

*Approved by: _____
Larry Grunn, *Chairperson*

Date: _____

MARION TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
February 22, 2022 / 7:30PM

MEMBERS PRESENT: LARRY GRUNN – *CHAIRPERSON*
BOB HANVEY
CHERYL RANGE – *SECRETARY*
BRUCE POWELSON – *VICE CHAIR*
JAMES ANDERSON

OTHERS PRESENT: DAVE HAMANN – *ZONING ADMINISTRATOR*
ZACH MICHELS – *CARLISLE WORTMAN*

MEMBERS ABSENT: NONE

CALL TO ORDER:
Larry Grunn called the meeting to order at 7:30 p.m.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA:
Approval of the Regular Meeting Agenda for February 22, 2022
Bruce Powelson motioned to approve the agenda. Cheryl Range seconded. **MOTION CARRIED**

APPROVAL OF MINUTES:
Approval of the Regular Meeting Minutes for January 25, 2022
Cheryl Range motioned to approve the minutes. Jim Anderson seconded. **MOTION CARRIED**

CALL TO THE PUBLIC:
Larry Grunn read a letter from resident Jim Witkowski. He is unhappy with the direction the Planning Commission is going with some of the decisions they have made.

NEW BUSINESS:
PUBLIC HEARING FOR RZN# 01-21 129 MASON HS TO UR
Sean Iversen resides at 129 Mason Road and is requesting rezoning for his residence. He would like his residence to be rezoned as residential instead of Highway Service. He intends to use the property as a single-family home. Zach explained that they currently cannot get a mortgage or refinance without being in a residential area. Dave Hamann explained that the west side of Mason Road is all residential and four houses down from this property are residential as well.

NEW BUSINESS:
1) REVIEW RZN# 01-21 129 MASON HS TO UR
Zach Michels with Carlisle Wortman stated that the Commissioners need to make a recommendation to the Livingston County Planner. If there is nothing negative then the Board can recommend approval.

Cheryl Range made a motion to recommend approval and send this to the Livingston County Planning Commission for review and comment. Bruce Powelson seconded. **MOTION CARRIED**

NEW BUSINESS:

2) DISCUSSION OF SECTION 14.01 INTENT AND DECIDE DIRECTION

Zach Michels explained that the language might not mean what the public believes that it means in section 14.01.

The part in 14.01 reads "All vehicles shall be stored on the lot occupied by the principal building."

The part in 14.03 reads "All off-street parking areas shall be located on the same lot or on the adjacent premises in the same district as the use they are intended to serve."

The part in 14.04, letter B #2 reads "Each entrance to and exit from an off-street parking area shall be at least twenty-five feet from any adjacent lot within the residential district."

Along with letter C "Each parking space within an off-street parking area, shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited."

Zach explained that these sections conflict with one another and may interpret something different to a resident. Dave Hamann explained that he received a complaint from a resident who stated that their neighbor was parking in the street. The language implies that there is no parking allowed in the street and no backing out of driveways for anyone. However, the language was created for business, not residential. Zach Michels will speak with John and have him create some language options to bring to the next meeting.

UNFINISHED BUSINESS:

1) REVIEW ATTORNEY PROPOSED PENALTY PROVISIONS LANGUAGE TXT# 01-22

John Enos and John Gormley have not gotten together yet to discuss this topic. This topic was postponed until the next meeting.

UNFINISHED BUSINESS

2) REVIEW WIND AND SOLAR TXT# 02-22

Zach Michels did some research on this and thinks the biggest issue with these Wind Turbines is the large and heavy equipment used to install them. There is a risk of crushing the field tiles or disturbing the field tiles when installing the wires. The other issue is the decommissioning of the large piece of concrete that these pieces of equipment sit on. You need a very large piece of property for these things. It used to take about 6-10 years for these things to pay off. Now the solar rates have gone up so much, your average land owner is not going to install these in the backyard to help support their farm. There is language currently that allows up to 70 foot tall. Once you pass 200 feet you have to install the blinking lights on the blades. You want to be above the trees which are about 35 feet so you get the undisturbed air. The blades are made of fiberglass so chances are in an ice storm if something hit them, they are likely to disintegrate or shatter.

Bob asked what is the length of the blades? Zach said the lower end is about 150 feet long.

Larry Grunn asked about language for residents who wanted to install their own small wind turbine. Dave said that we already have language that regulates the size of any type of structure, which would include wind equipment. They can't go above 35 feet. Section 6.14 lays out your height requirement exceptions.

Jim Anderson asked if we are allowed to regulate this if it falls under Right to Farm. Zach stated that Right to Farm is a shield not a sword. Dave said that those under Right to Farm still have to obtain a land use when putting a new structure on their property and they also have to go through the building department and sign an affidavit, swearing that their structure is exempt in the State building code because it is agriculture. Zach and John are going to put something together for wind and solar options.

UNFINISHED BUSINESS

3) CONTINUE DISCUSSION ON HOBBY KENNELS TXT# 01-21

The Commissioners have to wait for John to meet with Jim Anderson and put together some language on this to continue discussion.

UNFINISHED BUSINESS

4) REVIEW ISSUES WITH 17.32 HOME-BASED BUSINESS

There are two classifications, Home Occupation and Home-Based Business. Cheryl and Larry inquired about the resident who is making fireworks on their property. Dave Hamann stated that they are not making fireworks. They are making the tubes that hold fireworks. They came into our office and signed an affidavit stating they never plan on having employees or producing fireworks on their property. They are not making fireworks on his property and he is not assembling mortars. He is making the hardware that holds the fireworks. It is not considered a Home-Based Business because he is only employee making the hardware and he is doing it in his barn. The evening that he did have some fireworks going off on his property, he notified everyone within a half a mile radius of his property. Jim Anderson stated that this is a perfect example of a Home Occupation.

Bob Hanvey thinks there are too many restrictions for Home Occupation. Specifically, section 6.14, letter H. The language states that the Home Occupation must be conducted within the dwelling unit or garage. What if the resident does some of his work within the dwelling

unit along with outside of the home, does that make him a HBB or Home Occupation? Jim Anderson does not want to go backwards with this language and thinks that the language we have now is sufficient and does not want to start tearing it apart again.

Zach Michels said that we could create a Hybrid option that involves Police enforcement within the Township. We could also require business owners to get a business license.

Jim Anderson said that obtaining a business license is a lot of work and requires the residents to jump through a lot of hoops and regulations.

Dave said that we are just discussing options and brainstorming. This doesn't mean we are going to change anything. Larry asked Zach if he could work on this for us. Zach said that the ball is bouncing all over the room, because the discussion is kind of all over the place. We can add some small changes to the language in Home Occupation that would allow a resident to leave the home on occasion to do some of the work for their business. Outside of that, the compass is spinning all over the place. One of the things that might encourage residents to come into the office and apply for the necessary permits to run for their business, would be the successful enforcement against those running a business illegally. It may just not be the appropriate time to make these changes to this language.

Zach and Commissioners discussed the possibility of having billboards that advertise regulations on having businesses in Marion Township.

Cheryl Range made a motion to postpone discussion until the next meeting. Larry Grunn seconded. **MOTION CARRIED**

UNFINISHED BUSINESS

5) ADD DEFINITION FOR 'RURAL' DISCUSS DIFFERENCES WITH EACH DISTRICT

Cheryl Range motioned to postpone discussion on this until John brings back language options. Larry seconded. **MOTION CARRIED**

ANNOUNCEMENTS

Jim Anderson stated that John was supposed to set up a meeting with Barry Lonek and Sara Thomas. This has not been done yet. Zach will talk to John about this and see where we are at.

CALL TO THE PUBLIC:

Sandra Donovan stated that there is a large difference between a small business and a Home-Based Business / Home Occupation. Les Andersen suggested that we require a bond for those installing solar equipment.

ADJOURNMENT:

Bruce Powelson made a motion to adjourn the meeting at 9:49pm. Jim Anderson seconded. **MOTION CARRIED**