

**MARION TOWNSHIP PLANNING COMMISSION
AGENDA**

REGULAR MEETING

**Due to COVID-19 considerations and consistent with State Policy:
The Township Planning Commission will meet in person August 24, 2021 at 7:30 pm**

However, there will be virtual access

Instructions to participate in the meeting are posted on www.mariontownship.com

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

INTRODUCTION OF MEMBERS:

APPROVAL OF AGENDA FOR: August 24, 2021 Regular Meeting

APPROVAL OF MINUTES FROM: July 27, 2021 Regular Meeting

CALL TO THE PUBLIC:

PUBLIC HEARING:

none

New BUSINESS:

- 1) Review issues with 17.32 home-based business
- 2) Add definition for 'RURAL'

Old BUSINESS:

- 1) Continue discussion on hobby kennels

Correspondence and Updates and Discussion:

Reminder September 28 will be public hearing for Master Plan

CALL TO THE PUBLIC:

ADJOURNMENT:

DRAFT

Approved by: _____
Larry Grunn, Chairperson

Date: _____

**MARION TOWNSHIP PLANNING COMMISSION
IN-PERSON / VIRTUAL MEETING MINUTES
JULY 27, 2021 / 7:30PM**

MEMBERS PRESENT: LARRY GRUNN – CHAIRPERSON (*In-Person*)
JAMES ANDERSON – VICE CHAIR (*In-Person*)
CHERYL RANGE – SECRETARY (*In-Person*)
BOB HANVEY – (*In-Person*)
BRUCE POWELSON – (*In-Person*)

OTHERS PRESENT: DAVE HAMANN – ZONING ADMINISTRATOR (*In-Person*)
JOHN ENOS – CARLISLE WORTMAN (*In-Person*)

MEMBERS ABSENT:
NONE

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

PLEDGE OF ALLEGIANCE

APPROVAL OF JULY 27, 2021 PLANNING COMMISSION MEETING AGENDA
Jim Anderson made a motion to approve the agenda for the July 27, 2021 Planning Commission meeting. Bruce Powelson seconded. **MOTION CARRIED**

APPROVAL OF JUNE 22, 2021 PLANNING COMMISSION MEETING MINUTES
Bruce Powelson made a motion to approve the June 22, 2021 Planning Commission meeting minutes, as presented. Jim Anderson seconded. **MOTION CARRIED**

CALL TO THE PUBLIC:
NONE

PUBLIC HEARING:
NONE

NEW BUSINESS
1. REVIEW JIM'S EXCEL SPREADSHEET ON ZONING ORDINANCES VERSUS THE LIVINGSTON COUNTY ANIMAL CONTROL ORDINANCE

Jim Anderson prepared a spreadsheet for the commissioners to review and discuss. Cheryl Range looked at the other surrounding our cities for some insight on this matter. Dave Hamann suggested that if a resident has 3 or more dogs in the UR district, then they need to apply for a special use. If the resident lives in the SR or RR districts then they just have to make sure the animals are licensed with the Township. Jim Anderson suggested that if a resident has more than three dogs, then they have to have a kennel.

Dave suggested that if a resident has more than 6 dogs, then they should have to apply for a commercial kennel and get a special use permit. Dave also suggested recommended lot size requirements based on how many dogs are on the property, such as:

- 3 dogs per 1 acre
- 6 dogs per 2 acres
- 11 dogs minimum 5 acres and 1/3 of an acre for each dog after

Jim Anderson asked if a land use would help regulate this.

Dave said its kind of hard to inspect land use permits. You have to have something in place that the Township is able to actually inspect.

John Enos said that he would look at some other surrounding areas and work with Dave on putting some language together.

Dave said that he will work with John and create a text amendment and do some word smithing and bring it back for review.

NEW BUSINESS

2. ADDRESS SR ISSUE BETWEEN THE SCHEDULE OF REGULATIONS AND 8.02

Dave Hamann explained that currently there is an inconsistency in the schedule of regulations verses 8.02 with F1 & 2. A resident came in that currently lives off Norton Road, with sewer at the curb and they were trying to figure out what the frontage was supposed to be. It was not a plat or condo, so according to F1 the minimum lot size should be 20,000 and required 100 feet. However, when Bob looked at the schedule of regulations, it says they need 85 feet with public sewer. Basically, the schedule of regulations is not portraying the same thing as F1 & 2.

John Enos said if the Township is comfortable with 20,000 feet, then we can just make the change the schedule of regulations by adding "with sewer" and clarify the dimensions for unplatted and platted subdivisions. We don't have to have a public hearing because we are just clarifying things. John will have something to present for the next meeting.

CORRESPONDENCE AND UPDATES AND DISCUSSION

• MASTER PLAN UPDATE

John Enos said that the timeline runs till September 13th and we can have a public hearing at the September 28 meeting.

• BARRY LONEK

Jim Anderson asked if we should have Barry Lonek in for a presentation on land conservation. The Board did approve the \$200 fee but Barry might have different rates now.

John Enos asked Bob Hanvey if he should line up things with Barry and sub-contract him, so Carlisle Wortman can work with Barry on the presentation. Bob said this was fine. John is going to speak with Larry about a presentation sometime in the fall. This would be a separate meeting from a regular scheduled Township meeting.

• WIND TURBINES

Jim Anderson asked John Enos about Wind Turbines and discussion was had about bringing them to Marion Township.

• MARIJUANA DISTRIBUTERS

Bob Hanvey asked John if Marijuana Distributers fell under Right to Farm. John said they do not fall under Right to Farm.

CALL TO THE PUBLIC:

Les Andersen resides at 4500 Jewell Road. Les handed out his proposed language about Home-Based Business, that he hopes to see go out with the next tax notice. Les also would like to see an acreage requirement enforced for Home-Based Business. Les asked John Enos what he thought about, No Home-Based Business in subdivisions, No Home-Based Business on easements and No Home-Based Business on flag lots. John said that he likes these items. Les asked John what he thought about a non-conforming parcel due to acreage, asking for a Home-Based Business. Les doesn't think we should even be entertaining the idea if they are a non-conforming parcel. Jim Anderson said that we have already spent a lot of time going through this and coming up with the specifics about Home-Based Business and Home Occupations, before we created these ordinances. Why are we trying to implement more regulations now?

More discussion was had about Home-Based Business and Home Occupations.

ADJOURNMENT: Bruce Powelson made a motion to adjourn the meeting at 10:00pm. Cheryl Range seconded.
MOTION CARRIED

Greetings Planning Commissioners!

As Jack Lowe said about new ordinances: You find out what's wrong with them the first time you try to apply them in the real world.

As we (Dave and I) were attempting to deal with a complaint about a business operating in the RR district on private road we discovered a need for some text modifications in the three characteristics section.

Section 17.32 Home-based Business

Home Occupation regulations are provided in Section 6.14. Home-based businesses are considered special uses and are therefore subject to the provisions of Article XVII, Special Use Permits, and other applicable provisions of the ordinance. A Special Use Permit, and any conditions attached thereto, **may** be approved by the Township Board if all the criteria listed are met.

I think the application "must" be approved if all criteria are met.

A home-based business is an occupation, business, commercial activity, company or profession carried on by family members residing on the premises that is clearly incidental and secondary to the principal single-family residential use and has one or more of the following characteristics and is not a farm operation as defined herein:

1. The business has one or more **employees** who do not reside on the premises, but who work on the premises or travel to the premises to pick up business vehicles or equipment for use off the premises.

There is no definition of "employee" in the ordinance although it is used in several places. I think the intent is to avoid having non-resident workers coming to the site; I suggest that we add a definition that includes "contract" or "1099" workers that are not W2 employees. This could apply to temporary workers in seasonal occupations.

Should this also apply to non-resident relatives (assuming we could define "relative").

2. The business has outside storage of materials or equipment **solely** related to the business **within a designated and screened area**; and/or

The specification "solely" is difficult to apply to materials (fertilizer) or equipment (lawn mowers and snow blowers) that are also used by the owner on their own property.

The specification "designated and screened area" implies that if they store the stuff on site in a different place every day in an unscreened area it is not counted.

3. **Has vehicles related solely to the home or business.**

I'm not sure if this was just a scrivener's error or what the intent was, but as written it applies to almost every home in the township. And the word "solely" gets us in trouble again.

and

D. **All** of the activities on the property related to equipment and vehicle repair, cleaning, painting and maintenance associated with the home-based business shall be carried on indoors.

Washing a vehicle or lawn mower indoors seems overly restrictive.

Greetings Planning Commissioners!

As Jack Lowe said about new ordinances: You find out what's wrong with them the first time you try to apply them in the real world.

As we (Dave and I) were attempting to deal with a complaint about a business operating in the RR district on private road we discovered a need for some text modifications in the three characteristics section.

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I think the application "must" be approved if all criteria are met.

The Special Use Permit requirement was put in to Section 17.32 since the board wanted to review each and every permit application for a Home-Based Business with the option to add special conditions to the permit if needed or to deny the permit completely for justifiable reasons. To remove this requirement from 17.32, the Township Board must address this modification and decide if it needs to be removed completely or modified as they require.

A home-based business is an occupation, business, commercial activity, company or profession carried on by family members residing on the premises that is clearly incidental and secondary to the principal single-family residential use and has one or more of the following characteristics and is not a farm operation as defined herein:

1. The business has one or more **employees** who do not reside on the premises, but who work on the premises or travel to the premises to pick up business vehicles or equipment for use off the premises.

There is no definition of "employee" in the ordinance although it is used in several places. I think the intent is to avoid having non-resident workers coming to the site; I suggest that we add a definition that includes "contract" or "1099" workers that are not W2 employees. This could apply to temporary workers in seasonal occupations.

Not really clear on the comment. Under the Home Occupation 6.14 ordinance, no employees are allowed other than relatives who reside in the dwelling. As for the "employee" concern in Home Based Business, Section 17.32, I think employee should be defined. The IRS has the following definition; "Under common-law rules, anyone who performs services for you is your employee if you can control what will be done and how it will be done. This is so even when you give the employee freedom of action. What matters is that you have the right to control the details of how the services are performed." Non-resident relatives are employees. A relative is anyone that is connected to the owner of the dwelling by blood or marriage.

Should this also apply to non-resident relatives (assuming we could define "relative").

2. The business has outside storage of materials or equipment **solely** related to the business **within a designated and screened area**; and/or

The specification "solely" is difficult to apply to materials (fertilizer) or equipment (lawn mowers and snow blowers) that are also used by the owner on their own property.

The specification "designated and screened area" implies that if they store the stuff on site in a different place every day in an unscreened area it is not counted.

The word "solely" can be removed. Any materials or equipment related to the business must be stored within the designated and screened area when not in use. I do not understand the statement that if the material and equipment is related to the business and the home business owner can just move the material and equipment around their property thus allowing them not to store the material and equipment in the designated and screen area when not in use. This example needs to be explained and clarified to understand the origin of this comment and to determine if this needs to be addressed further.

3. **Has vehicles related solely to the home or business.**

I'm not sure if this was just a scrivener's error or what the intent was, but as written it applies to almost every home in the township. And the word "solely" gets us in trouble again.

Once again, the term "solely" can be removed. The intent here was vehicles that are used for the business and not personal use. Examples would include tractor trailers, trailers, panel trucks, dump trucks, stake trucks, pickup trucks, automobiles used by the business to name a few. I am not sure how "every" home in the township this would apply to. Explanation is needed again for this too.

and

D. **All** of the activities on the property related to equipment and vehicle repair, cleaning, painting and maintenance associated with the home-based business shall be carried on indoors.

Washing a vehicle or lawn mower indoors seems overly restrictive.

The term "washing" is not listed in D. above. I think the term "cleaning" is the issue here and "washing" is a sub-category of "cleaning". The term covers a lot of different functions including washing, part cleaning either with chemicals or detergents, sand blasting and chemical degreasing are a few that come to mind. This can be discussed further within the Planning Commission if required.

Dave Hamann

From: Cheryl Range <momrange@yahoo.com>
Sent: Sunday, August 15, 2021 5:15 PM
To: Bob Hanvey; James Anderson
Cc: Dave Hamann; Larry Grunn; Bruce Powelson; Jessica Timberlake
Subject: Re: Home Based Business and Home Occupation

Hello to All ...

My 2 cent input : I agree with Chairman Larry.

I agree with Jim (and well put also.)

Saying "may" be approved does allow the Twp. Boards to consider individual circumstances with requests that come into the township versus one and done meeting criteria.

Employee defined addition: full time, part time, seasonal, temporary working for a wage or salary.

A residence is where we live, sleep, eat and play ... (if we work there we MUST remember Sect. 6:14 C. Shall not result in the creation that would constitute a nuisance to neighboring property owners and the Township as a whole. then shall NOT generate noise, vibration, etc other conditions not typically associated with dwelling for residential purposes. And 'THERE' S YOUR SIGN" Live, eat, sleep and play disruption.

Also just a reminder ... we've been (in the past) told that we had been TOO DETAILED ... we are (my opinion) coming close again. Possibly.

Stay safe, everyone. See you soon. Cheryl

On Saturday, August 14, 2021, 11:02:26 AM EDT, James Anderson <mijanderson100@gmail.com> wrote:

Bob,

This is my email address. Please update your address book to this address for me. Thanks...

We have two ordinances related to businesses based out of a home in our Township; Home Occupation, Section 6.14 and Home-Based Business, Section 17.32. We no longer have the class designation and this old class nomenclature should not be used moving forward. We must be careful that we do not mix up the different components of each of these ordinances in our discussions as this leads to confusion within the Township government and with the public. I know this is difficult but we need to focus on this moving forward.

My comments are in the attached document for your review.

Thanks,
Jim

Home-Based Businesses – comments:

Regarding approval by the Township Board

MICHIGAN ZONING ENABLING ACT
Act 110 of 2006

125.3504 Special land uses; regulations and standards; compliance; conditions; record of conditions.

Sec. 504.

(1) If the zoning ordinance authorizes the consideration and approval of special land uses or planned unit developments under section 502 or 503 or otherwise provides for discretionary decisions, the regulations and standards upon which those decisions are made shall be specified in the zoning ordinance.

(2) The standards shall be consistent with and promote the intent and purpose of the zoning ordinance and shall insure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. The standards shall also insure that the land use or activity is consistent with the public health, safety, and welfare of the local unit of government.

(3) A request for approval of a land use or activity ***shall be approved*** if the request is in compliance with the standards stated in the zoning ordinance, the conditions imposed under the zoning ordinance, other applicable ordinances, and state and federal statutes.

As the wording is now, I think there is an implication that the Township Board “MAY” decide to turn down the application for arbitrary and capricious reasons.

Regarding the use of the word “employee:”

I want to avoid the circumstance that someone claims that the person coming to the site is a partner/contractor/volunteer or any other word that could exempt that person from being covered by our ordinance. I think if we use an IRS type definition and include it in chapter III we could save some arguments.

Regarding vehicles:

Has vehicles related solely to the home or business.

Grammatically, the way the word “or” is used, a vehicle related solely to the home, would put every parcel with a vehicle in the home business category.

Regarding Outside storage:

My original concern was based on the interpretation that if the site did not have a designated and screened storage area, they would not be considered a business. After the Baldwin item at the Township Board meeting, I looked closer at the home occupation section:

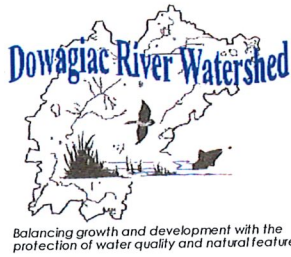
F. All of the activities on the property related to the occupation, except horticultural, shall be carried on indoors including the storage of materials, goods, supplies, refuse and waste materials, equipment, vehicles, trailers or products related to the occupation.

And compared it to the home business section:

K. Outdoor storage of materials and equipment involved in the business is permitted provided it is adequately screened so it is not visible from adjoining roads and properties. Measures to screen such material or equipment are subject to the recommendation of the Planning Commission and approval of the Township Board and shall include, but are not limited to, one or more of the following: a solid fence no more than six feet in height; plantings that are at least five feet in height at planting and will provide an adequate year-round screen; the topography of the site; existing vegetation on the site; or the screening is provided by existing buildings.

As currently written, the home occupation is more restrictive than home business. I'm not sure that's the way it should be.

Comments?



Watershed Resource Paper #4 Preserving Rural Character

The preservation of rural character has been an ongoing theme for Master Plans with increasing amounts of development in the Dowagiac River Watershed. However, as development blooms, the challenges to preserving the unique character of each community increase.

A specific purpose of preserving rural character is to recognize and protect the qualities of rural living enjoyed by the Watershed residents. The abundance of natural features and the high quality of life to which they contribute are worth preserving. Where development of land is requested, the densities and design of such proposals should be of a nature that will continue the rural character of the area or permit use of a portion of the land for preserving open space or natural features.

Preserving the rural character is important since it was for this reason that many people moved to this area. Existing open spaces help maintain the feeling of openness and tranquility prized by area residents. Careful open space planning can also enhance the ability of each of the Townships to limit traffic impacts and environmental problems associated with more intensive development.



What is Rural Character?

Michigan's diverse landscapes, including its shorelines, riparian areas, open fields, forests, and farmlands, draw residents to a variety of rural areas throughout the state. Rural character is many times a perception unique to the individual. One person may interpret rural character as having a low density of development; another may only recognize it where there is a complete absence of man-made features, such as signs and buildings.

But regardless of any individual interpretation of rural character, it remains true that as more people are attracted to rural areas, preserving the unique character of an area becomes more of a challenge.

Can everyone have their piece of the country and still retain a community's rural character?

Ultimately, it is the *community's own definition* of rural character that is the single most important part of its preservation. It is up to each community to decide what its rural character is and subsequently, how it can be preserved. For example, definitions of rural character may include the following elements:

- tree-lined streets
- farmlands
- woodlands
- clean air and water
- undeveloped open space
- natural streambanks
- natural lake shorelines
- outdoor recreation opportunities
- small villages and communities

Relationship to the Watershed

Preserving rural character and preserving the quality of life in the watershed are closely linked. Unlike larger watersheds, which may contain a wide range of urban and rural land uses, the Dowagiac River Watershed is largely rural with relatively small pockets of urbanized land uses. Comments from planning commissioners and residents alike consistently address the desire to maintain the rural character of the area. Indeed, in many cases, it is this character which is sought by new residents.

Solutions for the environmental issues within the Dowagiac River Watershed are closely tied to the same characteristics necessary to preserve the character of the communities within the Watershed. Many of the techniques described in the Watershed Resource Papers, if properly implemented and enforced, will go far toward preserving the rural character sought by each community.

Techniques for Preserving Rural Character

It is likely that rural character will encompass many aspects of many land uses and include natural resources, and thus its preservation will require using a variety of techniques. The following describes regulations that may be implemented through various methods to assist a community in retaining its rural character.



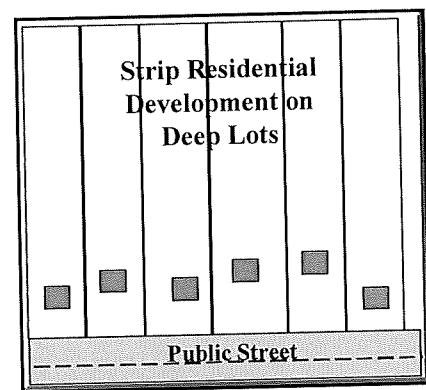
Rural character is as much a perception as reality. That perception is gained from two principal viewpoints. The first viewpoint, and the one that affects the most people on a day to day basis, is from the roadway. The second, and most personal, is the view that someone may have from their own property to their neighbor's property. Preserving rural character in this context involves the design of a development.

The style and method of development of new residential areas will play a pivotal role in preserving the rural character of the Dowagiac River Watershed. Although some existing zoning regulations call for homes with larger lots and generous setbacks, less attention is paid to the careful placement on the lot to preserve natural features.

There are a number of practices which communities may encourage to promote the preservation of the rural environment from both viewpoints. The following describes various techniques that may be implemented.

Roadside Rural Character

Perceptions of rural character may be formed by natural settings along the roadside. Homes spaced out along roadways, particularly when near the street, tend to detract from the rural character of the area when the view is more of buildings than of open space. A byproduct of strip residential development, the inefficient use of land, also occurs when homes are placed near the front property line. A number of properties in the Township are divided into relatively large lots, with the frontage taken up by individual homes. This type of development tends to create relatively deep lots which leaves sizeable portions of properties cut off from road access and essentially unuseable.



While this may not be a problem for the original and some subsequent owners, others may look for opportunities to use the back portions of these lots for further development and seek variances or other approvals from the township to do so. The 1997 amendments to the state Subdivision Control Act (now called the Land Division Act) provides limits to the depth of lots created, but access to interior properties will continue to be an important consideration in reviewing future development proposals.

The number of driveways along these roadways can become a traffic issue, particularly in areas where zoning allows relatively narrow lot widths. In fact, current access management guidelines call for driveway spacing of 550 feet for roadways with an average speed of 55 miles per hour (see table).

| Average Speed (MPH) | Minimum Driveway Spacing (in Feet) |
|---------------------|------------------------------------|
| 25 | 125 |
| 35 | 185 |
| 45 | 300 |
| 55 | 550 |

Although individually these driveways do not generate excessive amounts of traffic, over time an increase in their number on a busy roadway can present problems with additional turn movements, especially where vehicle speeds are high.

Access Management Guidelines (MDOT)

Land Development Options

Lot Widths

Increasing lot widths can have the effect of separating the distance between homes to allow for a more "open" feeling. This would require changing the applicable zoning requirements along certain defined roadways (generally county arterial roads). Other applicable provisions for these fronting lots could include such elements as:

- Increased lot width and/or area.
- Greater setback requirements.
- Provisions minimizing urban vegetation (manicured lawns, flower gardens, etc.) and preservation of larger trees in areas visible from the roadway.

However, simply changing the district requirements would mean that the width requirements would apply to all roadways. Therefore, to make this regulation more effective, and to discourage development along the roadway, a companion change to encourage development throughout the site may be needed. This could be accomplished by decreasing the lot frontage required on roads that are part of the development project. Again, this does not imply that the site density needs to be greater, only that the lot widths for interior streets be less than what is required along the arterial roadway.

Implementing these provisions requires adoption of an "overlay" district that would apply to residential zone districts along arterial roadways. Lots fronting on the interior streets would require less widths and setbacks.

Development Setbacks

Another provision that could be implemented would require a minimum development setback for residential projects of more than a single lot. The setback would require that no building that is part of the development could be nearer to the arterial roadway than 200-300 feet. (The weakness of this provision is that it would be more difficult to apply it to individual home sites.)

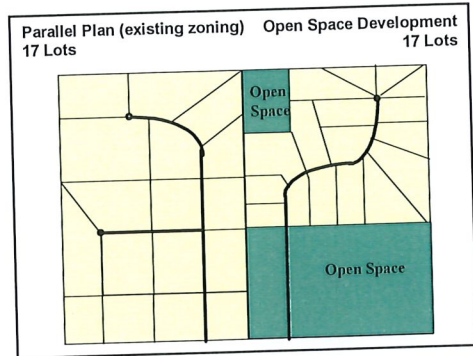
Other provisions applying to this setback area would be that no native or natural vegetation be removed from the setback, nor any grading or changes in topography occur, except that necessary for entrance roads. The Ordinance could allow the Planning Commission to modify this requirement if the developer demonstrated that the clearing of existing vegetation would contribute significantly to the purpose and objectives of the development.

Or, the Planning Commission could reduce the setback if existing landscaping provided a natural screen, or the proposed development provided a landscape screen. There should, however, still be some minimum setback.

This provision would also have to include some allowance for lot variations so that the overall density permitted by the Ordinance could be maintained.

Open Space Development

There could be further incentives for the clustering of residential units, also known as "open space development." Under this development technique the "base density" is based on a "parallel plan" showing reasonable and permissible development under existing zoning. While Open Space Development may increase the net density for a smaller area of a larger parcel, the overall density would still fall into the requirements of the existing zoning.



It would also allow for the preservation of significant natural features, provide open space for recreation, or allow the continuation of farming on interior land areas. To preserve the roadside character, some or all of the required open space could be placed abutting the roadway.

Development Incentives

Currently, open space development in western Michigan is not particularly prevalent, or indeed, attractive to home buyers. One of the reasons that many buyers are looking in the rural areas is to avoid being too near other homes. Unlike eastern Michigan, where land values are generally higher, open lands are abundant in western Michigan and land prices are very reasonable.

However, there is a segment of the marketplace that can appreciate the value of preserving larger open spaces within a development. Therefore, offering of incentives to developers for using this development technique is appropriate. The basic incentive to which developers will most readily respond is an increase in the number of units which could be permitted over the base density calculated under the parallel plan. This is generally considered a development "bonus."

The amount of the bonus may vary depending on the nature of the development, and they may be used in combinations of one or more different incentives. As an example, incentives may include an increase in the number of units if:

- additional open space is provided, beyond that normally gained in the lowering of individual lot sizes;
- a community wastewater and/or domestic water system is used (avoiding the need for septic systems and individual wells);
- recreational amenities are provided, such as tennis courts, club house, or other similar facility;
- walkways, trails, or bike paths are included within the development;

- significant areas of active agricultural lands are preserved; and
- where appropriate, commercial uses may be permitted (usually subject to certain restrictions to limit size and effect on the area).

Development Regulations

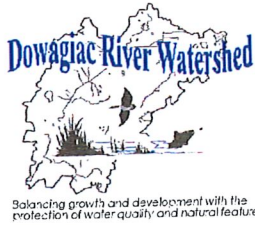
A variety of other development regulations are possible to encourage preservation of open spaces and natural features, and further protect rural character.

Tree Preservation Ordinance

A tree preservation ordinance can be implemented to reduce the number of trees removed from a new development site. Tree ordinances can be general or more specific. A more general tree ordinance can refer simply to the natural features of a site. If a more general ordinance is preferred by a community, then a natural features inventory and a site design that incorporates natural integrity are usual requirements. If a more specific ordinance is desired, regulations can be incorporated that restrict the number and size of trees that are removed from a site or require the planting of additional trees or vegetation to mitigate trees that were removed during site development.

Purchase Of Development Rights (PDR)/Transfer Of Development Rights (TDR)

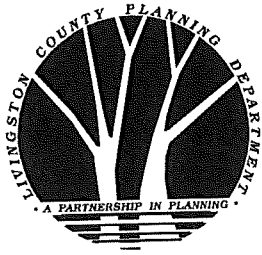
PDR and TDR programs may also be used to promote rural character. (A detailed discussion of these programs may be found in *Watershed Resource Paper #2, Open Space Protection*.) Generally, these programs have not been highly successful in simply preserving open spaces or rural character since their implementation is usually directed toward the preservation of valuable farmland resources. Of the two, TDR probably has the greatest potential to reduce development density in selected areas, but this also assumes that the community has areas where higher densities would be acceptable.



ACTION AND IMPLEMENTATION

Community _____

| Preserving Rural Character | Yes | No | Need to Know More |
|-----------------------------------------|-----|----|-------------------|
| Roadside Rural Character (page 3) | | | |
| Lot Widths (page 4) | | | |
| Development Setbacks (page 4) | | | |
| Open Space Development (page 5) | | | |
| Development Incentives (page 5) | | | |
| Tree Preservation Ordinance (page 6) | | | |
| Transfer of Development Rights (page 6) | | | |



Livingston County Department of Planning

MEMORANDUM

TO: Livingston County Planning Commissioners
FROM: Robert Stanford, Principal Planner
DATE: July 20, 2021
SUBJECT: MP-02-21
New Marion Township Master Plan (Draft July 2021)

Kathleen J. Kline-Hudson
AICP, PEM
Director

Robert A. Stanford
AICP, PEM
Principal Planner

Scott Barb
PEM
Principal Planner

Livingston County Planning Department received correspondence from the Marion Township Planning Commission requesting Livingston County Planning Commission review and comment on the proposed new *Marion Township Master Plan* (Draft March 2021). This request is in accordance with Section 41 of the Michigan Planning Enabling Act (P.A. 33 of 2008). This newly proposed Master Plan replaces the current Township Master Plan, which was adopted in October 2010.

County Planning Staff reviewed the aforementioned documents for compatibility with the *2018 Livingston County Master Plan* and for potential impacts on Livingston County residents and communities. Staff's comments are as follows:

The Marion Township Planning Commission proposes a new Township Master Plan, as follows:

To begin, the proposed Marion Township Master Plan is organized in the following manner:

- **Chapter One:** Introduction
- **Chapter Two:** Demographic Profile
- **Chapter Three:** Natural Features
- **Chapter Four:** Transportation
- **Chapter Five:** Community Facilities
- **Chapter Six:** Existing Land Use
- **Chapter Seven:** Goals and Objectives
- **Chapter Eight:** Future Land Use
- **Chapter Nine:** Implementation
- **Appendix:** Marion Township Master Plan Community Survey

The following is a brief summary of each chapter in the proposed Plan.

Department Information

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- **Chapter One: Introduction**

The Introduction Chapter presents an overview of the purpose and role of the Plan, the process followed in its preparation, and key planning policies.

- **Chapter Two: Demographic Profile**

Population

The Demographic Profile Chapter provides a population profile that includes the 2017 Census Estimate population for the township, which was 10,668. The text states the following regarding future population growth in the township:

SEMCOG forecasts that Marion Township's population will grow to over 12,000 by [the year] 2040. This reflects a 2017 to 2045 population gain of 2,403 persons. The largest ten-year period of growth was between the years 2000 and 2010. For each five-year period thereafter, SEMCOG forecasts that the Township will gain progressively less population with a smaller percent population change.

Housing Units

The text states that the number of housing units in Marion Township has risen significantly between 2000 and 2010 when the census recorded 2,388 housing units and 2010 when the census recorded 3,397 housing units. This change reflects a growth of 1,288 new housing units.

Education

The text states that Marion Township consists of a highly-educated population age 25 years and older. Of this adult population group, 96.6% has graduated from high school or obtained a higher degree level. Marion Township's educational attainment level is higher than Livingston County's 95.1% high school graduate or higher attainment, and higher than that achieved by surrounding communities. Of this adult population group in Marion Township, 30.5% has obtained a bachelor's degree or higher as compared to 33.6% in Livingston County as a whole.

Occupations

The text states that Marion Township has an employed civilian population aged 16 and over, consisting of 4,811 workers. Most of these workers (84%) are private wage and salary workers (2,964) with government workers comprising the second largest class of workers in the Township (8% or 297 workers). Self-employed workers in their own unincorporated business comprise the third largest class of workers in the Township (7% or 234 workers).

The text further explains that the dominant occupation category in Marion Township is management, professional, and related occupations. Over 1,000, or 31.2%, of the 3,522 workers claim this as their occupation. Sales and office occupations is the second largest occupation category with 940 workers or 26.7% of the employed civilian population aged 16 and over. The third largest occupation category in the Township is production, transportation, and material moving occupations. This occupational category has 679 workers or 19.3% of worker



Income

The Plan's Demographic Profile concludes by stating that Marion Township's median household income of \$82,787 and \$32,557 per capita are in the upper half of Livingston County community values. Compared with surrounding communities, Marion Township has the highest 2015 household median income. Most Marion Township households have an income between \$50,000 and \$125,000, with the bulk of households in the \$75,000 - \$100,000 range.

• Chapter Three: Natural Features

Topography / Slope Classifications Map

Marion Township is generally level with a few locations of steep (>18%) slopes. The largest of these is located in Section 4, south of Norton Road and west of Sanitorium Road. The Plan provides a map of steep slope classifications.

The Plan states that these areas should be viewed as natural and aesthetic open space areas. It correctly asserts that, if development should occur, sensitive site planning would be required along these slopes to prevent soil erosion and that care must be taken to ensure that extensive grading is minimized and to ensure that other natural features such as vegetation and topsoil are retained.

Watersheds Map

Interestingly, the Plan states that Marion Township has the distinction of being the only Township in the state with waters draining to three different Great Lakes. It explains that the eastern half of the Township is in the Shiawassee River Watershed, which drains to Lake Huron. The western half is a part of the Upper Grand River/Red Cedar Watershed and drains to Lake Michigan. Finally, two areas of the Huron River watershed poke across the Township's southern boundary, which ultimately drains to Lake Erie.

Rivers Lakes and Wetlands Map

The Plan explains that the four largest lakes in Marion Township are Cedar Lake (117 acres), Coon Lake (106 acres), Pleasant Lake (78 acres), and Triangle Lake (51 acres). There are five additional lakes ranging in size from 12 to 25 acres. The combined surface area of these nine lakes is nearly 450 acres.

The Plan explains further that Marion Township is the source of two important rivers. The Red Cedar, which begins at Cedar Lake, runs west and eventually joins the Grand River near Lansing, and the South Branch of the Shiawassee, for which Coon Lake is the source, continues north into Shiawassee County. There are several significant creeks and drains in the Township as well.

This section concludes by stating that there are approximately 600 acres of wetlands in Marion Township, including large systems associated with the Shiawassee and Red Cedar Rivers.

Septic Limitations Map

The Plan provides a Septic Limitations within the township.



Agricultural Lands

The Plan states the agricultural land encompasses approximately 40% of Marion Township. It further explains that according to the most recent land use data (1995 MIRIS and 2002 departmental updates), Marion Township contains approximately 9,400 acres of agricultural land, or approximately 40% of the entire Township. The majority of the agricultural lands are in the southeast, southwest, and northwest quadrants of the Township. The quadrant with the largest amount of farmland is the northwest, where there remains almost 3,500 acres of contiguous agricultural land. Finally, this section concludes by stating that much of the agricultural land in the northeast quadrant has been overtaken by development, especially within the Township's sewer service area.

Woodlands

The Plan explains that approximately 2,200 acres of woodland currently cover Marion Township. In addition, it states there are two parcels enrolled in the State's P.A.116 agricultural preservation program.

Environmental Concerns: Part 201 Sites: NREPA Environmental Remediation sites

The Plan states that Marion Township has one Act 201 site of environmental contamination. That site is the Wellman Property Disposal at 4875 Pinckney Road in Section 25. The Plan explains further that Act 201 sites are scored by the State on a scale of 0 to 48, which assists the Michigan Legislature in funding site evaluation, interim response, and final response activities. The Wellman Property Disposal site was added to the list in September of 1991 and has a score of 18 (updated on August 3, 2004) on the State scale.

Environmental Concerns: Leaking Underground Storage Tanks (LUST)

The Plan also points out that Marion Township also has two Leaking Underground Storage Tank (LUST) sites, one open and one closed. The Plan explains that "Open" means that the site is currently listed with the Department of Natural Resources and Environment (MDEQ) as either "inactive" or "Cleanup Actions Taken or in Progress", while "Closed" means a site where cleanup actions have been completed, although the site may not meet current environmental standards. The Plan states that both of the Township's LUST sites are on Pinckney Road north of I-96. The Open LUST site is the Total station #2773. The Closed LUST site is Holiday Mobil.

Environmental Concerns: Wellhead Protection

The Plan explains that Marion Township has two wellhead protection areas within its boundaries. It further explains that Zoning Ordinance language was established by the City of Howell and Marion, Howell, Oceola, and Genoa (MHOG) Townships, to protect the water supply that each of these communities share in the center of Livingston County. It states that Marion Township adopted this language and incorporated it into their Zoning Ordinance. It identifies the general location of these wellhead protection areas being found in Section 1 north of I-96 and in all of Sections 4 and 5 and parts of Sections 3, 6, 7, 8, 9, and 10. It concludes this section by stating that in 2010, the Marion Township Planning Commission and the City of Howell Planning Commission worked together to establish an environmental review process for proposed uses within the City's wellhead protection area in Section 1.



- **Chapter Four: Transportation**

Existing Traffic Conditions – Traffic Counts Map – High Crash Intersections Table

The Plan states that Marion Township's transportation system is made up of 35 miles of paved and 44 miles of unpaved county and state roads. These numbers do not include I-96 or local subdivision roads.

The Plan provides a Transportation and Traffic Counts Map, source data obtained from Livingston County Road Commission (2019/2020 data).

The Plan also provides a High Crash Areas table, source data obtained from SEMCOG (2010-2014).

Alternate Modes of Transportation (Bus, Non-Motorized, Airport)

The Plan states that the only public transit available is the county-wide small bus dial-a-ride service from Livingston Essential Transportation Service (LETS). It points out that the Township has no non-motorized vehicle paths for bicycles or pedestrians and has limited sidewalk availability.

The Plan further explains that Marion Township does not currently offer non-motorized paths or trails except for some isolated sidewalk systems associated with some of the Township's residential developments. It states that there are currently no plans to install any non-motorized trails in the Township. It points out that the Livingston County Comprehensive Plan identifies three potential areas in Marion Township where non-motorized transportation corridors may work. One being an electricity utility corridor that runs north and south along the western edge of the Township. The other two are associated with the Township's river system.

In addition, the Plan states that the Red Cedar River and the South Branch Shiawassee River corridors have both been identified as ideal places where non-motorized trails could be built in a rural setting.

The Plan identifies that the survey conducted for the 2002 Marion Township Parks and Recreation Plan indicated that the most desired recreational use in the Township was bike paths and that the most desired park feature, should the Township develop parks in the future, was wildlife paths. The second most desired open space feature was a greenway network. It further explains that the survey also indicated that just over 77% of the respondents would support a temporary one mill assessment to their winter tax bill to acquire land for recreational purposes.

- **Chapter Five: Community Facilities**

Police Service, Fire Service, Schools, Sewer and Water

The Plan explains that Police protection is provided by the Livingston County Sheriff Department and the Michigan State Police.

It also identifies that fire protection is provided by the Howell Area Fire Authority which consists of a main station in the City of Howell and three substations located throughout the coverage area - one of which is located next to the Marion Township Hall.



The Plan states that according to Livingston County 911 Central Dispatch/Emergency Management, all of Marion Township falls within the Howell Fire Service Area. The Howell Fire Service Area is serviced by the Howell Area Fire Authority (HAFA).

The Plan points out that most Marion Township residents are served by individual septic systems and private wells. It further explains that municipal water services are available to Township residents in the northern portion of the Township, with water mains running along Lucy Road south to Francis Road, Francis Road west to D-19, D-19 north to I-96, I-96 northwest until it heads west to Foxfire Road, Foxfire Road north to Norton Road, and west along Norton Road and forming a loop with Cedar Lake Road, Sanitorium Road, and County Farm Road. Marion Township is a member of a water authority made up of four Townships: Marion, Howell, Oceola, and Genoa (MHOG). The MHOG wells and water treatment plant are located in the northwestern part of the Township on Norton Road near Amos in Section 5.

The Plan states that in 2000, a proposed water/sewer boundary was established in the northern tier of the Township, covering the majority of Sections 1, 2, 3, 4, 5 and 12, and smaller parts of Sections 6, 7, 8, 9 and 11.

It concludes this section by stating that private community sewage/waste water treatment facilities are allowed by Special Use Permit in Township developments.

Recreation Lands

The Plan points out that most recreational land use in Marion Township is privately owned. Privately-owned recreation opportunities include a privately owned gun club, game ranch and the Howell Conference and Nature Center. It states that the Howell Conference and Nature Center includes camping, conference, and educational experiences, as well as many recreational facilities, including a ropes course, a camp, an outdoor animal rehabilitation center, and cross country skiing trails. It highlights that Marion Township currently contracts public recreational opportunities with the Howell Area Parks and Recreation Authority (HAPRA) program, mainly to provide Township residents access to the recreational programs HAPRA offers.

This section concludes by explaining that Marion Township has two parks. Fred Brown Memorial Park is on the east side of Triangle Lake Road, south of W. Coon Lake Road. There is a baseball diamond, soccer field, play area and walking path. The second is Jack Lowe Memorial Park, adjacent to the Marion Township Hall.

• Chapter Six: Existing Land Use

At the outset, the text states the following with regards to Township existing land use analysis:

Existing land use in Marion Township was analyzed in several ways. The Southeast Michigan Council of Governments (SEMCOG) land coverage map was used as a base map for field analysis. Field research resulted in several changes to the SEMCOG map that yielded a new existing land use map (see map at end of chapter). Further changes were made after comparing the new existing land use map to Livingston County digital ortho photography, plat maps, and various road map sources.



The text states that fourteen (14) existing land use categories were established to describe and map land use throughout Marion Township. The categories are based on Michigan Resource Inventory System (MIRIS) Current Land Use/Land Cover Categories and are described as follows:

1) Agriculture - This land use category includes cropland, orchards, confined feeding areas, permanent pasture, farmsteads and other agricultural lands.

2) Commercial - This land use category includes service and institutional uses, primary central business districts, shopping centers/malls, secondary mixed business districts, and office centers or parks.

3) Extractive - The Extractive land use category includes open pits, underground extractive operations and oil or gas wells.

4) Industrial - The Industrial land use category includes general industrial and industrial parks.

5) Recreation and Open Space - This land use category includes public assembly spaces, outdoor recreation, and cemeteries.

6) Highways - This land use category indicates highway and interstate roads.

7) Residential - The Residential land use category includes single-family residences that are not developed in dense residential communities nor dense lakeside clusters of residences.

8) Existing Residential Subdivisions - This land use category includes platted existing residential subdivisions developed prior to March 14, 1996 (the effective date of the current Marion Township Zoning Ordinance).

9) Residential Developments - This land use category includes new, smaller lot (generally less

than one acre), dense residential developments, manufactured home communities, subdivisions, condominiums, site condominiums, apartments, planned unit developments, cluster developments and open space preservation communities are also included.

The Township Plan provides a "Residential Developments Map" which indicates all dense residential developments, manufactured home communities, subdivisions, planned unit developments, cluster developments and open space preservation communities

10) Utilities - The Utilities land use category includes transportation networks such as air, rail, water and road transportation. The category also includes communication, waste disposal, water and other utility structures.

11) Vacant/Undeveloped - This land use category encompasses all land area that is not being used for any of the purposes of the other land use categories.

12) Lakes, Ponds and Streams - In addition to lakes, ponds and streams, this land use category includes reservoirs, drains and other waterways.

13) Wetlands - This land use category includes both forested and non-forested wetlands.

14) Woodlands - The Woodlands land use category includes both deciduous and coniferous forested land area and Christmas tree plantation

The Township Plan provided a Livingston County Generalized Existing Land Use Map for Marion Township (dated December 2004).



- **Chapter Seven: Goals and Objectives**

In this Chapter, the Township Plan provides a number of Goals and Objectives concerning the following topics (Goals are identified for each below):

Community Character:

Goals:

Foster/encourage a balance between growth and development, and protection and enhancement of the quiet, scenic, rural character of Marion Township.

Planning and Land Use:

Goals:

Coordinate planning efforts with neighboring communities regarding shared resources such as corridors, commercial, conservation and development areas.

Maintain easy to understand, action-oriented Master Plan language that guides future land use decisions and includes a procedure for periodically updating the Plan while providing meaningful public participation in the process.

Natural Environment:

Goals:

Protect environmentally sensitive areas such as wetlands, groundwater recharge areas, wellhead protection areas, and inland lakes from the harmful effects of incompatible development.

Recreation:

Goals:

Provide a variety of recreational opportunities to area residents through a system of public and private facilities.

Infrastructure and Community Facilities:

Goals:

Minimize strain on local infrastructure through land use decisions and infrastructure improvement planning.

Assist the Livingston County Road Commission in maintaining a safe and efficient road network and improve roads to promote use in a manner consistent with the goals and objectives of the Marion Township Master Plan.

Where public utilities exist, ensure a safe and adequate water supply and environmentally-sound sewage treatment that is efficiently provided and cost effective.

Develop township services and facilities as necessary and financially practical.

Only allow expansion of the water and/or sewer utilities currently not serviced within the Township in the case of septic system failures, water contamination or other emergencies.

Ensure a water supply of sufficient quantity, quality and an environmentally sound sewage and septic treatment system.

Ensure all lakes, streams, creeks and drainage systems are protected from industrial, residential, road run off contamination.

Housing and Residential Development:

Goals:

Encourage a variety of residential dwelling types that meet the needs of a changing population, are sensitive to existing natural features, and are compatible with the character of existing residences.

Commercial and Industrial Development:

Goals:

Encourage the development of commercial and light industrial activity in locations where adequate public facilities are available, and that are consistent with the Marion Township Master Plan.



Solid Waste and Recycling:

Goals:

Ensure the safe, efficient, and cost-effective disposal of solid waste and toxic substances.

Interjurisdictional Cooperation:

Goals:

Encourage uniform or compatible land use planning and zoning across municipal boundaries by coordinating efforts with the surrounding Townships and the City of Howell.

Enhance the feasibility and effectiveness of providing public facilities and services through cooperation and sharing of costs with other municipalities.

Agriculture and Open Space Preservation:

Goals:

Keep farming a viable and visible part of Marion Township's future land use plan.

Open Space green way and farmland preservation should be of the highest priority.

Hazard Mitigation:

Goals:

Cooperate with County, Regional, State and Federal hazard mitigation initiatives.

Transportation:

Goals:

Promote a transportation system that is safe for all modes of transit.

Provide a transportation system that maximizes the mobility of people and supports the efficient transfer of goods and services.

Under transportation "**OBJECTIVES**", the text includes the following specific County-wide transportation-related objectives:

- *Endorse and support the efforts of Livingston Essential Transportation Service (LETS) and the Livingston County Transportation Coalition Master Plan.*
- *Develop a transportation system that is sensitive to and which complements the natural environment.*
- *Work with the County Road Commission on the development of a comprehensive traffic and flow plan for the Township based on current and future traffic conditions. Seek Township resident support for major road improvements.*



• **Chapter Eight: Future Land Use**

The Plan provides the following information and analysis regarding Future Land Use:

| RESIDENTIAL FUTURE LAND USE DESIGNATIONS AND CORRESPONDING ZONING PLAN | | |
|-------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|----------------------------------------|
| Residential Future Land Use Designation | Future Land Use Development Densities | Corresponding Zoning Plan |
| LR Lakes Residential | 1 dwelling unit per 18,000 square feet | ERS-1 Existing Residential Subdivision |
| SHDR Sewered High-Density Residential | 1 single-family dwelling unit per 15,000 sq. ft., or 6-10 multiple-family units per 1 acre | UR Urban Residential |
| SSR Sewered Suburban Residential | 1 dwelling unit per .75 acre (32,670 sq. ft.) without sewer, or 2 dwelling units per acre if sewer is provided | SR Suburban Residential |
| MDR Medium Density Residential | 1 dwelling unit per 1 acre | RR Rural Residential |
| LDR Low Density Residential | 1 dwelling unit per 2 acres | RR Rural Residential |

| NON RESIDENTIAL FUTURE LAND USE DESIGNATIONS AND CORRESPONDING ZONING PLAN | | |
|-----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|----------------------------------|
| Non-Residential Future Land Use Designation | Future Land Use Development Densities | Corresponding Zoning Plan |
| C Commercial | 1 structure/building per 1 acre | HS Highway Service District |
| I Industrial | 1 structure/building per 4 acres or 1 structure/building per 1 acre in an industrial park | LI Light Industrial |
| CF Community Facilities | 1 structure/building per 11,000 sq. ft. | PL Public Lands |

The Township conducted a Residential Buildout analysis, which produced the following results:

| MARION TOWNSHIP PROPOSED FUTURE LAND USE BUILDOUT | | | | | |
|----------------------------------------------------------|---------------------------------|---------------------|-------------------------------|-----------------------|----------------------------|
| Future Land Use Designation | Density (acres per unit) | Area (acres) | Buildable Area (acres) | Buildout Units | Buildout Population |
| LR Lakes Residential | 0.41 | 435 | 129 | 315 | 868 |
| SHDR Sewered High Density Residential | 0.34 | 297 | 203 | 597 | 1,648 |
| SSR Sewered Suburban Residential | 0.50 | 3,971 | 2,522 | 5,044 | 13,921 |
| MDR Medium Density Residential | 1 | 2,572 | 1,559 | 1,559 | 4,303 |
| LDR Low Density Residential | 2 | 15,186 | 9,397 | 4,699 | 12,968 |
| TOTALS | | 22,461 | 13,810 | 12,213 | 33,708 |



| Lot Size | % of Buildable Lots |
|----------------|---------------------|
| 1 to <5 acres | 51.2% |
| 1/2 to <1 acre | 41.3% |
| under 1/2 acre | 7.5% |

Proposed Water/Sewer Boundary Area Buildout Analysis

An additional buildout analysis of the Marion Township Proposed Water/Sewer Boundary area was conducted in order to more accurately project the potential number of residential units that could be built within this boundary area. The total acreage and number of parcels in each residential zoning category was calculated as follows:

| Zoning District | Total Acreage | Number of Parcels |
|----------------------|--------------------|----------------------|
| Suburban Residential | 3666.1 | 760 |
| Urban Residential | 214.4 | 648 |
| TOTALS | 4,123 acres | 1,413 parcels |

After subtracting wetland areas, the final zoning-based buildout units were calculated by multiplying the total buildable acreage by the number of lots allowed per acre under each residential zoning district. The resulting figures are as follows:

| Zoning district | Total Buildable Acreage | Allowable Lots Per 1 Acre | Buildable Units |
|----------------------|-------------------------|---------------------------|--------------------|
| Suburban Residential | 3,054.1 | 2 (w/sewer) | 6,108 |
| Urban Residential | 187.6 | 3.63 | 681 |
| TOTALS | 3,412.3 acres | --- | 7,642 units |

Therefore, based on 2002 residential zoning of the Proposed Water/Sewer Boundary, it is possible that 7,642 dwelling units could be developed and could potentially be served by water and sewer utilities. While this analysis does not account for the potential buildout of the nonresidential zoning districts (Highway Commercial and Industrial) within the Proposed Water/Sewer Boundary area, residential zoning dominates the boundary area.

- **Surrounding Future Land Uses**

The Planning Enabling Act of 2008 (Public Act 33) requires more communication between municipalities before and during the master plan process. To further the actual land use coordination between Marion Township and the communities surrounding the Township, the Marion Township Future Land Use Map was compared to the future land use categories of the communities that are contiguous to Marion Township.

IMPORTANT NOTE: regarding the Plan's use of the Livingston County Comprehensive Plan

The Marion Township Master Plan Used the County Plan approved in 2002, not the new Master Plan adopted in 2018.

However, the Livingston County Master Plan (approved 2018) does not direct future land use patterns, or development within Livingston County. Alternatively, it offers a county-wide land use



perspective when reviewing potential rezoning amendments. The Land Use & Growth Management chapter of the plan includes decision-making recommendations regarding potential land use conflicts and promoting good land governance.

For benefit of the Township, the steps undertaken by the County and resident participants follows:

SW Quadrant SWOT/Opportunities & Constraints Analysis issues identified in the County Master Plan

In November 2016, Livingston County Planning Department held a Master Plan Visioning Session as one of the quarterly programs of the Brown Bag Lunch Series. One of the activities of the vision session involved a mapping exercise. The goal of the mapping exercise was to:

- 1.) Generate ideas for County Master Plan policies and best practices;
- 2.) Develop Master Plan goals & objectives; and
- 3.) Create a County Master Plan map that shows opportunities and constraints in Livingston County.

Following are the results of this exercise to Map Land Use Opportunities & Constraints in the Southwest Quadrant of the County, where Marion Township is located. Each Opportunity and Constraint is numerical and relates to a Map # number. The tables depict responses regarding a particular Opportunity or Constraint Type: Recreation, Water, Transportation, Infrastructure and suggested Best Practices.

The Opportunities and Constraints maps were developed by the County Planning Department in lieu of developing a Future Land Use Map in the Livingston County Master Plan. The rationale for this decision was that Future Land Use Maps are already contained within each master plan of the twenty local units of government in Livingston County. Therefore, Livingston County Planning Department sought to depict a different type of map from a region/county-wide perspective, which may of more benefit to the future land use decision-making processes of local municipalities.

A complete digital copy of the County's 2018 Master Plan can be found here:

Online at: <https://www.livgov.com/plan/Pages/2018-Livingston-County-Master-Plan.aspx>

STAFF COMMENT: Staff would highly recommend that the Township delete the current text on pages 81-84 regarding the County Master Plan as it provides outdated information. Staff would recommend implementing the text as provided above as well as the tables and maps on the following pages as this is the most current information regarding future land use in the County Master Plan.



SOUTHWEST QUADRANT

The Southwest Quadrant of Livingston County includes the Village of Pinckney, Putnam, Unadilla, Iosco and Marion Townships.

| MAP# ON SW QUAD MAP | GROUP RESPONSE | OPPORTUNITY OR CONSTRAINT ? | TYPE OF OPPORTUNITY OR CONSTRAINT | EXPLANATION OF OPPORTUNITY OR CONSTRAINT |
|------------------------|---------------------------------------|-----------------------------------|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| #1 | I-96 & D-19 Gateway to Township | Opportunity | Transportation | D-19 south of I-96 is a transportation corridor with great potential for new development. This area should be the gateway to Marion Township. |
| #2 | Pedestrian and Bike Paths | Opportunity | Recreation | The City of Howell is uniquely situated in the middle of Livingston County. This makes it an opportune location for connecting the four quadrants of the county with pedestrian and bike paths. |
| #3 | Trail Connections | Opportunity | Recreation | A trail should be planned through Marion Township to connect the existing Lakelands Trail State Park to the City of Howell. |

| MAP# ON SW QUAD MAP | GROUP RESPONSE | OPPORTUNITY OR CONSTRAINT ? | TYPE OF OPPORTUNITY OR CONSTRAINT | EXPLANATION OF OPPORTUNITY OR CONSTRAINT |
|------------------------|-----------------------------------------|-----------------------------------|-----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| #4 | Natural Gas Pipeline | Constraint | Infrastructure | The Rover natural gas pipeline traverses the Southwest quadrant of Livingston County in a north/south fashion. The pipeline was mapped as a constraint due to concerns regarding the safety of the pipeline. |
| #5 | MHOG Wellhead Protection Areas | Opportunity | Water | Three (3) wellhead protection areas were mapped within the Marion/Howell/Oceola/Genoa (MHOG) municipal water district. The wellhead areas are mapped within the City of Howell and Marion Township, and they are for preserving safe water within the MHOG district |
| #6 | Pinckney Wellhead Protection Area | Opportunity | Water | The Pinckney Wellhead Protection Area was mapped surrounding the Village of Pinckney. This wellhead protection area provides an opportunity for preserving safe water within the Village of Pinckney municipal water district. |
| #7 | Redevelopment of Golf Course | Opportunity | Recreation | The abandoned Marion Oaks golf course located along D-19 in Marion Township, provides an opportunity for future recreational development and/or use as a natural area. |



**LIVINGSTON
 COUNTY,
 Michigan**

**OPPORTUNITIES
 AND
 CONSTRAINTS**

Livingston County
 Southwest Quadrant

**MASTER
 PLAN**

LEGEND

- Rivers
 - Rivers
- Lakes
 - Lakes
- Roads
 - Type
 - State Highway
 - Major County Road
- Park and Recreation Areas
 - Type
 - State
- Municipal Boundary
 - Municipal Boundary
- Opportunity or Constraint
 - Type
 - Recreation-related
 - Water-related
 - Transportation-related
 - Infrastructure-related



**LIVINGSTON
 COUNTY
 PLANNING
 DEPARTMENT**



April 2018



- **Chapter Nine: Implementation**

The Plan highlights the following Implementation Strategies.

Use the Plan for Making Zoning and Land Use Decisions

- *Future rezoning requests and land use decisions should be reviewed for agreement with the policies and Future Land Use Map of this Master Plan. Relying on the Plan as a basis for zoning and land use decisions gives the Planning Commission, Township Board, Zoning Board, and the Master Plan greater credibility. The Land Use Decision Matrix on the following page will assist the commission and boards with this process.*
- *Use the Plan in a consistent manner so the integrity of the Plan is not compromised.*
- *Use the Plan as a component of the decision-making process when proposing public services. To be fiscally responsible and give the Township a measure of control over future growth, new infrastructure must correspond with the Master Plan.*

Periodically Update the Plan and Associated Ordinances

- *Update sections of the Master Plan as needed to reflect changing conditions and resident perspectives in the Township. This includes reviewing the goals and objectives section of the Plan periodically.*
- *Revise the Township Zoning Ordinance where necessary to reflect the Master Plan. Zoning is the major tool used to put the Plan into action and shape future growth and development. It is used to support the goals and policies of the Master Plan.*
- *Review the Township General Ordinances to make sure they are aligned with the goals and policies of this Plan.*
- *Update the entire Master Plan at least every five years or as often as the Township deems it necessary. It is important to revisit the Plan as things change and the population grows in the Township.*

Continue Public Education Efforts

- *Educate residents on the intent of the Master Plan, and involve them in carrying out its mission whenever possible. Public understanding and support is critical to the effectiveness of the planning process.*
- *Flexible development options that can achieve the recommended density for each area of the Township while preserving more open space, a characteristic that is highly desired by Marion Township residents (as revealed in the Marion Township Master Plan survey). Development with flexible standards can be achieved through the following methods:*
- ***Planned Unit Development Overlay District (PUD)*** - *The Marion Township Zoning Ordinance provides the option of a PUD overlay district which allows flexibility in the design of residential developments so that natural features are preserved, variety in housing styles is allowed, residential and non-residential uses can be mixed, and utilities, lot sizes and circulation can be economized.*



- **Open Space Preservation Option** - *The Marion Township Zoning Ordinance provides the option of clustering new homes on smaller lots in order to provide home sites with permanently preserved open space. This option is enabled by Michigan P.A. 177 of 2001 and it can be accomplished on undeveloped land that is zoned for residential development at 2 units or less per acre without sewer (21,780 square foot or larger lots), or 3 units or less per acre with sewer (14,520 square foot or larger lots).*
- *Through this development option, the density for the residential development remains the same as the number of units allowed by the underlying zoning (excluding unbuildable areas); however, the homes may be clustered on lots that are smaller in size than the minimum lot size of the underlying zoning. Lots must be clustered in a manner that results in fifty percent (50%) of the land being set aside as permanent open space. The open space must remain perpetually in an undeveloped state, protected by a legal covenant that runs with the land (e.g. conservation easement, plat dedication, etc.)*

- **Appendix: Results of the Marion Township Master Plan Community Survey**

A Community Survey of local residents was performed in 2018 regarding the desired development patterns and processes for the future in Marion Township. There were approximately 600 to 700 responses.

STAFF COMMENTS

This is a fairly well-written and comprehensive Master Plan. The township and all who were involved in the development of the Plan are to be commended.

The goals as presented for each subject area are simple to comprehend, while the associated objectives are concise, appear to be reasonably attainable, and are measureable (in order to determine implementation of the Master Plan over time).

Staff would recommend that maps be revised and presented in a larger format (11" x17" foldout) and be presented clearer, as many are somewhat difficult to read and decipher details in many locations in their current format.

Staff would highly recommend that the township revise the future land use section detailing the Livingston County Master Plan as it contains outdated information and to implement the information from the current County Plan as it more accurately depicts the County's position on local future land use planning.

RECOMMENDATION

That the Livingston County Planning Commission concur with staff's comments on the 2021 Marion Township Master Plan and submit the foregoing comments to the Marion Township Planning Commission.