

MEETING OF THE RIVES TOWNSHIP PLANNING COMMISSION

REGULAR MEETING

HELD – VIA ZOOM MEETING

March 22, 2021

Meeting called to order at 6:33 pm.

Clerk served as moderator.

Members present: Roger DeCamp-chairman, Dwight Carmer – vice-chairman, Christine Beecher- ex-officio member from Township Board (TB), Jim Lindstrom -secretary. Absent: Adam Williams – member due to last minute work commitment.

Motion by Mr. Carmer 2cd by Ms. Beecher to approve agenda as printed. All Ayes. Motion passed.

Motion by Mr. Carmer 2cd by Ms. Beecher to approve minutes of February 16, 2021 minutes of Regular PC meeting. All Ayes. Motion passed.

Chairman asked for reports. Mr. Carmer reported that no ZBA meeting had been necessary. Ms. Beecher reported from the TB that a hearing for the proposed budget had been held, that an audit will be conducted in May, and that everything went well. Chairman DeCamp reported that he had contacted Tompkins Township and a copy of their solar ordinance is on their website. No other PC members reported anything.

BUSINESS:

1. Public hearing Zoning Amendments- Chairman DeCamp stated that the PC's job is to evaluate and when completed then recommend to the TB. He also explained the conducting of the public hearing. He explained the Purpose of the hearing is specific and limited to the information published. Mr. Lindstrom stated that the information was published in the Salesman of March 7, 2021 and also available on the Township website and available for in person review by appointment during regular business hours at the Township office.

At 6:50 pm by unanimous consent of members the Public Hearing was opened. The Secretary read the following summary: "what is before the PC are proposed zoning text amendments which include: 1. Deleting the last sentence of Section 17.01, Purpose which stated "if the specific use of land, natural resources and structures are not listed as a permitted use in this ordinance, conditional use permits are required and can only be granted by the Rives Township Board." 2. Revising Section 17.23(B) to clarify that conditional uses under the Ordinance are only permitted if they are specially listed as a conditional use in the zoning district. 3. The zoning amendment substantially overhauls the industrial district regulations under the Ordinance. The overhaul attempts to limit industrial uses in a zoned industrial district to light industrial uses that are compatible with surrounding agricultural and residential districts. The amendment recognizes that intensive industrial uses are not compatible with the rural character of the Township, and therefore such uses are not permitted under the Ordinance. The permitted and conditional uses

listed in the zoning amendment are limited to uses that can be conducted consistent with the Township's rural character. In this regard, there are no heavy manufacturing industrial uses or power plants that are allowed in the new "light" Industrial Zoning District. 4. Article 7 of the Zoning Ordinance is amended by adding new required standards and findings that must be made before a conditional use permit may be granted for certain listed uses including new standards for trucking and transit terminals, contractor storage yard uses, repair garages and paint shop use, sales of construction and farm equipment uses, and for self-storage facilities. Each of these uses may be permitted as a conditional use only if the additional standards and findings are satisfied adding additional protections to neighboring agricultural and residential uses. 5. New site plan performance guarantees and escrow requirements are added to Article 8 of the ordinance to assure that developers in the Township pay all costs associated with developments requiring site plan review, and to assure that certain uses and projects when complete are decommissioned and the land and environment reclaimed and restored to its condition prior to the use. This is in keeping with the concept of and to assure that all costs related to developments, and any potential adverse effects caused by developments, in the township should be borne and paid by the developers."

John Enos the planner from CWA who assisted the PC in preparing the proposed amendments to the ordinance made comments. He prepared a template for industrial districts that the PC reviewed and deliberated over time (delayed by the Covid 19 pandemic) in light of public comments received to arrive at the proposed language. The final proposed language is thoughtful, reasonable and legal in his opinion and experience he stated. It focuses on the intent of "light" industrial uses and discusses permitted and conditional uses that support the rural character of the Township.

Mr. Lindstrom read into the record the names of people from whom written public comment had been received.

Public comment on the proposed zoning text amendments was received at 6:59 pm.

1. Megan Short (nonresident) thanked the PC for its work, asked PC to consider how proposed amendments effects real people and commented on power plant.
2. Debbie Miller (resident) thanked the PC for completing this work after the long Covid work suspension, commented that she thought some of the points made in the written submittal letters were redundant as the proposed language accomplished those points, commented on sections 17.55, 17.56 and 17.57 and the waiver.
3. Alex Silvestri (resident) thanked CKRR for its diligence and the PC for its work.
4. Lisa Manwell (resident) said her family moved to Township for peaceful area and wants industrial amendment to protect that.
5. Lydia Barbach Riley (nonresident attorney hired by CKRR) commented that PC has significant task to keep Township character rural, should keep certain kinds of energy production out of Township, and offered her written language amendment suggestions to be considered by the PC.
6. Vercilla Hart (resident) thanked the PC for a great job on moving the "light" industrial amendments forward. She offered her attorneys comments for amended language to the proposed under consideration. She asked if township attorney and CWA planner had reviewed these comments and asked if the proposed amendments were in conflict with the Master Plan (MP).

7. Joseph Yang (resident) thanked the PC for its work and stated that he thought residents want an ordinance where they can feel safe that fossil fuel power plant will not come to Township.
8. Linda DeBruler (nonresident) thanked attorneys Lydia Barbach Riley and Chris Paterson for their suggestions and she is concerned that research and development conditional use could allow power plant.
9. Bryce Hammond read speech on behalf of Jobeth Carlson (resident) stating she had just moved to Township to enjoy quiet and landscape and she supports the amended language proposed by CKRR.
10. Monica Day (nonresident) thanked the PC for its work in protecting Rives Township.
11. Cindi Cheesboro (resident) stated she wanted to make sure there are no loopholes for the power plant to be built.
12. Tayler Laeder (resident) said she appreciated the PC and CKRR work and wants to make sure no power plant.

After several checks to make sure all public comment had been allowed and received the Chairman **closed the Public hearing** by unanimous consent at 7:39 pm.

PC went into deliberation. Chairman made observation of common themes of public comments: no power plant, people love rural area and rural character and rural life style. He stated that MP had been update recently and that the proposed language under consideration follows the MP. It states that we are not well suited for heavy industrial use. MP Future Land Use Map shows very little light industrial use. Chairman referred to summary that had been read into record earlier in meeting that "The amendment recognizes that intensive industrial uses are not compatible with the rural character of the Township, and therefore such uses are not permitted under the Ordinance. The permitted and conditional uses listed in the zoning amendment are limited to uses that can be conducted consistent with the Township's rural character. In this regard, there are no heavy manufacturing industrial uses or power plants that are allowed in the new "light" Industrial Zoning District."

Vic Lillich, Township attorney, gave discussion and guidance on legal look at topics of "similar uses" language and the waiver language of considering replacing "one" with "both".

Chairman discussed that anyone can make an application for consideration of a use. After that how it is handled by the Township staff when that first contact is made, how it is handle by the Zoning administrator, how it goes through the process by the PC and then how it is decided upon by the TB is the whole process. There are all these steps at which a mistake can be made but in the end there are also all these steps to keep from making mistakes. Chairman responded to Chris Paterson (attorney) ascertain that an improper delegation of legislative authority from the TB to the PC by stating that the PC action has no final effect because the TB decides (allows or approves) on the PC recommendation.

After discussion and deliberation among the members the Chairman asked if the members were satisfied with the properness (understood) of amended language allowing "similar uses" to other listed conditional uses in Section 17.57 E. All members present said they were.

Chairman asked members if they are satisfied with language of the proposed amendments and the process to arrive at proposed amendments. All members present said they are.

Mr. Carmer made a motion 2cd by Ms. Beecher that in the Waiver language (line 5) the word “one” be replaced with the word “both” to read “.....provided that the applicant demonstrates that BOTH of the following impacts.....”. By roll call vote all ayes. Motion passed.

Chairman asked the commissioners if they were satisfied with their discussion and review. Each responded they were satisfied. The chairman then asked if they were prepared to reach a decision.

Mr. Lindstrom made a motion 2cd by Ms. Beecher that **based on the language of the MP, the review and preparation of the Industrial district amendment, the public comments received and thoughtful and reasonable deliberation that the PC recommends to the TB the adoption in entirety of the Amendment to Chapter 17, Rives township Code of Ordinances, ordinance No.2021-1 as amended in waiver section. By roll call all ayes. Motion passed.**

Chairman thanked the commissioners for their thoughtful and reasonable work and the people in attendance by zoom. At this time Township Planner and Township attorney left zoom meeting.

Public comment was invited at 8:41 pm.

1. Dwight Carmer (resident) stated that 140 years ago his great grandfather established the farm that he lives on now. At that time the Township was very rural. Since that time much housing and residential development characterizes the Township
2. Megan Short (nonresident) stated that fears of the power plant can be substantiated by going to Cornerstone Energy website.
3. Vecilla Hart (resident) stated that PC needs to earn trust.
4. Lisa Manwell (resident) is disappointed that more of the suggested changes by CKRR were not applied and stated that Cornerstone Energy had renewed something.

Ms. Beecher made motion to adjourn 2cd by Mr. Lindstrom. Meeting adjourned by unanimous consent at 8:48 pm.

Next regular PC meeting will be held April 26,2021at 6:30 pm. Zoom or in person to be determined based on government guidelines.