

Tuscola County Planning Commission Annual Report 2024

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1.0 INTRODUCTION

The Tuscola County Planning Commission functions under and has its 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, 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 2024, the Planning Commission's membership consisted of:

- Rick Boylan
- Lonnie Kester*, Chair
- Estee Bitzer
- Albert Pearsall, Vice Chair
- Jane Rymarczyk**+
- Heidi Stark*
- Matt Webb**

*Member has Master Citizen Planner Certification through MSU Extension.

**Member has Citizen Planner Certification through MSU Extension.

+Member has Zoning Administrator Training through MSU extension.

The Board of Commissioner's Liaison was Kim Vaughn.

3.0 MEETINGS

At the January 1, 2024 meeting the Planning Commission set their 2024 meetings for the first Wednesday of each month at 5:00 p.m. This conforms to the standard historical day and time utilized over the last 20 years. Meetings are to be held at the Purdy Building.

In 2024, the Commission met monthly. No special meetings were held. All meetings complied with the Open Meetings Act (PA 267 of 1976).

3.1 ATTENDANCE

The Planning Commission held twelve (12) regular meetings in 2024.

Name	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Rick Boylan	X	X	E	E	X	X	E	X	E	X	X	X
Lonnie Kester	X	X	X	X	X	E	X	X	X	X	E	X
Estee Bitzer	X	X	X	X	X	X	E	E	E	X	X	E
Albert Pearsall	X	X	X	X	E	X	X	X	X	X	X	X
Jane Rymarczyk	X	X	X	X	X	X	X	X	X	X	X	X
Heidi Stark	X	X	X	X	X	X	E	X	X	X	X	E
Matt Webb	X	X	X	X	X	X	X	E	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 is 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 in the County that has its 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 subplans as required by the Board of Commissioners in accordance

with the MZEA, Tuscola County Zoning Ordinance, and the Tuscola County Development 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 2024

5.1 Master Plan Reviews

- Denmark Master Plan

5.2 Township Zoning Amendments and Ordinances

Due to the passage of PA 233, numerous townships revisited renewable energy ordinances.

- Arbela Amendment -(Rezoning)
- Arbela Ordinance enforcement change
- Arbela Solar ordinance
- Denmark - Rezoning
- Ellington Wind/Solar Ordinance
- Ellington Energy Ordinance
- Elmwood Solar Ordinance
- Indianfields Solar Ordinance
- Juniata Township Ordinance on Energy Upscale Battery Storage
- Millington Ordinance Amendment -Cemetery rules and regulations
- Millington Ordinance Amendment -Appeals
- Millington Ordinance Amendment Violations
- Millington Ordinance Special Land Use (Air BnB)
- Novesta Ordinance on Energy
- Wells Ordinance on Energy
- Wells Ordinance on Energy and Battery Storage
- Wells Ordinance (Shipping Containers)

5.3 Review of Township Projects and Issues

- Denmark - Dimensional variance
- Denmark - Variance digital sign
- Millington - Rental units/Murphy Lake AirBnB District.
- Novesta - Building setback

5.4 Farmland Agreement Applications (PA 116)

In 2024, the Commission reviewed and commented on a total of 19 Farmland agreement application packages in 7 different townships (Akron, Columbia, Elkland, Fairgrove, Kingston, Tuscola, Wells, and Fairgrove.). This included 4 packages that were returned by the state for reasons including the land/paperwork did not meet program requirements. These 4 packages were not reviewed and corrected by the County Planning Commission as required by the program.

5.5 Freedom of Information Requests. (FOIA)

The Planning Commission received two FOIA requests in 2024.

5.6 Topics Reviewed and Discussed

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

- AirBnB rules and regulations
- Short-term rental zoning
- Renewables Ready Communities Award (RRCA) and program
- MI Healthy Climate Plan Energy development policies at the state level.
- CREO requirements and application at County level- County level Energy Ordinance
- Local township planning and zoning authority and application
- Zoning Moratoriums
- EGLE Topics -including invasive species, SARA Title II, Material Management, Air emissions, and floodplain management.
- Lake management and conservation
- Renewable energy options -including wind, solar, battery, nuclear and thermal.

5.7 County Development Plan

The Tuscola County Development Plan (TCDP) was updated in 2023. The next TCDP is due in 2028.

5.8 County Ordinances

Tuscola County currently has eight (8) ordinances.

- Airport Zoning Ordinance 2010
- County of Tuscola Dog Ordinance 2022
- 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 2021
- Ordinance Governing Activities at All Tuscola County Parks and Recreational Areas 2015
- Public Well Water Testing Ordinance of Tuscola County 2003

5.9 Planning Commission Documents

Bylaws- were reviewed and revised

Policies- were reviewed

Decorum for Tuscola County Planning Commission Meeting was drafted and approved

6.0 ZONING AND BUILDING PERMITS

Tuscola County Building codes (except Arbela and Tuscola Township) are administered by SAFEbuilt. Building Department services include permitting, inspection, and plan reviews for building, electrical, mechanical, plumbing, and soil erosion.

The Tuscola Airport Zoning Administrative Agency issues Tuscola County Airport Zoning Permits as required by the Tuscola County Airport Ordinance. Permits are issued on the basis of height only (not land use) and are only required when the proposed height exceeds the ordinance requirements.

7.0 ZONING BOARD OF APPEALS ACTIVITY IN 2024

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 2024 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 once in 2024 for the required organizational meeting. All members were present. The AZBA reelected its board of officers.

7.2 Litigation Update.

Two cases were active in 2024.

Pegasus Wind LLC v Tuscola County and Tuscola Area Airport Zoning Board of Appeals, Michigan Supreme Court (MSC) Case No. 164261 was decided April 9, 2024. The MSC decision supported the Tuscola County Circuit Court position. The AZBA had presented suitable support to justify their denial of 8 wind turbines to the west of the Airport.

The AZBA filed a new lawsuit on November 5, 2024, Tuscola Area Airport Zoning Board of Appeals v Michigan Aeronautics Commission, Court of Appeals Case 373186. The application for leave to appeal was dismissed without prejudice. This case appears to be related to Ingham County Case 20-000206-AA/20-000207-AA. The MSC remanded the portion of the case filed by the Tuscola Airport Authority but upheld that the “Tuscola Area Airport Zoning Board of Appeals is not an aggrieved party under MCL 259.489 of the Tall Structure Act, MCL 259.481 et seq., and MCR 7.103(A).” (COA 357209). The Court of Appeals has dismissed this case.

8.0 TRAINING

- Introduction to Lakes (MSU)
- Zoning Administrator Certification (MSU)

9.0 PLANNING COMMISSION GOALS

9.1 2024 Goal Accomplishment

The County Planning Commission accomplished the stated goals for 2024. These goals included completing the County Development Plan process; responding timely to information requests (FOIA); providing reviews of plans, ordinances, and P-116 packages; and furthering education by attending education courses, producing informational products, and discussing relevant topics.

9.2 Planning Commission Goals for 2025

- Promote and encourage broad-based planning and zoning training
- Encourage training for Planning Commission members on subjects of interest and application to the County.
- Discuss topics of county interest as needed.

- Continue to develop information resources on various county entities, projects, and topics
- Provide timely and constructive reviews of submitted plans, ordinances, and PA 116 packages.