

Tuscola County Planning Commission Annual Report 2020

Contents

1.0 INTRODUCTION.....	2
2.0 MEMBERSHIP	2
3.0 MEETINGS	2
3.1 ATTENDANCE	3
4.0 PLANNING COMMISSION RESPONSIBILITIES	3
5.0 PLANNING COMMISSION ACTIVITY IN 2020.....	4
5.1 Master Plan Reviews.....	4
5.2 Zoning Change Reviews	4
5.3 Zoning Amendments.....	4
5.4 Review of Township Land Use Ordinances	4
5.5 Farmland Agreement Applications (PA 116).....	4
5.6 Topics Reviewed and Discussed.....	5
5.7 County Master Plan.....	5
5.8 County Ordinances.....	5
6.0 ZONING PERMIT AND VIOLATION ACTIVITY IN 2020.....	5
7.0 ZONING BOARD OF APPEALS ACTIVITY IN 2020	5
7.1 Airport Zoning Board of Appeals.....	5
8.0 TRAINING	6
9.0 PLANNING COMMISSION GOALS FOR 2021	6

1.0 INTRODUCTION

The Tuscola County Planning Commission functions under and has their powers and duties set forth by both the Michigan Planning Enabling Act (PA 33 of 2008) and the Michigan Zoning Enabling Act (PA 110 of 2006). The Michigan Planning Enabling Act (MPEA) provides for the creation, organization, powers and duties of Planning Commissions. The Michigan Zoning Enabling Act (MZEA) provides for the adoption of zoning ordinances and the establishment of zoning districts and prescribes powers and duties of certain officials including the Planning Commission.

Section 19 of the MPEA (MCL 125.3819) requires the Tuscola County Planning Commission to make an annual written report to the County Board of Commissioners. This report is to provide the Board with a summary and status of planning activities over the past year.

2.0 MEMBERSHIP

The MPEA states that the membership of the Planning Commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the local unit of government, in accordance with the major interests as they exist in the local unit of government, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the local unit of government to the extent practicable.

In 2020, the Planning Commission's membership consisted of:

- Rick Boylan
- Zygmunt Dworzecki, Chair*
- Cynthia Kapa**
- Lonnie Kester, Vice Chair
- Albert Pearsall
- Ann Westover, Secretary**

*member has Master Citizen Planner Certification through MSU Extension.

**member has Citizen Planner Certification through MSO Extension.

The Board of Commissioner's Liaison was Kim Vaughn.

3.0 MEETINGS

At the December 3, 2020 meeting the Planning Commission set their 2021 meetings for the first Wednesday of each month at 5:00 p.m. Meetings are to be held at the Purdy Building.

In 2020, the Commission met during seven months. The regularly scheduled meetings for April, May, June, July and August were canceled to comply with the executive orders issued by Governor Gretchen Whitmer and the closure of county buildings due to the Coronavirus-19 pandemic. No special meetings were held. All meetings were held in compliance with the Open Meetings Act (PA 267 of 1976).

3.1 ATTENDANCE

The Planning Commission held seven (7) regular meetings in 2020. Member attendance is indicated with an X.

Name	January	February	March	September	October	November	December
Rick Boylan	X		X		X	X	X
Zygmunt Dworzecki	X	X	X	X	X	X	X
Cynthia Kapa	X	X		X	X	X	X
Lonnie Kester	X		X	X	X	X	X
Albert Pearsall	X	X	X	X	X	X	X
Ann Westover	X	X	X	X	X	X	X

4.0 PLANNING COMMISSION RESPONSIBILITIES

The Planning Commission has a broad range of responsibilities and duties. While many duties are statutory, the scope of certain roles are directed, defined and approved by the Board of Commissioners. The Planning Commission’s basic duties and responsibilities as defined by the MZEA and the MPEA include the following:

- Review and make recommendations, as required by the MZEA, on zoning amendments for any Township or municipality in the County that has their own zoning ordinance
- Review and comment on any proposed Master Plans or Master Plan amendments for any community within or adjacent to Tuscola County as required by the MPEA
- Reviews applications into the Farmland and Open Space Preservation Program (PA 116)
- Serves as the coordinating agency for all planning in the county
- Cooperates with neighboring and area local governments, state and federal governments and other agencies of Tuscola County government
- Oversees, creates, modifies and maintains the Tuscola County Master Plan. Part of this work includes promoting public interest and understanding of the master plan and the master plan process. The Planning Commission also makes ordinance proposals, plan amendments and sub plans as required by the Board of Commissioners in accordance with the MZEA, Tuscola County Zoning Ordinance and the Tuscola County Master Plan.

- Creates studies of existing and future conditions, surveys, and probable growth. These studies should include economic development, social development, physical development and environmental concerns.
- Recommends Capital Improvement Program (CIP) elements for capital expenditures of the government. (and creates the CIP if not assigned to another agency)
- Conducts infrastructure reviews of proposed physical improvements in the government
- Prepares an annual report and submits a yearly budget and an annual work program.
- Keep public records of its meetings and other documents, all complying with the Freedom of Information Act

5.0 PLANNING COMMISSION ACTIVITY IN 2020

5.1 Master Plan Reviews

- Village of Akron
- Fremont Township Master Plan 2020-2040

5.2 Zoning Change Reviews

- Arbela Township- A-1 to RR
- Novesta –Residential to Commercial

5.3 Zoning Amendments

- Millington Township Zoning Ordinance #1-general amendments
- Vassar Township Zoning ordinance #100.14- Adult Use Marijuana Establishments.

5.4 Review of Township Land Use Ordinances

- Almer Charter Township Zoning Ordinance
- Fairgrove Township Zoning Ordinance
- Gilford Township Zoning Ordinance
- Ellington Township Ordinance 100 (Solar Energy)

5.5 Farmland Agreement Applications (PA 116)

In 2020, the Commission reviewed and commented on a total of 25 Farmland agreement application packages in 10 different townships (Akron, Almer, Arbela, Denmark, Fremont, Gilford, Kingston, Koylton, Millington and Tuscola). The applications represented a total of more than 935 acres applying to enter the Farmland and Open Space Preservation Program.

5.6 Topics Reviewed and Discussed

The following topics were discussed in the context of having potential large and long lasting impact on the future of Tuscola County.

- Solar Energy. Renewable energy continues to be a driving force in the county. Solar energy zoning continues to be of concern.
- Tuscola Dam/EDC purchase. The Tuscola Dam has been inoperable since 2014. Early in 2020, the Tuscola County Economic Development Corporation decided to purchase the dam. The planning commission discussed potential impacts on Tuscola County.
- USAFRC F-35 Operation Bed Down/Tuscola County Impacts. Selfridge Air National Guard Base was being considered one of five potential receiving bases for the F-35. Truax Field Air National Guard Base (Madison, Wisconsin) was ultimately selected.

5.7 County Master Plan

The Tuscola County Master Plan was last updated in 2013.

5.8 County Ordinances

To the best of the Planning Commission's knowledge, the county currently has eight (8) ordinances.

- Airport Zoning Ordinance 2010
- County Animal Control Ordinance 2003
- County Property Smoking Ordinance of Tuscola County 2006
- Farmland and Open Space Preservation Ordinance 2008
- Hazardous Materials Incident Cost Recovery Ordinance 1995
- Off Road Vehicle Ordinance 2012
- Ordinance Governing Activities at All Tuscola County Parks and Recreational Areas 2015
- Public Well Water Testing Ordinance of Tuscola County 2003

6.0 ZONING PERMIT AND VIOLATION ACTIVITY IN 2020

Zoning Permitting at the county level is the responsibility of South Central Michigan Construction Code Inspection, Inc. (SCMCCI).

7.0 ZONING BOARD OF APPEALS ACTIVITY IN 2020

7.1 Airport Zoning Board of Appeals

The Airport Zoning Board of Appeals (AZBA) has the powers defined in the Tuscola County Airport Zoning Ordinance, Ordinance number 2010-01. They have the power to issue certificates of variance under the provisions of ordinance 2010-01 and to otherwise decide appeals from any order, requirements, rule, regulation, decision or determination made by the Airport Zoning Administrative Agency/Airport Zoning Administrator.

The 2020 AZBA members were:

- Keith Kosik, Chairman
- Tim Kenney, Vice Chairman
- Bill Campbell, Secretary*
- Don Clinesmith
- Paul Hoose

*Secretary duties are performed by Jodi Fetting, Tuscola County Clerk.

The AZBA met five times in 2020. All members were present at each meeting. The business conducted at these meetings included:

- Informational meeting regarding a variance request for 8 turbines by Pegasus Wind LLC
- Passed resolution denying variances for 8 wind turbines (2020-M-AZ-008)
- Organizational meeting; Approved private legal representation to intervene in Pegasus Wind LLC.'s appeal to Michigan Court of Appeals (COA) -regarding Tuscola County Circuit Court (TCCC) upholding AZBA variance denial for 8 turbines (2020-M-AZ-015)
- Approved appeal to Michigan Supreme Court -regarding the 2019 TCCC case overriding AZBA denial of 33 variances (2020-M-AZ-022); Approved these 33 variances with 10 conditions attached (2020-M-AZ-023)
- Approved appeal to COA -regarding TCCC order to enforce the November 27, 2019 judgment granting 33 variances (2020-M-AZ-029); Approved private funding and authorized legal representation (2020-M-AZ-030)

8.0 TRAINING

No county level planning commission training was scheduled or conducted in 2020. The Planning Commission did not publish a newsletter in 2020.

9.0 PLANNING COMMISSION GOALS FOR 2021

- Have 2-3 members complete Citizen Planner training
- Replace the lost expertise on the planning commission by encouraging completion of the Master Planner Course

- Promote county wide planning commission learning by publishing and distributing 2 newsletters to governmental bodies that have a planning function
- Create 2 white information papers on various county entities, projects and topics
- Create a work plan around the duties outlined by the MZEA and MPEA
- Begin review of the master plan
- Provide timely and constructive reviews of submitted plans, ordinances, and PA 116 packages.
- Conduct survey of local planning functions and commissions.