been received at the Township office from any of the “entities” (governments, agencies and utilities). Secretary read 2 letters that had been submitted at the Township office for the public hearing.
2. Chairman showed all maps from the MP and described their purpose in the MP. He also read from MP pages that emphasized “Why plan?” and “What is a MP?” He stated that the MP is to be reviewed in the future and to be kept current so that it can be a useful guide.
3. 22 public comments (residents and non-residents) were received. Some topics a) questioned potential future commercial use of NE corner of Berry Rd and State, b) citizen read from 3 page letter requesting 8 areas of change to the MP, c) attorney questioned that PC should accept written comments during public hearing, d) discussion whether MP should represent “people of Michigan”, e) citizens acknowledged and thanked PC for time spent on MP and weeding through the aggressive and sometime negative comments and professionally getting to the heart of the issues and applying judgement. and thanked Mrs. Pitmon for her service to Township as member of PC, f) examples given of PC not seeking outside help, g) suggested that PA116 land should be identified in MP as should Baseline Rd should be called dirt road, g) more letters given to the owner of Churchill Rd. industrial property were offered to PC as comments, h) PC discussed and concluded to accept the written comments offered, 29 written comment letters were accepted – 7 were “one off”, 9 were form letter #1 and 13 were form letter #2. h) request made for wording changes to MP regarding light industrial, i) request that Hacker Machine be taken off zoning map as industrial use, j) citizen observed that an active group came together to stop the “blue blob”. That was accomplished. Now reasonableness should be used going forward to adopt a MP. k) discussion of due process provided in Code of Ordinances that give the application, review and decision procedures. The MP states a basic principle that the process must balance property rights and that the law requires that all property owners be granted a reasonable use of their land.
4. PC deliberated over comments from public hearing. After discussion of topics from public hearing no changes were made to MP.
5. PC had committed to review 4 page letter submitted at last regular meeting at its next regular meeting, therefore no action was taken in this meeting to adopt the MP.

Length of public hearing – 2 hours and 23 minutes

22 people gave public comments – 1 hour 28 minutes

December 3, 2018 – **Regular Meeting**

1. Report from TB that a) ordinance 2018-1 for outdoor furnaces, b) ordinance 2018-2 exempting the PC from preparing the CIP, and c) ordinance 2018-3 prohibiting marijuana establishments were passed.
2. 2 people (resident and non-resident) offered public comment.
3. Chairman listed topics for consideration at next meeting.



4. Mrs. Pitmon plans to submit her written resignation to TB now that the MP has been adopted by the PC as she had committed to serve until this is accomplished
5. The 4 page written submission at prior meeting was discussed.
6. Chairman asked PC members if they were ready to recommend a new MP to the TB. Each member answered affirmatively and with their logic.
7. Motion to recommend to the TB the 2018 MP draft was approved.
8. Resolution PC 2018 -1 for the adoption of the 2018 MP was unanimously approved by the PC.
9. Mrs. Pitmon thanked the PC for its work and appreciated the transparency and professionalism shown. The PC expressed thanks to Mrs. Pitmon for her years of faithful outstanding service to the community.

Length of meeting – 1 hour 6 minutes

2 people gave public comment – 0 hour 3 minutes

### **Summary of length of Meeting and length of Public Comment**

date	type	Meeting length	Public comment Length
January 15	Regular	1 hour 42 minutes	0 hour 0 minutes
February 19	Regular	1 hour 45 minutes	0 hour 22 minutes
March 5	Regular	3 hour 9 minutes	2 hour 30 minutes
April 2	Regular	3 hour 9 minutes	2 hour 57 minutes
May 7	Regular	3 hour 32 minutes	3 hour 39 minutes
June 4	Regular	3 hour 14 minutes	0 hour 46 minutes
July 2	Regular	2 hour 40 minutes	0 hour 38 minutes
August 6	Regular	2 hour 21 minutes	0 hour 38 minutes
September 4	CUP public hearing	1 hour 50 minutes	1 hour 1 minute
September 4	Regular	1 hour 32 minutes	0 hour 34 minute
October 1	Regular	3 hour 56 minutes	0 hour 56 minute
November 5	Regular	2 hour 42 minutes	1 hour 10 minute
December 3	MP public hearing	2 hour 23 minutes	1 hour 28 minute
December 3	Regular	1 hour 6 minutes	0 hour 3 minute
total	all	35.86 hours	16.72 hours

### **2019 Goals**

1. Conduct conditional use permit (CUP) review
2. Conduct Industrial District review
3. Establish Zoning Ordinance definitions
4. Have 2 workshops with Township Board to foster communication
5. Achieve MP approval by Township Board
6. Conduct new member training

