



Jackson County Planning Commission

Staffed by the Region 2 Planning Commission (R2PC)
120 W. Michigan Avenue • Jackson, MI 49201
Phone (517) 788-4426 • Fax (517) 788-4635

MEETING NOTICE

<p>FOR FURTHER INFORMATION CONTACT: Zack Smith R2PC Planner (517) 768-4426 zsmith@mijackson.org</p>	<p>DATE: December 14, 2023 TIME: 6:00 p.m. PLACE: 5th Floor Commission Chambers Jackson County Tower Building 120 W. Michigan Avenue Jackson, Michigan 49201</p>
---	---

MEETING AGENDA

1. Call to order and pledge of allegiance
2. Public comment [*3 MINUTE LIMIT*]
3. Approval of minutes
Approval of the November 9, 2023, meeting minutes [*ACTION*] 2
4. Approval of agenda
Approval of the December 14, 2023, meeting agenda [*ACTION*]
5. Request(s) for review, comment, and recommendation
 - a. Consideration of township zoning amendment(s) –
 - (1) CZ | #23-21 | Grass Lake Township rezoning [*ACTION*] 6
 - (2) CZ | #23-22 | Waterloo Township rezoning [*ACTION*] 113
 - (3) CZ | #23-23 | Columbia Township rezoning [*ACTION*] 127
 - (4) CZ | #23-24 | Columbia Township text amendments [*ACTION*] 149
 - (4) CZ | #23-25 | Columbia Township text amendments [*ACTION*] 158
 - b. Consideration of master plan(s) – *None*
 - c. Farmland and Open Space Preservation Program (PA 116) application(s) –
 - (1) FA | #23-03 | Hanover Township [*ACTION*] 171
 - (2) FA | #23-04 | Hanover Township [*ACTION*] 181
6. Other business
 - a. Unfinished business – *None*
 - b. New business – *None*
 - c. Notices – *None*
7. Public comment [*2 MINUTE LIMIT*]
8. Commissioner comment
9. Adjournment

The next scheduled meeting of the Jackson County Planning Commission is December 14, 2023

www.region2planning.com/jackson-county-planning-commission



Jackson County Planning Commission

Staffed by the Region 2 Planning Commission (R2PC)
120 W. Michigan Avenue • Jackson, MI 49201
Phone (517) 788-4426 • Fax (517) 788-4635

MEETING MINUTES

November 9, 2023

5th Floor Commission Chambers • Jackson County Tower Building • Jackson, Michigan

Members Present: Ms. Nancy Hawley, At Large; Mr. Ted Hilleary, Education; Mr. Corey Kennedy, Jackson County Board of Commissioners; Mr. Kurt Cole; Ms. Mary Wolcott; Mr. Jim Minnick, Jr.; Mr. Jim Videto; Ms. Jennifer Benedetto

Members Absent: Ms. Pat Gallagher;

Staff Present: Mr. Zack Smith, Ms. Alissa Starling, R2PC.

Others Present: Stephen Rivet, Land and Liberty Coalition; Kevin Cromley

- Item 1. **Call to Order and Pledge of Allegiance.** Chair Hawley called the meeting to order at 6:01 p.m. Those in attendance rose and joined in the Pledge of Allegiance.
- Item 2. **Public Comment.** Stephen Rivet - With Land and Liberty Coalition, renewable energy coalition, support group – said he was at the meeting to provide support, resources for renewable energy. His group stands behind 4 principles: property rights, economic development, renewable energy, national defense and security. Mr. Rivet said he was a mechanical engineer and planning commission member in Grand Ledge and pointed out that solar has become a thorny issue around the state and feels the most of the problems are around expectations of all parties, and that it has escalated to the state level. He said that he was at the JCPC meeting as a neutral party and called himself a solar advocate who was looking to provide all sides to the argument.
- Item 3. **Approval of Minutes.** Comm. Cole noted that his first name is spelled Kurt with a K, not a C as is in the October Minutes. Comm. Wolcott made a motion, seconded by Comm. Cole, to **approve** the October 12, 2023, meeting minutes with the correction of the spelling of Kurt. *The motion was approved unanimously.*
- Item 4. **Approval of the Agenda.** Ms. Starling of R2PC suggested that CZ #23-18 Parma be removed from the agenda because they did not correctly notify the public. Comm. Minnick made a motion to exclude Parma **and approve the agenda** for November 9, 2023 **as amended**, seconded by Comm. Cole. *The motion was approved unanimously.*

Item 5. Request(s) for Review, Comment, and Recommendation.

a. Consideration of Township Zoning Amendment(s).

(1) CZ | #23-19 | Hanover Township

Staff referred to a report regarding a rezoning request for 2 parcels on Moscow Road in Hanover Township. Staff recommended disapproval of the rezoning application.

Discussion: Comm. Hawley opened with a statement about what it is to rezone and why. Comm. Cole noted that the rezone does not fit with future use. Comm. Minnick said that he thinks it should be rezoned because it abuts a lot that is already zoned industrial. Comm. Hawley asked if you analyze this request would that rezoning be consistent with the proposed rezoning and its use? Will public services be impacted, will it be equally or better suited to the area? If you answer those questions, is there a motion?

Comm. Cole said that he looks to the planning commission, and he also believes that that the rezoning does not align with future use. Comm. Hawley wonders about rezoning to industrial when it is surrounded by residential and agricultural zoning. Comm. Cole wondered how unorthodox would this rezoning be? He said he had a hesitation to take it to industrial because other communities have other zoning for storage facilities.

Ms. Starling voiced the idea of Parma updated their zoning for special use. Comm. Cole agreed that would be a better idea, as they don't want industrial options in the area.

Comm. Cole made a motion to recommend *disapproval with comment*, that the township see if it is possible to do a conditional use to commercial zoning, supported by Comm. Wolcott. *Commissioners Cole, Hawley, Hilleary, Walcott, Minnick, Videto, and Biddinger – Aye; Comm. Kennedy – Nay. The motion was approved.*

Comm. Minnick withdrew support after voting.

(2) CZ | #23-20 | Leoni Township Staff referred to a report regarding the rezoning of a .22 acre parcel at 3990 Ann Arbor Rd, Leoni Township from General Business to Light Industrial. Staff recommended approval of the rezoning.

Discussion: Comm. Kennedy said that this was the district he represents, and he feels that it fits right in with what is already there including Choice Labs, Pegasus, 20 Past 4, and that it touches industrial zoned property.

Kevin Cromley of Leoni Township, co-owner of the business and building at 3990 Ann Arbor Rd was in attendance and said that he would be happy to answer any

questions. Comm. Hawley asked if Mr. Cromley owned any other properties and if this business meets setback requirements. Mr. Cromley responded that he did not own any other property and that it did meet setbacks. Comm. Biddinger asked why it needed to be zoned light industrial as opposed to general business. Comm. Kennedy said it was because they are not growing. Mr. Cromley expanded on that, saying the business would be a small scale processing facility, and because they are just doing processing and not growing, Leoni Township and the state of Michigan want it to be zoned light industrial.

Comm. Kennedy made a motion to recommend **approval** of the rezoning, supported by Comm. Minnick. *Commissioners approved the motion unanimously.*

- b. **Consideration of Master Plan(s).** None.
- b. **Farmland & Open Space Preservation Program (PA 116) application(s).** Staff referred to the report on the PA 116 for Parma, MI, recommending approval with comments, noting that it is missing the term of year.

Comm. Videto made a motion to confirm staff recommendations and **Approve with Comments** that the term of years must be filled in, supported by Comm. Hilleary. *Commissioners approved the motion unanimously.*

Item 6. **Other Business.**

- a. **Unfinished Business.** None.
- b. **New Business.** Meeting Schedule for 2024. Comm. Minnick made a motion to receive the meeting schedule for 2024 and to approve it, supported by Comm. Kennedy. *Commissioners approved the motion unanimously.*
- c. **Notices.**

Item 7. **Public Comment.** None.

Item 8. **Commissioner Comment.**

Item 9. **Adjournment.** Comm. Bedding made a motion to adjourn, supported by Comm. Kennedy. *Commissioners approved the motion unanimously.* The meeting adjourned at 6:45 p.m.

Respectfully submitted by:



Zack Smith, R2PC

This page is intentionally blank.



Jackson County Planning Commission

Staffed by the Region 2 Planning Commission (R2PC)
120 W. Michigan Avenue • Jackson, MI 49201
Phone (517) 788-4426 • Fax (517) 788-4635

Coordinated Zoning Report | #23-21

To: County Planning Commissioners
From: Zack Smith, R2PC Planner
Date: October 30, 2023

Proposal: **Rezoning 6 Parcels totaling 583.5 acres in Grass Lake Charter Township from Single Family Residential (R-2) to Agricultural**

Request

The subject properties are proposed for rezoning to Agricultural (AG) from Single Family Residential (R-2).

Purpose

The Rezoning Worksheet Form states that the purpose of the proposed change is to zone the property agricultural so that there can then be an application for a supplemental use permit for a Large Solar Energy System.

Location and Size of the Property

The parcels (#000-15-07-100-001-00, #000-15-07-100-002-01, #000-15-07-200-004-01, #000-15-07-400-001-01, #000-15-18-226-001-00, and #000-15-18-101-004-01) proposed for rezoning are located in the Southwest Quarter of Grass Lake Charter Township. The subject parcels have a combined area of approximately 583.5 acres which are currently zoned Single Family Residential (R-2).

Land Use and Zoning

Current Land Use – The subject properties are currently used for farming. Existing land uses in the area are predominantly agricultural, farmsteads, single-family dwellings, and undeveloped land. There is also a church, a Waterfowl Protection Area and a commercial business

Future Land Use Plan – The suggested future land use of the subject parcels, as depicted on the Township’s Future Land Use Map, is agricultural.

Current Zoning – The subject parcel is currently zoned Single Family Residential (R-2). Surrounding properties are zoned Single Family Residential (R-2), Light Industrial (LI) and to the West in Leoni Township, properties are zoned Agricultural.

Public Facilities and Environmental Constraints

Water and Sewer Availability – Municipal sewer and water services are currently unavailable to the subject parcels.

Public Road/Street Access – Page Ave, Grey Tower Rd, and Lee Rd provide direct access to the subject parcels.

Environmental Constraints – The parcel has no known environmental constraints, according to the Township.

Analysis and Recommendation

Township Planning Commission Recommendation – The Grass Lake Charter Township Planning Commission disapproved the rezoning unanimously at their October 19, 2023 meeting.

JCPC Staff Analysis and Advisement – Staff of the Jackson County Planning Commission believe that rezoning of the named parcels to Agricultural (AG) is consistent with current and future use. It also matches the zoning of neighboring parcels. This recommendation is made without acknowledgement of any proposed future use. Further decision about what this land may be used for other than those specified as permitted uses (greenhouses, farms, roadside stands, residential houses, etc.) – whether that is removal and processing of mineral resources (mine), intensive livestock operation (CAFO), or Large Solar Energy System (Solar Farm) – all are Special Land Uses as specified by the Grass Lake Township Zoning Ordinance and require approval by the Planning Commission. This rezoning does **not** grant a Special Land Use. It simply codifies land use as it is, and is in line with specified future land use as outlined in the Grass Lake Township’s Master Plan.

Our recommendation is consistent with the corresponding analysis by the Grass Lake Township Planning Consultant (see pp. 6-7 of Wade Trim Associates recommendation to the Grass Lake Township Planning Commission).

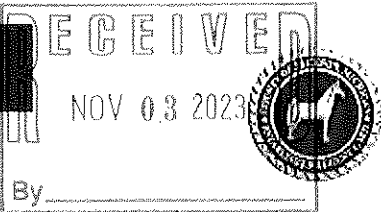
Therefore, based upon this analysis, staff advises the Planning Commission to recommend **APPROVAL** to the Grass Lake Township Board of the proposed rezoning to ‘Agricultural (AG)’.

Staff Report Attachment(s):

- *Background information provided by Grass Lake Charter Township, Wade Trim Associates, Inc., Grass Lake Solar LLC,*
- *Letters from interested parties*

Suggested Actions:	
(1)	Recommend APPROVAL
(2)	Recommend DISAPPROVAL
(3)	Recommend APPROVAL WITH COMMENTS
(4)	Take NO ACTION

ZONING AMENDMENT FORM



**JACKSON COUNTY PLANNING COMMISSION
(COORDINATING ZONING)**

Return to: Jackson County Planning Commission • c/o Region 2 Planning Commission • 120 W. Michigan Avenue • Jackson, Michigan 49201

Please submit the Planning Commission meeting minutes and any reports/exhibits the Commission used to make its recommendation with this form. Use a separate form for each proposed zoning change. Please include a legal description/survey with rezoning requests in addition to the Parcel ID Number.

A copy of this form with the JCPC recommendation will be mailed back to the Clerk, who will return a copy to the JCPC with the Township Board Action.

THE Grass Lake Charter TOWNSHIP PLANNING COMMISSION submits the following proposed zoning change to the Jackson County Planning Commission for its review, comment, and recommendation:

(ANSWER EITHER A or B)

A. DISTRICT BOUNDARY CHANGE (REZONING):

(Provide the legal and popular property descriptions, the Parcel ID Number(s), the number of acres, and the section(s) in which the property is located. Attach additional sheets if more space is needed. Attach a map showing all changes and additions.)

See Attached

- 1. The above described property has a proposed zoning change FROM R-2 Single Family Residential (R-2) ZONE TO Agricultural (AG) ZONE.
- 2. PURPOSE OF PROPOSED CHANGE: Allow for application for SUP for Large Solar Energy System

B. ZONING ORDINANCE TEXT AMENDMENT:

The following Article(s) and Section(s) is amended or altered: ARTICLE _____ SECTION _____
The NEW SECTION reads as follows: (Attach additional sheets if more space is needed.) _____

- C. PUBLIC HEARING on the above amendment was held on: month 7 day 20 year 2023
- D. NOTICE OF PUBLIC HEARING was published/mailed on the following date: month 7 day 22 year 2023
(Notice must be provided at least fifteen days prior to the public hearing.)

E. THE NEWSPAPER (having general circulation in Township) carrying the NOTICE: The Exponent

The PROPOSED ZONING AMENDMENT described herein was duly considered by the Township Planning Commission and will be forwarded to the Township Board with a recommendation to APPROVE or DISAPPROVE.

Tim Golding Chair or Secretary 10 / 19 / 23 (enter date)

JACKSON COUNTY PLANNING COMMISSION (JCPC) ACTION:

- 1. Date of Meeting: month _____ day _____ year _____
- 2. The JCPC herewith certifies receipt of the proposed amendment on the above date and:
 - Recommends APPROVAL of the zoning change
 - Recommends DISAPPROVAL of the zoning change for the reasons stated in the attached letter.
 - Recommends APPROVAL of the zoning change with comments, as stated in the attached letter.
 - Takes NO ACTION.

_____, Recording Secretary _____ / _____ / _____ (enter date)

TOWNSHIP BOARD ACTION:

- 1. Date of Meeting: month _____ day _____ year _____
- 2. The _____ Township Board herewith certifies that a legally constituted meeting held on the above date and that the proposed amendment PASSED, DID NOT PASS, or was REFERRED ANEW to the Township Planning Commission.

Township Clerk



373 LAKESIDE DRIVE P.O. BOX 216 GRASS LAKE, MICHIGAN 49240
Phone: (517) 522-8464 Fax: (517) 522-4955
www.grasslakect.com
e-mail: cathy@grasslakect.com

June 20, 2023

The Exponent

Please publish the following in next week's publication:

PUBLIC NOTICE

Notice is hereby given that the Grass Lake Charter Township Planning Commission will hold a Public Hearing at the Grass Lake Charter Township Hall, 373 Lakeside Drive on Thursday, July 20, 2023 at 7 p.m. The Public Hearing is requested by Grass Lake Solar LLC, 700 Universe Boulevard, Juno Beach, Florida 33408. The request is to rezone 6 separate parcels from the R-2, Single-Family Residential District to the AG, Agricultural District. The 6 parcels for the request are:

- 9181 Page Avenue, parcel #000-15-07-100-001-00, owned by Zenz Farms Real Estate LLC
- Page Avenue (no address), parcel #000-15-07-100-002-01, owned by Phillips Farm Management LLC
- 9940 Lee Road, parcel #000-15-07-200-004-01, owned by The Romanian Orthodox Episcopate of America
- Lee Road (no address), parcel #000-15-07-400-001-01, owned by The Romanian Orthodox Episcopate of America
- Grey Tower Road (no address), parcel #000-15-18-226-001-00, owned by The Romanian Orthodox Episcopate of America
- Lee Road (no address), parcel #000-15-18-101-004-01, owned by Keith's Properties LLC

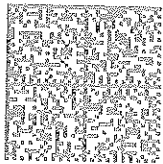
Written comments concerning the rezoning request may be sent to Grass Lake Charter Township Planning Commission, 373 Lakeside Drive, P.O. Box 216, Grass Lake, MI 49240, anytime before the hearing. This notice is being sent to all property owners within 300 feet of the properties in question. The property and request are more particularly described and on exhibit at the Township Office. Grass Lake Charter Township Office is open Monday thru Thursday 8:00 am to 4:30 pm.


Doug Lammers, Zoning Administrator
Jere Hinkle Chairman, Grass Lake Charter Township Planning Commission

Grass Lake Charter Township
373 Lakeside Dr.
P.O. Box 216
Grass Lake, MI 49240

000-15-07-100-002-01
PHILLIPS JAMES & SHIRLEY
1875 CRAFT RD
GRASS LAKE, MI 49240-9132

FIRST-CLASS



US POSTAGE  PATNEY BOWES
ZIP 49240 \$ 000.60⁰⁰
02 7H
0006058796 JUN 22 2023

GRASS LAKE CHARTER TOWNSHIP, JACKSON COUNTY, MICHIGAN
APPLICATION TO INITIATE A ZONING AMENDMENT

APPLICATION NO. #23-06-004

PLEASE PRINT OR TYPE (use back of application if more space is needed)

Application is hereby made to amend the Map of the Zoning Ordinance by re-zoning the property described below to another zoning classification. The proposed zoning change is:

Single Family
From: Residential (R-2) To: Agricultural (AG)
Zoning District Zoning District

1.) Give a legal description of the property (lot, block, tract, and/or metes and bounds):
See Attached

2.) The property is situated (give street address, indicating alleys, cross roads, etc.):
See Attached

3.) Give reasons for requesting zoning change, including intended use of buildings, structures and land:
See Attached

4.) Submit map, drawn to scale, in sufficient detail to adequately describe the proposed changes in the zoning district boundaries.

Applicant(s): Grass Lake Solar, LLC
700 Universe Boulevard
Address: Juno Beach, Florida 33408 Telephone: (630) 210-2177

The applicant(s) is/are:
 the owner(s) of the property involved.
 acting on behalf of the owner(s) of the property involved.

I/We Kunhal Parikh do hereby swear that the above information is true and correct to the best of my/our knowledge.

Applicant(s): Kunhal Parikh Digitally signed by Kunhal Parikh
Date: 2023.06.16 05:41:16 -0400 _____
Signature Signature

Optional: I/We hereby grant permission for members of the Grass Lake Charter Township Planning Commission and Zoning Administrator to enter the above described property for the purposes of gathering information related to this application. *This permission is optional and failure to grant such permission will not affect any decision on your application.*

Kunhal Parikh Digitally signed by Kunhal Parikh
Date: 2023.06.16 05:41:35 -0400 _____ 6/16/2023

SIGNATURE OF APPLICANT (S) DATE:

Fee Received: \$ _____ Township Clerk: _____ Date: _____

Date Application referred to Planning Commission _____ 20____
Public Hearing Notice Published: 1st Date _____ 20____
2nd Date _____ 20____
Public Hearing Notices Mailed: Date _____ 20____

Planning Commission Action: Recommends Adoption () Denial () _____
Chairman

Date Application referred to County Affairs Committee: _____ 20____
Recommended: Approval () Disapproval ()

Township Board action: Adoption () Denial ()
Remarks: _____

Date: _____ Supervisor: _____
Signature

Clerk: _____
Signature

ONE (1) COPY EACH RETAINED BY THE CLERK, THE ZONING ADMINISTRATOR, THE PLANNING COMMISSION, THE TOWNSHIP BOARD AND THE APPLICANT.

Unapproved Planning Commission Minutes
October 19, 2023

Call to Order

Chairman Golding called the meeting to order at 7:00 p.m.

Pledge of Allegiance

Roll Call

Chairman Tim Golding - Present

Marc Cuddie - Present

Mark Jewell - Present

Tom Brennan - Present

Heather McDougall - Present

Dale Lucas- Present

Jim Warbritton- Present (tardy)

Also Present: Dan Campbell Zoning Administrator, Kyle O'Meara - Township Attorney, Adam Young from Wade Trim. Also attending, approximately 75+ residents and 4 on Zoom

Approval of Agenda

Motion to approve as written by McDougall, seconded by Brennan. All Ayes. Motion Carried.

Approval of September 21, 2023 Meeting Minutes

A motion to approve as written by Lucas, supported by Cuddie. All Ayes. Motion Carried.

New Business:

Application to rezone land owned by Brent & Mitzi Koors has been withdrawn

Township Board Report

Commissioner Brennan reported the Township Board on October 10, 2023 passed a moratorium regarding Large Solar Energy Systems until October 1st, 2024 or sooner.

Old Business

Solar Subcommittee report by Brent Koors, the report is attached

Rezoning request submitted by NextEra (Grass Lake Solar) to rezone 6 parcels from R2 to Ag.: Kyle (Township attorney) provided a resolution work sheet/forum for the commission to review and discuss. The four major questions from the master plan were addressed and discussed by the commission and the resolution to deny the rezoning requested was adopted and voted on. All commissioners voted yes to deny the rezoning request, except Dale Lucas who reclused himself. Resolution attached

Target Trucking Compliance review: All though all 21 of the compliance review questions have been complied with according to the zoning administrator, the public had many concerns that their complaints have been going unanswered or ignored. A motion was made by Golding and seconded by Lucas to table the decision until next month to allow the zoning administrator time to review all complaints made regarding Target Trucking and review the site plan as it pertains to the lake on the property. All ayes, motion carried.

Citizens Wishing to Address the Commission

There were approximately 20 residents in person and three on zoom addressed the Commission about their concerns pertaining to the Bohne Rd. Mine and Solar Farms.

Proposed Business for Next Regular Meeting and Meeting Date

Target Trucking Compliance Review

The next meeting date is scheduled for November 16, 2023 at 7:00 p.m.

General Discussion None

Motion to adjourn by Brennan, seconded by McDougall. All Ayes. Motion Carried.
Meeting adjourned at 9:30 p.m.

Respectfully submitted,

Mark Jewell
Secretary

GRASS LAKE CHARTER TOWNSHIP
Jackson County, Michigan

PLANNING COMMISSION
RESOLUTION NO. _____

At a meeting of the Grass Lake Charter Township Planning Commission held on the 19th day of October, 2023, at 7:00 p.m.

Present: Chairman Tim Golding, Marc Cuddie, Mark Jewell, Tom Brennan, Heather McDougall, Dale Lucas, Jim Warbritton (tardy)

Absent:

The following resolution was offered by Member Chairman Tim Golding and supported by Member(s) Marc Cuddie, Mark Jewell, Tom Brennan, Heather McDougall, Jim Warbritton. Exception was Dale Lucas who recused himself.

WHEREAS, Grass Lake Solar, LLC (“Owner”) has rights to certain real property (“Subject Property”) within the Township as described and depicted on **Exhibit 1**; and

WHEREAS, Owner submitted an application to rezone the Subject Property from the R-2 Single Family Residential Zoning District (“R-2 District”) to the Agricultural Zoning District (“AG District”); and

WHEREAS, the Township held a public hearing on the proposed rezoning request as well as obtained input from the Owner, stakeholders, and other interested individuals from written submissions (including application materials), correspondence, and public comment; and

WHEREAS, the Planning Commission determined that the rezoning application should be recommended to be denied based on the following.

NOW THEREFORE, THE GRASS LAKE CHARTER TOWNSHIP PLANNING COMMISSION RESOLVES:

1. The Township Planning Commission hereby recommends that the Township Board deny Owner’s request to amend the Zoning Ordinance Map with respect to the request to rezone the Subject Property from the R-2 to the AG District.

2. The Township Planning Commission makes the following findings in support of its decision to related to the rezoning request related to the Subject Property:

A. Is the proposed rezoning consistent with the policies and uses proposed for that area in the Township's Master Plan? Master Plan, Section 3-11.

- Do not need to rezone to AG District to meet goal/policy of agricultural preservation.

- Rezoning is not consensus of community as discussed in p 1-3 of the Master Plan. A majority of the public input is against rezoning.

B. Will all of the uses allowed under the proposed rezoning be compatible with other zones and uses in the surrounding area? Master Plan, Section 3-11.

- Provides for land uses that may not be compatible with existing residential and farm uses such as mining, CAFOs, and Large Solar Energy Systems.
- Planning Commission believes AG District land uses need to be revisited to be compatible with surrounding current uses in the area.

C. Will any public services and facilities be significantly adversely impacted by a development or use allowed under the requested rezoning? Master Plan, Section 3-11.

- Undue stress created by special land uses such as Large Solar Energy Systems on Fire Department from potential battery storage.
- Undue stress on roads by potential special land uses in AG District such as mining and Large Solar Energy Systems.

D. Will the uses allowed under the proposed rezoning be equally or better suited to the area than uses allowed under the current zoning of the land? Master Plan, Section 3-11.

- Agricultural uses still permitted in R-2 District.
- Better suited for R-2 District residential development due to sewer in area.

E. Any other reasons as may be supported by the Zoning Ordinance, Michigan Zoning Enabling Act, or otherwise.

3. The Planning Commission further resolves to submit this resolution to the County Planning Commission (Region 2) for review and comment. This resolution shall be submitted to the Township Board along with any comments received at the public hearing 30 days thereafter, or upon the receipt of comments from the Jackson County Planning Commission (Region 2), whichever shall occur first. See MCL 125.3307 and MCL 125.3308.

4. All other resolutions or parts of resolutions insofar as they are inconsistent with this resolution are repealed.

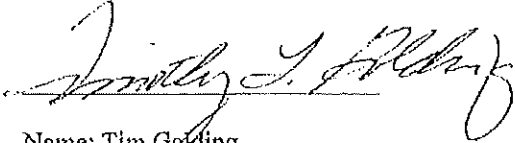
ROLL CALL VOTE

Ayes: Chairman Tim Golding, Marc Cuddie, Mark Jewell, Tom Brennan, Heather McDougall,
Jim Warbritton

Nays: _____

Absent/Abstain: Dale Lucas recused himself

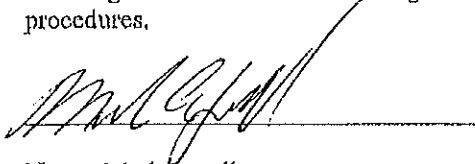
RESOLUTION DECLARED ADOPTED



Name: Tim Golding
Grass Lake Charter Township Planning Commission Chair

CERTIFICATION

I hereby certify that the above is a true copy of a Resolution adopted by the Grass Lake Charter Township Planning Commission at a meeting held on October 19th, 2023, pursuant to the required statutory procedures.



Name: Mark Jewell
Grass Lake Charter Township Planning Commission Secretary

Dated: 11/02, 2023

Exhibit 1 Shall Be Attached Following this Page

Attachment 1

Grass Lake Solar Energy Project Rezoning Application - Rezoning Landonwer List Information

Legal Property Owner Name	Rezoning Area Reference Number (Per Exhibit Map)	Parcel Identification Number (PIN)	Approx. Acreage	Legal Description	Current Land Use	Current Zoning	Requested Zoning
ZENZ FARMS REAL ESTATE II, LLC		000-15-07-100-001-00	89	See Attached	Agricultural	R-2	Ag
PHILLIPS FARM MANAGEMENT, LLC	Rezoning Area 1	000-15-07-100-002-01	166.83	See Attached	Agricultural	R-2	Ag
THE ROMANIAN ORTHODOX EPISCOPATE OF AMERICA		000-15-07-200-004-01	125.3	See Attached	Agricultural	R-2	Ag
THE ROMANIAN ORTHODOX EPISCOPATE OF AMERICA		000-15-07-400-001-01	71.69	See Attached	Agricultural	R-2	Ag
THE ROMANIAN ORTHODOX EPISCOPATE OF AMERICA	Rezoning Area 2	000-15-18-226-001-00	38.65	See Attached	Agricultural	R-2	Ag
KEITH'S PROPERTIES, LLC	Rezoning Area 3	000-15-18-101-004-01	92.03	See Attached	Agricultural	R-2	Ag

Total Acreage	583.5
----------------------	--------------

Attachment 2 – Legal Descriptions

Parcel ID NO.: 000-15-07-100-001-00

THE WEST 89.5 ACRES OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 7, TOWNSHIP 3 SOUTH, RANGE 2 EAST, IN THE TOWNSHIP OF GRASS LAKE, COUNTY OF JACKSON, STATE OF MICHIGAN.

Parcel ID NO.: 000-15-07-100-002-01

PARCEL I: THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 3 SOUTH, RANGE 2 EAST, JACKSON COUNTY, MICHIGAN, EXCEPTING THEREFROM THE NORTH 208 FEET OF THE EAST 208 FEET THEREOF.

PARCEL II: THE NORTHWEST FRACTIONAL 1/4 OF SECTION 7, TOWNSHIP 3 SOUTH, RANGE 2 EAST, JACKSON COUNTY, MICHIGAN, EXCEPTING THEREFROM THE WEST 89.5 ACRES THEREOF.

Parcel ID NO.: 000-15-07-200-004-01 (being 125.3 acres more or less)

THE EAST HALF OF THE NORTHEAST QUARTER, AND THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION SEVEN (7), TOWNSHIP THREE (3) SOUTH, RANGE TWO (2) EAST, JACKSON COUNTY, MICHIGAN, EXCEPTING THEREFROM THE WEST 2.25 RODS OF THE SOUTH 3/4 AND THE WEST 2 RODS OF THE NORTH 1/4 THEREOF CONVEYED TO JACKSON CONSOLIDATED TRACTION COMPANY AND JACKSON SUBURBAN TRACTION COMPANY AS REFERENCED IN DEED RECORDED IN LIBER 207, PAGE 562 AND LIBER 273, PAGE 385.

Parcel ID NO.: 000-15-07-400-001-01

LAND IN THE WEST 1/2 OF THE SOUTHEAST 1/4 AND THE EAST 1/2 OF THE EAST 1/2 OF SECTION 7, TOWN 3 SOUTH, RANGE 2 EAST, GRASS LAKE TOWNSHIP, JACKSON COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTH 1/4 CORNER OF SAID SECTION 7; THENCE NORTH 01°04'57" EAST ALONG THE NORTH-SOUTH QUARTER LINE OF SAID SECTION 7 A DISTANCE OF 2635.06 FEET TO THE CENTER 1/4 CORNER OF SAID SECTION 7; THENCE NORTH 88°32'20" EAST ALONG THE EAST-WEST QUARTER LINE OF SAID SECTION 7 A DISTANCE OF 1318.63 FEET TO THE EASTERLY NORTH-SOUTH 1/8 LINE OF SAID SECTION 7; THENCE NORTH 00°03'34" EAST ALONG SAID 1/8 LINE 2639.29 FEET TO THE NORTH LINE OF SAID SECTION 7 AND THE CENTERLINE OF PAGE AVENUE; THENCE NORTH 88°28'48" EAST ALONG SAID SECTION LINE 45.05 FEET; THENCE SOUTH 01°03'34" WEST PARALLEL TO SAID 1/8 LINE 33.03 FEET TO THE SOUTHERLY RIGHT OF WAY OF PAGE AVENUE; THENCE SOUTH 22°35'45" WEST 32.87 FEET TO A POINT 33 FEET EAST OF SAID 1/8 LINE AND 30 FEET SOUTH OF SAID RIGHT OF WAY LINE; THENCE SOUTH 01°03'34" WEST PARALLEL TO SAID 1/8 LINE 3233.94 FEET; THENCE SOUTH 88°56'17" EAST 4.13 FEET TO THE WEST LINE OF DEED RECORDED IN

LIBER 377, PAGE 176, JACKSON COUNTY RECORDS; THENCE SOUTH 01°03'43" WEST PARALLEL TO SAID 1/8 LINE 1301.61 FEET ALONG THE WEST LINE OF DEED RECORDED IN LIBER 377, PAGE 176, JACKSON COUNTY RECORDS; THENCE SOUTH 88°39'32" WEST 335.44 FEET; THENCE SOUTH 01°19'18" EAST

214.34 FEET; THENCE SOUTH 89°26'12" WEST 296.85 FEET; THENCE SOUTH 01°04'57" WEST 192.36 FEET; THENCE SOUTH 88°39'32" WEST 632.92 FEET; THENCE SOUTH 01°04'57" WEST 275.55 FEET TO THE SOUTH LINE OF SAID SECTION 7 AND THE CENTERLINE OF LEE ROAD; THENCE SOUTH 88°39'32" WEST ALONG SAID SECTION LINE 100.00 FEET TO THE POINT OF BEGINNING.

Parcel ID NO.: 000-15-18-226-001-00

THE NORTHEAST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) OF SECTION EIGHTEEN (18), TOWNSHIP THREE (3) SOUTH, RANGE TWO (2) EAST, JACKSON COUNTY, MICHIGAN, EXCEPTING THEREFROM THE WEST 2.5 RODS THEREOF CONVEYED TO JACKSON CONSOLIDATED TRACTION COMPANY AND JACKSON SUBURBAN TRACTION COMPANY AS REFERENCED IN DEEDS RECORDED IN LIBER 207, PAGE 562 AND LIBER 273, PAGE 385.

Parcel ID NO.: 000-15-18-101-004-01

THE WEST FRACTIONAL 1/2 OF THE NORTHWEST FRACTIONAL 1/4 IN SECTION 18, TOWN 3 SOUTH, RANGE 2 EAST, GRASS LAKE TOWNSHIP, JACKSON COUNTY, MICHIGAN, EXCEPT THE NORTH 250 FEET OF THE WEST 350 FEET THEREOF, ALSO EXCEPT COMMENCING AT THE NORTH 1/4 POST OF SECTION 18; THENCE SOUTH 87°40' WEST ON THE CENTERLINE OF LEE ROAD 1323.76 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 0°15' WEST 1937.60 FEET (AS OCCUPIED); THENCE SOUTH 87°50' WEST 566.08 FEET; THENCE NORTH 0°15' EAST 1936.28 FEET TO THE CENTERLINE OF LEE ROAD; THENCE NORTH 87°40' EAST ON THE CENTERLINE OF LEE ROAD 566.08 FEET TO THE POINT OF BEGINNING,

ALSO EXCEPT BEGINNING AT NORTHWEST CORNER OF SECTION 18; THENCE NORTH 89°21'30" EAST ALONG NORTH LINE OF SAID SECTION 550.03 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°21'30" EAST ALONG SAID NORTH LINE 372.03 FEET; THENCE SOUTH 1°56'30" WEST 602.58 FEET; THENCE SOUTH 89°21'30" WEST 351.61 FEET; THENCE NORTH 602.01 FEET TO BEGINNING.

ALSO THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 IN SECTION 18, TOWN 3 SOUTH, RANGE 2 EAST, GRASS LAKE TOWNSHIP, JACKSON COUNTY, MICHIGAN, EXCEPT THAT PORTION INCLUDED IN THE FOLLOWING DESCRIPTION: A PORTION OF THE NORTH 1/2 OF THE SOUTHWEST FRACTIONAL 1/4 OF SECTION 18, DESCRIBED AS: COMMENCING AT THE SOUTH 1/4 POST OF SECTION 18; THENCE NORTH ON THE CENTERLINE OF BURKHART ROAD AND THE NORTH AND SOUTH 1/4 LINE OF SECTION 18, A DISTANCE OF 1321.82 FEET TO THE SOUTH 1/8 LINE OF SECTION 18 (AS OCCUPIED); THENCE SOUTH 87°21'30" WEST 1337.96 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 87°21'30" WEST 1358.54 FEET TO THE WEST SECTION LINE (AS OCCUPIED); THENCE ON THE SAID WEST SECTION LINE NORTH 2°36'30" WEST 163 FEET; THENCE NORTH 87°21'30" EAST 1365.70 FEET; THENCE SOUTH 0°09' EAST 163.14 FEET TO THE PLACE OF BEGINNING.



Grass Lake Charter Township Planning Commission:
Subcommittee Report on Rezoning and Large Solar

October 19, 2023

Table of Contents

Part I – Introduction to What We Heard

- A. Property Values
- B. Ecological Concerns
- C. Agricultural Preservation
- D. Effects on Farmers and Farming
- E. Deficiencies of Current Zoning & Ordinances
- F. Non sequitur Master Plan Solar Reference
- G. Development Agreements
- H. Justice and Equality in Deployment of Green Energy Agendas
- I. Property Rights
- J. Burden of Proof

Part II – Recommendations

- A. Master Planning for Large Solar - Transparency
- B. 'Compatibility Matrix' Approach to Rezoning
- C. Agricultural Zoning for Preservation Goals
- D. Ordinances and Zonings for the 21st Century
- E. Special Zonings as Preferred Delivery

Part III – The Four Part Test for Rezoning and Conclusions

- A. Consistent with Policies and Uses of the Master Plan
- B. Compatibility
- C. Adverse Impact on Public Services and Facilities
- D. Uses Equally or Better Suited

Part I – Introduction to What We Heard

A. Property Values

A consistent issue mentioned by both NextEra and surrounding property owners was the impact utility-scale solar can have on property values. During the September Planning Commission Meeting, NextEra provided a binder of information related to property value studies. Similar studies, some paid for by NextEra, have been shared by the Land and Liberty Coalition at public forums. Of those studies, some residents have raised issues with the sample sizes and locations as not being comparable to the current proposal being considered.

The inflationary pressure on agricultural properties was mentioned by several farmers in the community. Supply and demand says that, as land is a limited resource critical to farming activities, occupying large tracts with solar arrays and offering taxpayer-subsidized land leases which are above competitive market rates for agriculture will put upward price pressure on the remaining tillable acreage in the area. This economic effect and what it means for Township's stated goal of agricultural preservation and Grass Lake farmers beyond the few who benefit from this proposal is discussed in Parts C & D, below.

Already within the community, there is an anecdotal story of a property owner surrounded by the proposed development who has listed their property for sale because of this proposal. This property owner also had an offer rescinded after disclosing the proposed development to the potential buyer.

While this remains a contentious issue, with no clearly conclusive proofs – the truth being that it may negatively impact some properties for some people and not others depending on how close, lines of sight, personal proclivities, etc. – the obvious deficiency is in Grass Lake Township's lack of it's own independent third-party analysis of potential effects on property values.

B. Ecological Concerns

Another issue which both NextEra and residents continuously mention are impacts to the environment, flora and fauna, and potential for ecological catastrophe.

1. Lake Effect – birds crashing into panels
2. Fencing Around Arrays – restricts wildlife corridors
3. Groundwater Contamination – from fires in battery systems
4. Natural Disasters – these are not 'brick and mortar' powerplants

NextEra and the solar industry, in general, are implementing strategies for reducing ecological impacts of lake effect and fencing. They are also beginning to look at strategies generating positive ecological and/or agricultural benefits like pollinator plantings or planned grazing beneath arrays (agrivoltaics).

A community member brought forth one prominent case in which the U.S. Department of Justice prosecuted, and NextEra's wholly-owned subsidiary plead guilty to, three charges of violating federal protections for eagles when installing a

development. Appendix A has a press release from the Department of Justice regarding these criminal offenses.

The Subcommittee credits the industry where it is looking to mitigation strategies or stacking functions to achieve a balanced approach to development. However, there are not currently any requirements in Grass Lake Ordinances, State/National Laws, or industry 'best practice' guidance for the implementation of any of the strategies which have been discussed. They are all at the discretion of the developer, with no liability for the risk exposure.

C. Agricultural Preservation

The issue of 'agricultural preservation' has been claimed by both NextEra and Grass Lake residents with clearly very different interpretations of what that term means. From the perspective of utility solar developers like NextEra, they are helping farmers who have either or both:

1. Depleted their soils and are struggling with crop yields so badly that they need to 'let the ground rest' for more than three decades in the hopes that some topsoil will return.
2. No immediate family wanting to farm but hopes that the family name can stay on the deed to land until some future generation of family member(s) decide they do want to farm decades from now.

On the other hand, residents of Grass Lake have aligned their comments regarding 'agricultural preservation' with the "Farmland Protection Goal" and "Farmland Protection Policies" stated on Page 29 or the most recent Master Plan. It states, "The Township will encourage the protection of **ACTIVE** farmland as a valuable resource for the community..." (emphasis added).

The Subcommittee emphasizes that most lay people, when confronted with the term 'agricultural preservation' will envision something closer to the latter than the former. Within the context of the most recent Master Plan, and the totality of Chapter 3 – Community Vision and Goals and Policies, which discusses 'Community Character', 'Farmland Protection', and 'Natural Features', but not once mentions utility scale solar, the Subcommittee wishes to remind the Planning Commission and Township Board to apply the principles and policies which were clearly communicated, approved by the public with a common understanding of terms, and adopted to those explicit ends.

D. Effects on Farmers and Farming

As previously discussed, the pressure on farmland prices was a recurring theme from resident farmers or those interested in bolstering the agricultural nature of Grass Lake Township. As the average size of farms has steadily increased in recent decades, so has the age of the average farmer. There is a real need for more young and small farmers to enter the industry; however, one of the critical challenges is access to land. Covering

prime farmlands with solar arrays is not going to help the economics of this growing problem.

Similarly, when a few larger farmers have access to taxpayer-subsidized development leases, they have more capital to spend making up for the loss of grain, hay, silage, etc. production. They may still have a herd to feed, but little or no agricultural production left from which to feed them. So, they can afford to pay more for feed or leases on nearby land than surrounding farmers, and now the inflationary pressures are not just on land, but on the basic inputs critical to farmers' production, as well.

Likewise, given cropping a field requires many workers from the seed supply and grain elevators, to equipment mechanics, truckers hauling harvests, agronomists, and others beyond the farmers themselves, the number of jobs lost when removing land from agricultural production is greater than the couple of long-term jobs at a solar site and probably more jobs lost, when factored over a 35 year period, than the development creates during construction.

As with Part C, the Subcommittee does not believe utility scale solar arrays on prime agricultural lands is generally good for farming, land use planning, or the American food system. This issue is taken up further in Recommendation under Part II(C), below.

E. Deficiencies in Current Zoning & Ordinances

One of the most common themes of resident concerns deals with the lack compatible zoning and an insufficient ordinance. While there are those who do not believe utility scale solar should be situated in residential areas at all, there are others who believe that some projects of utility scale may be acceptable to a certain size with updated criteria for setbacks, screening, inter and intra parcel array densities, etc.

Given the moratorium recently passed by the Grass Lake Township Board, and given the fast-emerging nature of these high-dollar developments just within the past couple of years, it is the position of the Subcommittee that serious work should be done by the Board and residents to adopt new guidance for where and how utility scale solar should be applied in this township. This issue is taken up further in the Recommendations of Part II(A)(D), below.

F. Non Sequitur Master Plan Solar Reference

On Page 32 of the Master Plan, in a section which is only supposed to be, "**A description** of each future land use category" (emphasis added), there is a sentence which references an agricultural area "in the southwestern portion of the Township, where solar energy facilities are anticipated."

From this one reference, NextEra and, notably, it's legal representation at a Subcommittee meeting, has proffered that this makes their proposal "consistent with the Master Plan." Furthermore, they contend that Grass Lake Township **MUST** approve the rezoning because of this one reference.

Community members have consistently pointed out that this one sentence is the only reference to 'solar' anywhere in the Master Plan. Nowhere in the 'Goals' and 'Policies' sections, which speak directly to the Community Vision set forth in the Master Plan, is there reference to major land use change to 600 acres. The facts as many residents see them, is that the preponderance of words, phrases, and topics addressed in the Master Plan are in direct contradiction to this one erroneous conjunctive phrase. To be sure, there are plenty of suspicions as to how and why this vague, unobvious reference could appear in the Master Plan as anything other than a surreptitious way to support a legal theory of rezoning.

In this regard, the Subcommittee wishes to bring to the fore a litany of verbiage from the Master Plan which highlight the communicated vision, goals, policies, and resident feedback for making Grass Lake "A Great Place to Call Home". See Appendix B

G. Development Agreements

At the Planning Commission Meeting in July, residents were already bringing to the fore concerns with 'Development Agreements' which NextEra subsidiaries were offering. Specifically, some of the terms and conditions seemed to give a lot of leeway for other uses to NextEra while limiting the landowner's recourse. Legal cases between farmers and developers from other townships have been anecdotally referenced, but the legal details of lease agreements are beyond the charter of this Subcommittee.

'Development Agreements' began to get more scrutiny by residents after July's meeting because NextEra made a wave of overtures to neighbors of the proposed development with payment offers that always seemed to come with an agreement not to criticize the project. More and more residents came forward to discuss how much their "bribe" offer was in relation to the value of their free speech.

The position of the Subcommittee is that such payments to adjacent, nearby, surrounding residents is a necessary and worthwhile tool for balancing the cost-benefit analysis of property-owning stakeholders. If there are legitimate concerns for property values which can be assuaged with a 'piece of the pie', or if someone just believes in more egalitarian benefits like 'spreading the wealth', then this may be an avenue for garnering broader public support for utility solar developments. However, when these offers are not equally distributed to all around, when they only come *ex post facto* or 'after the fact', and then they come with explicit or implied gagging of residents' rights to offer criticisms and concerns regarding a development, they are not appropriate. See Recommendations Part II(A), below, for further discussion about how the Township and future potential developers could learn a lesson, here, and put this at the forefront of future proposal negotiations and potentially ease project approval.

H. Justice and Equality in Deployment of Green Energy Agendas

Residents who are familiar with the politics of 'green energy' have concerns about big government agendas aligned with large corporate interests that lobby them. While many of these people are not anti-solar, and some are even pro-solar, their concerns arise from the aggressive timelines which Lansing is pushing alongside lucrative

Incentives for large producers while restricting market access for everyday, working-class people.

From the State's most recent discussions of taking away local control, to elimination of net metering, lack of virtual microgrids to pay small producers, approval of caps on residential arrays by legislated utility monopolies, to lack of legislative support for community solar delivery models, the market incentives and disincentives have been rigged toward multi-billion dollar corporations getting to force their developments, not into the most logical places, but into the most profitable places.

The Subcommittee believes that the most resilient strategy for securing the energy future of the general public is in distributed deployment of solar energy as close to the end point of use. Places like Grass Lake Township, which values the rural, open nature of the space, should not be forced into dense development to become exporters of power to urban areas.

I. Property Rights

A lot of residents on both sides of the issue claim 'property rights' in support of their case. On the one hand, owners and developers claim that private property rights grant them free license to do whatever they want on their property. On the other hand, surrounding residents point out that private property rights grants them the enjoyment of their property without nuisance.

The Subcommittee's position is that private property rights have always been properly constrained by zonings and ordinances. Of course, the Founding Fathers discussed individual liberties within a context of a social contract. No man is an island because the human condition is futile alone. To the specific point of property rights, a rezoning application is the admission of a lack of certain rights and the formal request to have a property owner's rights extended. So, this isn't really a 'property rights' issue at all.

J. Burden of Proof

Residents of Grass Lake Township have repeatedly expressed their frustration that the 'burden of proof' is on them for a reason to deny rezoning, rather than that onus being put on the applicant to prove how the additional property rights they are seeking will meet the criteria for rezoning. So often, as is the case here, an applicant seeking a more permissive zoning offers 'tax base' as the justification, even though that is not one of the four criteria when considering rezoning. From the public meetings it could be said there is wide frustration that the default position seems to be 'grant a rezoning unless enough people complain.' And, residents' complaints isn't, in itself, a legally justifiable reason to deny a rezoning.

If a use is compatible within an area, then it should be added to the prevailing zoning. If a use is incompatible with an area, then rezoning should not be used as a way to change the rules for an elephant in the room. If there is no compelling reason, as laid out in the Vision, Goals, and Policies of the Master Plan, then the default position on rezoning should be a 'No' until an applicant can provide such sufficient cause as to how

their use meets the four criteria described in Part III. Also, see Recommendations Part II(D), below, for further discussion of how ordinances and zoning need to adapt to a changing landscape of commercial and industrial pressures on open spaces.

Part II – Recommendations

A. Master Planning for Large Solar – Transparency

Whereas there is this widely known proposed utility solar development, and several other less widely known potential utility solar developments, looking to capitalize on Grass Lake Township’s open space at low-cost, the Township should protect itself by clearly communicating in the Vision, and establishing Goals and Policies regarding the extents of utility scale solar arrays within the Township.

And, whereas these developments represent significant alteration to land use and capital investments which are abnormal for this community, the Township should be more forthcoming with information about such large projects.

B. ‘Compatibility Matrix’ Approach to Rezoning

As discussed in Part I(D), community members, and maybe at times some members of the Planning Commission, lose sight of the fact that rezoning is not, can not be whimsical lest it be rejected by the courts as ‘arbitrary and capricious.’ It can not be based on liking or disliking a proposed use. It can not be based on positive or negative public pressure to approve or disapprove. It must be based upon a rational, objective decision-making process that can be applied to all cases equally.

To that end, and whereas there is currently no formal framework for the Planning Commission to follow when deciding on rezonings, the Subcommittee recommends adoption of a ‘Compatibility Matrix’ Approach as shown in Appendix C. This standard starts with a black-and-white, side-by-side comparison of Permitted and Special Uses in each zoning. Then, after identifying any differences indicating incompatibility of the proposed rezoning.

C. Agricultural Zoning for Preservation Goals

Currently, the Agricultural Zoning in Grass Lake is overly broad, allowing uses which are now more generally considered ‘industrial’ in nature. To be sure, ‘gravel pits’ are no longer the farmer in his dump truck selling some sand and gravel from some back acreage like a half century ago. Intensive livestock operations at today’s industrial scale, also, would not generally be considered compatible with many of the residential areas in which agriculture still takes place, and should take place indefinitely into the future. More recently, agricultural tourism has come under scrutiny in other townships where ‘party barns’ for weddings and ‘cider mills’ grow to a size which is cumbersome to surrounding residents and public facilities.

Unfortunately, agricultural zoning is required for many federal and state grants that assist with farmland preservation by compensating farmers to restrict development rights. Currently, Grass Lake Township is in a catch-22 where it wants to preserve

farmland, but the principle tool for doing that, agricultural zoning, is encumbered by extraneous incompatible industrial uses.

Whereas, farmland preservation is critical to the Vision, Goals, and Policies of the Township and reinforced by the residents' survey responses included within the Master Plan ("keep industrial in industrial areas"), the Subcommittee recommends Grass Lake Township remove the uses not generally consistent with the act of farming crops from the Agricultural Zoning so that the narrower, focused application of this zoning can be leveraged by the Township to achieve its residents' stated desires to preserve active agriculture intermixed within residential areas.

D. Ordinances and Zonings for the 21st Century

Related the previous topic, but more general in nature, Grass Lake Township is still handcuffed by the legacy of less rigorous zoning and ordinances. What worked for a Township of less than 4,000, 40 years ago, is not going to work for the future. Recent years should show that their busting at the seams trying to work in the present.

SMART goals are Specific, Measurable, Achievable, Relevant, and Time-Bound. Some, if not all, of those principles applied to Master Planning, and the zoning and ordinances which carry out that plan, would facilitate good governance and restore trust where some community members still believe that the loose rules were the intentional product of 'good old boys' that needed plenty of wiggle room with their tools.

Whereas, Grass Lake Township could restore trust with some residents regarding the equal application of clear rules and standards, and whereas current zonings and ordinances are still the legacy of historically outmoded practices, the Subcommittee recommends that the Township develop additional subcommittees to work on addressing concerns regarding any and all ordinances which could benefit from popular suggestions like:

- a) Escrow funds from applicants for Township third-party due diligence on large projects (specific, relevant, and measurable)
- b) Required project sunseting (time-bound)
- c) Location/density restrictions (specific, measurable, achievable, relevant)
- d) Enforcement clauses (specific, measurable, achievable, relevant, time-bound)
- e) Setbacks/buffers (specific, measurable, achievable, relevant)

Part III – The Four Part Test for Rezoning and Conclusions

- **Is the proposed rezoning consistent with the polices and uses proposed for that area in the Township’s Master Plan?** No
 - Appendix B – Master Plan Citations and Survey Responses favor -
 - Maintaining existing rural agricultural/residential character
 - Limiting industrial uses to industrial areas.
 - The current uses allowed by an Agricultural zoning are not generally consistent with the policies and uses proposed in the Master Plan. If the Township were to limit current uses in the Agricultural zoning to be in alignment with proposed policies and uses, then an Ag rezoning could become consistent with the Master Plan’s stated vision, goals, and policies of farmland preservation, natural features protection, and maintaining the rural, agricultural nature.
 - On Page 32 there is one vague, imprecise, oddly-placed reference to ‘solar’ which is contradictory to all other stated goals and policies and survey responses of community members
 - Non sequitur, erroneous placement - One instance of mentioning solar in an agricultural area. This appears not in a Goals or Objectives section, but in a description of future land use categories. It seems more like someone slipped solar into the least obvious location to support a legal theory in support of rezoning. Indeed, we heard a NextEra lawyer at one subcommittee meeting insist we ‘MUST’ rezone it because of this one sentence. When asked to respond to the three other points of the ‘Rezoning Test’ in light of why we SHOULD want to rezone, he offered no input. So, it appears that this may have been the gamut from the beginning; however, we’re open to more information from the individual(s) who composed this line in the Master Plan for greater understanding of what was intended.

- **Will all of the uses allowed under the proposed rezoning be compatible with other zones and uses in the surrounding areas?**
 - Whereas, ‘compatible’ is from the Latin ‘*compatibilis*’ which is literally ‘sympathetic’ and, whereas, Merriam Webster defines ‘compatible’ as “capable of existing together in harmony” and provides the following synonyms: agreeable, amicable, congenial, frictionless, harmonious, kindred, united, unanimous
 - It is proper for the Planning Commission and Township Board to consider the local stakeholders – those who own property and, more importantly, reside within close proximity to a proposed rezoning.
 - Indeed, to ask the question of this part differently would be to ask, “Understanding the sympathies of those in the surrounding areas’ zoning and uses, is there a harmonious atmosphere, where kindred citizens are amicable, agreeable, united, and unanimous in their approval of the proposed rezoning and uses allowed therein?”

- Based on the *prima facie* understanding that, if a permitted or special use was considered compatible with a zoning, the professionals who drafted zonings and the people who approved such uses in each zoning would have included all compatible uses. Then, if a permitted or special use in one zoning (Ag) does not exist in another zoning (R-2) the two zonings have incompatible uses.
 - It should be noted that the zones may have uses which are different from one another, but still considered compatible, like ‘Agricultural Tourism’ or ‘Commercial Greenhouses’ of Ag could be considered more permissive extensions or relations to the permitted uses of agriculture under R-2.
 - In those cases, there may be some subjective margin for evaluating ‘compatibility’; however, when no such similar use exists between two zonings, those uses should be considered incompatible when applied to the more restrictive zoning.
- Members of the Subcommittee have developed ‘Compatibility Matrices’ to aid in the objective determination of ‘compatibility’. (See Appendix C)
 - By comparing any two zonings’ ‘Permitted Uses’ and ‘Special Uses’ within the spreadsheet, it highlights which if any uses exist in one zoning but not the other.
 - The Subcommittee recommends the Planning Commission adopt such an objective, side-by-side analysis approach to this an all future rezoning decisions.

□ **Will any public services and facilities be significantly adversely impacted by a development or use allowed under the requested zoning?**

- Grass Lake Township has existing evidence of no fewer than two uses of Agricultural zoning, which are incompatible with R-2, causing adverse impact to public services and facilities.
 - Roads
 - Mineral extraction, aka gravel mining, on Bohne Rd. has long been attributed as the cause for deteriorating road conditions there. Likewise, this was one of the principle concerns referenced by residents regarding the most recent application for a gravel mining operation – i.e. the lack of ordinance language which could force an operator to pay for damages to roadways.
 - See Appendix D. Likewise, industrial solar, as implemented on Francisco Rd., has shown significant adverse impact to roadways. To be sure, NextEra admitted at their public forum that, “they replace a lot of roads.” In fact, admitting that these developments adversely impact facilities, but that we should take their word they will fix damages. Currently, the Township has no definitive answer as to if or how the operator of that array can be held liable for repairs.
 - Community Facilities – Wildlife Corridors
 - The Subcommittee is also bringing to the Planning Commission and Township Board’s attention that, as indicated on Page 98 of the Master Plan, the Grass Lake State Game Area, Maple Grove Cemetery, and

Camp Teetonkah BSA Camp are 'Community Facilities' which could be negatively impacted in two ways.

- If any of several uses allowed under an Ag zoning were to be implemented on adjacent parcels, there could be significant impact to the wildlife and watersheds.
 - Likewise, several uses in the Ag zoning could radically alter land use in such a way as to alter the character of the area and negatively impact the number and frequency of visitors to these areas and the wildlife they can experience.
- Fire and Public Safety
 - NextEra emphasized at a public forum that batteries were not a part of the proposed installation in Grass Lake, but their promotional mailer clearly indicated the opposite. (See Appendix F)
 - The use of batteries – by far the most contentious issue regarding preparedness of emergency responders and potential adverse impact to air and groundwater – is not clearly spelled out in the ordinance nor honestly presented by utility solar developers.
 - Grass Lake Township's Large Solar Ordinance does not address requirements for positioning, protecting, or training local first responders when battery systems are being proposed. These are not systems comprised solely of solar panels, which the ordinance does not address.
 - A brief interview with Fire Chief Greg Jones revealed that, based on the current solar array development in place, Grass Lake still has room for improvement when it comes to understanding and managing the public safety concerns of these installations. Appropriate hazardous chemical monitoring equipment for first responders, appropriate trainings, and emergency preparedness planning are a few of the investments Grass Lake will have to make in its fire department if solar arrays are much larger and/or more abundant in the Township.
 - The Subcommittee is also bringing to the Planning Commission and Township Board's attention that, as indicated on Page 98 of the Master Plan, the Grass Lake State Game Area, Maple Grove Cemetery, and Camp Teetonkah BSA Camp are 'Community Facilities' which could be negatively impacted in two ways.
 - If any of several uses allowed under an Ag zoning were to be implemented on adjacent parcels, there could be significant impact to the wildlife and watersheds.
 - Likewise, several uses in the Ag zoning could radically alter land use in such a way as to alter the character of the area and negatively impact the number and frequency of visitors to these areas and the wildlife they can experience.

□ **Will the uses allowed under the proposed rezoning be equally or better suited to the area than the uses allowed under the current zoning of the land?**

- Referring back to Question 2 *prima facie*, if the citizens and their elected/appointed officials had deemed a use 'to be equally or better suited to the area than the uses allowed', they would have added those uses to the existing zoning's Permitted or Special uses.
- While this may appear to be, of the four parts, the most open to subjective interpretation, the Planning Commission and Township Board should not undertake this evaluation alone.
 - Although many outside voices may try to influence a local decision-making body, the process of evaluating Question 2 in light of Part 2(B) above will inform the answer to this questions.
 - Where uses are not compatible, the people have already determined them not to be 'equally or better suited'; hence, they left them out of the surrounding zonings. Likewise, if there is a strong disagreement, friction, unharmonious reception of those who share the current zoning of a parcel, then the Planning Commission and Township Board should rightly use that feedback when evaluating this criteria. To be sure, if this is the most subjective of the four parts, then let it be subjectively guided by the preponderance of community voices.

The Subcommittee on Rezoning and Large Solar has had the pleasure to serve the Planning Commission, Grass Lake Township Board, and other policy decision-makers who may take this report into consideration. As mentioned in this report, there are many issues which local townships throughout the state are dealing with in the face of aggressive agendas on the transition to green energy. One thing is for certain – that there are many community members willing and able to provide great ideas on updated ordinance language and other townships dealing with the same struggles who are consulting with each other.

Remember, too, that a denial of rezoning has nothing to do with denying development. What following the legal criteria, cited above, to denial of rezoning does accomplish is returning power to elected officials, their appointed Planning Commission, and the citizens of this community while ending the 'coded language' that would have people believe utility solar arrays, gravel mines, and other industrial uses are 'agricultural' enterprises. With proper planning and policy implementation which speaks directly to the concerns cited in this report, solar development, albeit in a modified form which is responsive to the will of ALL community stakeholders, could still be part of the community mix in "A Great Place to Call Home."

Appendix A - NextEra Criminal Conviction

PRESS RELEASE

ESI Energy LLC, Wholly Owned Subsidiary of NextEra Energy Resources LLC, is Sentenced After Pleading Guilty to Killing and Wounding Eagles in Its Wind Energy Operations, in Violation of the Migratory Bird Treaty Act

Tuesday, April 5, 2022

For Immediate Release
Office of Public Affairs

ESI Energy Inc. (ESI) was sentenced today in Cheyenne, Wyoming, for violations of the Migratory Bird Treaty Act (MBTA), announced Assistant Attorney General Todd Kim for the Justice Department's Environment and Natural Resources Division and U.S. Attorney L. Robert Murray for the District of Wyoming.

ESI is a wholly owned subsidiary of NextEra Energy Resources LLC, which in turn is a wholly owned subsidiary of NextEra Energy Inc. ESI owns other companies, many of which operate wind energy generation facilities throughout the United States, including in Wyoming, New Mexico, Arizona, California, Colorado, Illinois, North Dakota and Michigan, as well as other states.

ESI pled guilty to three counts of violating the MBTA, each based on the documented deaths of golden eagles due to blunt force trauma from being struck by a wind turbine blade at a particular facility in Wyoming or New Mexico, where ESI had not applied for the necessary permits. ESI further acknowledged that at least 150 bald and golden eagles have died in total since 2012, across 50 of its 154 wind energy facilities, 136 of those deaths have been affirmatively determined to be attributable to the eagle being struck by a wind turbine blade.

The court sentenced ESI, pursuant to a plea agreement, to a fine of \$1,861,600, restitution in the amount of \$6,210,991, and a five-year period of probation during which it must follow an Eagle Management Plan (EMP). The EMP requires implementation of up to \$27 million (during the period of probation; more thereafter if a written extension is signed) of measures intended to minimize additional eagle deaths and injuries, and payment of compensatory mitigation for future eagle deaths and injuries of \$29,623 per bald or golden eagle. ESI also must over the next 36 months apply for permits for any unavoidable take of eagles at each of 50 of its facilities where take is documented or, in the case of four facilities not yet operational, predicted.

"The Justice Department will enforce the nation's wildlife laws to promote Congress's purposes, including ensuring sustainable populations of bald and golden eagles, and to promote fair competition for companies that comply," said Assistant Attorney General Todd Kim of the Justice Department's Environment and Natural Resources Division. "For more than a decade, ESI has violated those laws, taking eagles without obtaining or even seeking the necessary permit. We are pleased to see ESI now commit to seeking such permits and ultimately ceasing such violations."

"Wyoming is graced with abundant natural resources—including both eagles and strong winds," said U.S. Attorney L. Robert Murray for the District of Wyoming. "The sentencing today shows our commitment to both maintaining and making sustainable use of our resources. It also ensures a level playing field for business in Wyoming and ensures those receiving federal tax credits are complying with federal law."

"The U.S. Fish and Wildlife Service (USFWS) has a long history of working closely with the wind power industry to identify best practices in avoiding and minimizing the impacts of land-based wind energy facilities on wildlife, including eagles," said Edward Grace, Assistant Director of the USFWS' Office of Law Enforcement. "This agreement holds ESI and its affiliates accountable for years of unwillingness to work cooperatively with the Service and their blatant disregard of wildlife laws, and finally marks a path forward for the benefit of eagles and other wildlife resources entrusted to the Service's stewardship."

"This prosecution and the restitution it secures will protect the ecologically vital and majestic natural resources of our bald eagle and golden eagle populations," said U.S. Attorney Phillip A. Taibert for the Eastern District of California. "California has been awarded more

Appendix A - NextEra Criminal Conviction

than \$46 million in restitution under this plea agreement for the deaths of at least 92 eagles within the state caused by the defendant and affiliated companies."

The MBTA prohibits the "taking" of migratory birds, including bald and golden eagles, without a permit from the U.S. Fish and Wildlife Service of the Department of the Interior. "Take" is defined by regulation to mean "to pursue, hunt, shoot, wound, kill, trap, capture or collect" or to attempt to do so.

Bald and golden eagles are also protected under the Bald and Golden Eagle Protection Act (the Eagle Act) which, like the MBTA, prohibits killing and wounding eagles without a permit from USFWS. USFWS is authorized to issue such eagle take permits (ETPs) only where: (1) the predicted take is compatible with the preservation of bald and golden eagles; (2) it is necessary to protect an interest in a particular locality; (3) the take is associated with, but not the purpose of, the activity; and (4) the take could not practicably be avoided. Permit applicants are required to avoid and minimize take to the maximum extent practicable, and to pay compensatory mitigation for unavoidable takes.

According to documents filed in court, it is the government's position that ESI's conduct violated both the Eagle Act and the MBTA, but the government accepted the company's guilty plea to only MBTA counts due in large part to ESI's agreement to apply for permits at 50 facilities and its prior efforts to minimize and mitigate for eagle fatalities.

ESI's and its affiliated companies' actions in Wyoming and New Mexico were taken under an admitted nationwide posture and alleged corporate policy of not applying for ETPs.

According to the information filed in this case:

- ESI and its affiliates deliberately elected not to apply for or obtain any ETP intended to ensure the preservation of bald and golden eagles, and instead chose to construct and operate facilities it knew would take eagles, and in fact took eagles, without any permits authorizing that take.
- Because ESI did not seek any ETPs, it avoided any immediate federal obligation to avoid and minimize eagle take to the maximum degree practicable and to pay for compensatory mitigation for the eagle deaths.
- Because some other wind energy companies (1) altered proposed operations as required to avoid and minimize take levels to the maximum degree practicable, (2) applied for ETPs, (3) obtained ETPs that in some cases were impacted by take levels caused by ESI's unpermitted facilities, and/or (4) paid mitigation for eagle takings, ESI, by not doing these things, gained a competitive advantage relative to those wind energy companies.
- ESI and its affiliates began commercial operations at new facilities on a schedule intended to meet, among other things, power purchase agreement commitments and qualifying deadlines for particular tax credit rates for renewable energy, and with production amounts not impacted by avoidance and minimization measures that might have been required under an eagle take permit. ESI and its affiliates received hundreds of millions of dollars in federal tax credits for generating electricity from wind power at facilities that it operated, knowing that multiple eagles would be killed and wounded without legal authorization, and without, in most instances, paying restitution or compensatory mitigation.

According to documents filed in court, between 2018 and 2019, ESI authorized subsidiary Cedar Springs Transmission LLC (CST) to develop a multi-facility commercial wind power project in Converse County, Wyoming, consisting of the Cedar Springs I, II and III wind power facilities (collectively, the project).

On March 28, 2019, USFWS informed the defendant, through a letter to its agents, that Cedar Springs I and II, based on CST's consultant's calculations, could result in the collision mortality of 44 golden eagles and 23 bald eagles over the first five years of operations, and recommended that, because of the unusually high number of occupied golden eagle nests, the proposed wind facilities not be built. USFWS further stated that, if the facilities were built, the company should apply for an ETP under the Eagle Act as soon as possible. The defendant continued the development of the Cedar Springs facilities.

On July 17, 2019, representatives of CST met with USFWS representatives. During that meeting, USFWS recommended that, consistent with the recommendation made by USFWS in February, the wind project not be constructed due to the risk of avian fatalities. USFWS also recommended that, if the wind project was built, the project should implement seasonal curtailment during daylight hours. The defendant did not implement the recommended curtailment.

Between Sept. 10 and Sept. 23, 2019, USFWS sent additional letters to the defendant's agents, each noting that the defendant's parent company had documented that the project was anticipated to kill eagles and recommending that the facilities apply for an ETP. USFWS reiterated for the third time its recommendation that a wind project should not be constructed in the proposed area for the Cedar Springs project.

On or about Sept 28, 2020, the defendant's affiliates began some turbine operations at Cedar Springs II. Between approximately Nov 29, 2020, and Dec 1, 2020, two golden eagle carcasses were found near wind turbines at Cedar Springs II (after which it was sold).

On or about Dec. 6, 2020, the defendant authorized the commercial operation of Cedar Springs I to commence. Between April 2021 and January 2022, seven golden eagle carcasses were found near wind turbines at Cedar Springs I.

Appendix A - NextEra Criminal Conviction

On or about Dec. 16, 2020, the defendant authorized the commercial operation of Cedar Springs III to commence. On approximately Jan. 30, 2022, a golden eagle carcass was found near a wind turbine at Cedar Springs III.

Between 2018 and 2019, ESI authorized a subsidiary, Roundhouse Renewable Energy LLC (RRE), to develop a commercial wind power facility in Laramie County, Wyoming.

In a letter dated March 28, 2019, USFWS stated that, based on RRE's consultant's calculations, Roundhouse could result in the collision mortality of 19 golden eagles and 4 bald eagles over the first five years of operation, and recommended that RRE apply for an ETP under the Eagle Act. The defendant continued the development of Roundhouse.

In a letter dated Aug. 27, 2019, USFWS provided recommendations on opportunities to avoid and minimize impacts to eagles using the available data. USFWS again stated that the facility was predicted to take eagles even if all USFWS recommendations were implemented, however, and recommended that an ETP be sought.

On June 12, 2020, the defendant authorized the commercial operation of Roundhouse to commence. Between approximately Sept. 17, 2020, and April 17, 2021, four golden eagle carcasses were found near wind turbines at Roundhouse.

In 2003, ESI authorized a subsidiary, FPL Energy New Mexico Wind LLC (NMW), to begin operations at a commercial wind power facility in De Baca and Quay Counties, New Mexico. On or about Dec. 29, 2020, two golden eagle carcasses were found near a wind turbine at NMW.

No ETP was sought by or issued to ESI in connection with the operations or repowering of any of the above wind power facilities.

This case was investigated by the U.S. Fish and Wildlife Service Office of Law Enforcement. The prosecutions were handled by the Environmental Crimes Section of the Justice Department's Environment and Natural Resources Division with assistance from the U.S. Attorneys' Offices for the Eastern District of California, the District of Wyoming and the Northern District of California.

Updated April 5, 2022

Topic

ENVIRONMENT

Component

[Environment and Natural Resources Division](#)

Press Release Number: 22-331

Related Content

PRESS RELEASE

Wisconsin Jury Convicts Corn Milling Company Officials for Workplace Safety Violations Following Deadly Mill Explosion

A federal jury in Madison, Wisconsin, convicted current and former Didion Milling Inc. officials of workplace safety, environmental, fraud and obstruction of justice charges following a deadly explosion in 2017...

October 17, 2023

Appendix B - Master Plan Citations

Page 9 • **The plan must balance property rights.** The law requires that all property owners be granted a reasonable use of their property. This includes the rights of adjoining property owners to enjoy their property.

Page 10 • **Zoning Decisions.** Since the master plan determines the future use of land, rezoning decisions should be consistent with its provisions. This is not to say that all rezonings that are consistent with the future land use map should automatically be approved. However, if all of the preconditions of the master plan are met, approval of the request may logically be forthcoming.

Page 25

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	No Opinion
The Township should maintain its existing rural agricultural/residential character,	43%	33%	14%	7%	2%	<1%
Grass Lake Township should protect its natural resources (e.g., river, lakes, wetlands, etc.).	72%	24%	3%	<1%	0%	0%

Page 28 **Community Vision and Goals and Policies**

The Grass Lake Area contains a mixture of developed and rural characteristics. The “built” areas face the challenge of ensuring that existing and future neighborhoods and businesses remain attractive to residents and investors. The direction for the undeveloped areas will be the preservation of rural qualities that have made Grass Lake Charter Township a desirable place to live. Therefore, the Community Vision may be expressed as:

Community Vision

The character of Grass Lake Charter Township will be defined by its rural, agricultural/residential surroundings, with planned areas of commercial and industrial development designed in keeping with that character.

Goals and Policies

Community Character Policies

- The principal land uses in the Township will be agricultural and residential, with varying densities situated in appropriate locations. Infrastructure will play a key role in determining suitable types and densities of development. Generally, more intensive development will be directed to planned areas, generally in or near the Village or near I-94, while other areas will remain as agricultural and low density residential development accompanied by related uses.

Page 29 • **Farmland Protection Goal.** The Township will encourage the protection of active farmland as a valuable resource for the community and take measures to ensure that farming operations are adequately buffered from residential development.

Farmland Protection Policies

- Land use decisions will support the desire of individual property owners who wish to keep their land in active agricultural production.

Page 30 **Community Facilities and Services Policies**

- Future land use patterns should reflect densities appropriate for areas served by public services. Utility services should not be provided where the Township intends to encourage the preservation of rural character.

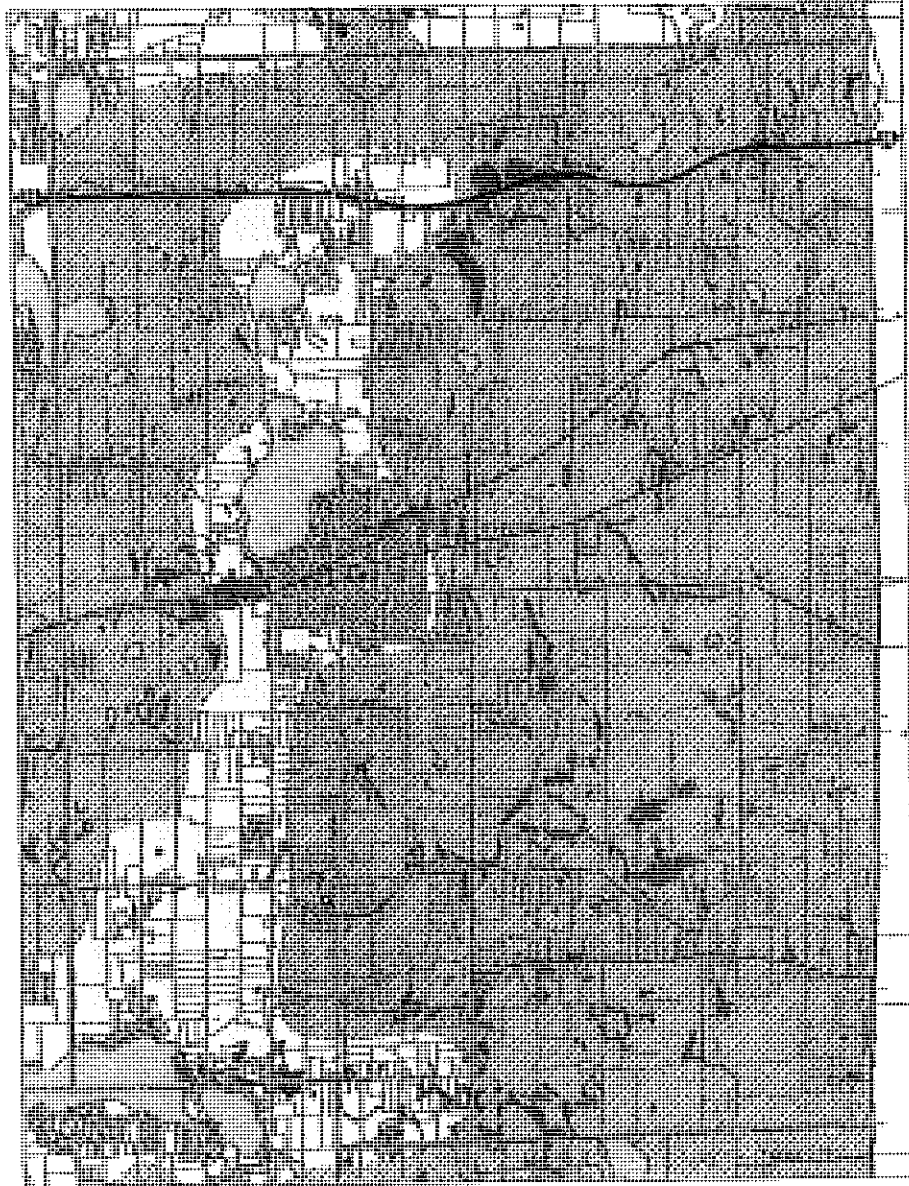
Appendix B - Master Plan Citations

- Page 71 Lived here for 57 years, worked in Townships in Jackson for 40 years including Grass Lake. Own property in the township. I would like to see Grass Lake remain a small rural/agricultural area.
- Page 75 I recommend keeping the business/industry in one area and then residential/farming in the other. This way you keep the "Small Town Community" feel.
- Page 78 John Lesinski is doing a good job of ridding GL of corruption and the good old boys network. Industrial businesses should operate in industrial zones not residential/AG zones. The PC should be more pro residents instead of taking care of their business friends. Jere Hinkle should be replaced by a more pro resident/pro envl-
- Page 79 Every effort should be made to keep Grass Lake a Rural Community.
- Page 81 Keep Grass Lake Rural, No New mining sites.
- Page 82 We love Grass Lake! Please don't change too much.
- Page 83 Grass Lake is an amazing place to live. Please maintain the rural small town feel. Industrial businesses should only operate in industrial zones. Something needs to be done about all the gravel trucks rolling through town.
- Page 83-84 I moved to Grass Lake Township for the rural, small town feel and the peaceful environment. From previously living in an over-developed suburban area, it is my strong hope above all that Grass Lake continues to keep its small-town charm, with agriculture and green spaces as they are, with a cap on development of housing as well as business/industry.
- Page 85 Need to stick to the existing township zoning plan
Strongly encourage our Township to start a preservation program for agricultural land and green spaces.
I like the small town rural feel of Grass Lake.

Appendix B - Master Plan Citations



Appendix C

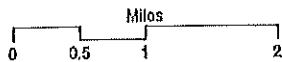
Mapping



**Grass Lake Charter
Township Master Plan**

Agricultural Soils and Preservation Areas

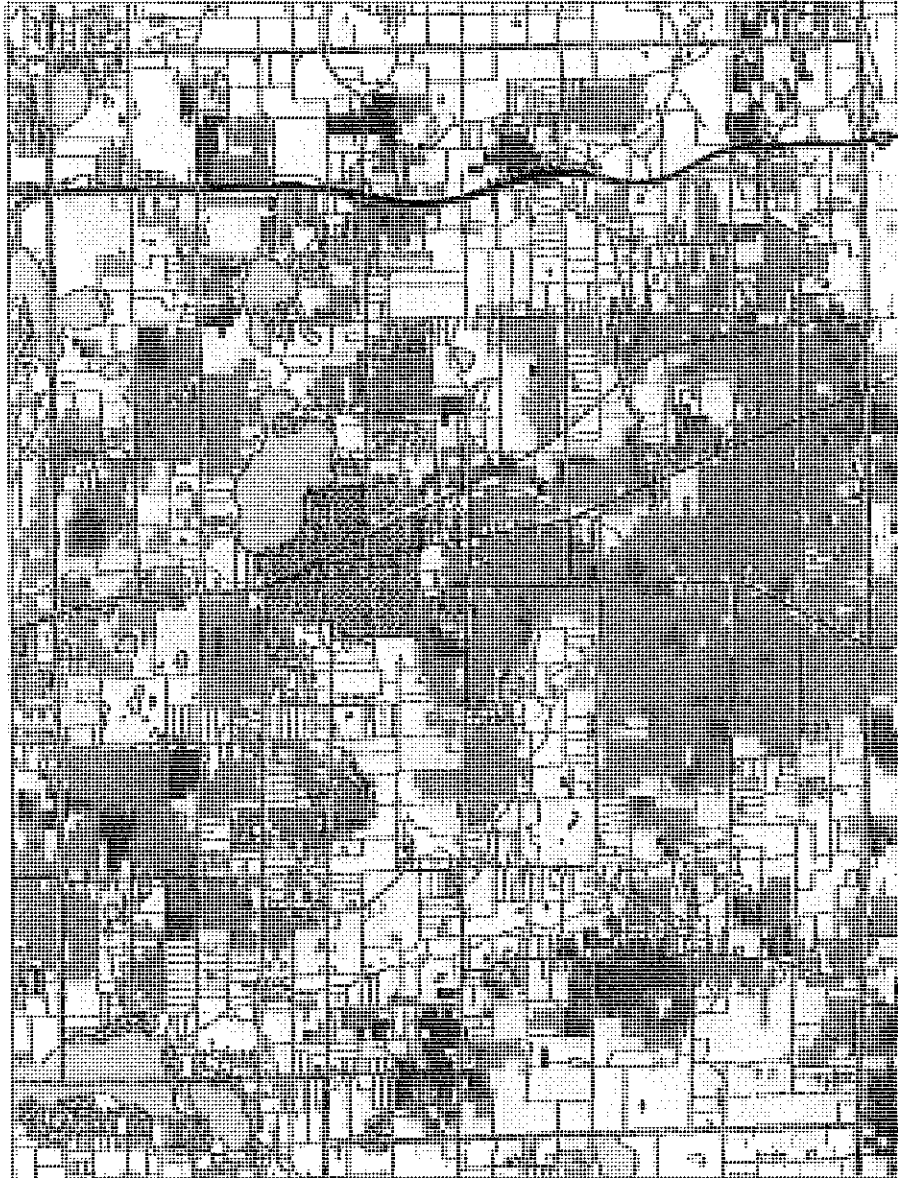
-  Most Productive Agricultural Soils
-  Recommended Preservation Areas



Appendix B - Master Plan Citations

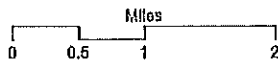
Appendix C




Mapping



Grass Lake Charter Township Master Plan

Quality of Farmland



-  Michigan's Best Agricultural Land
-  Nationally Significant Agricultural Land
-  Other Agricultural Land

Notes and Data Source

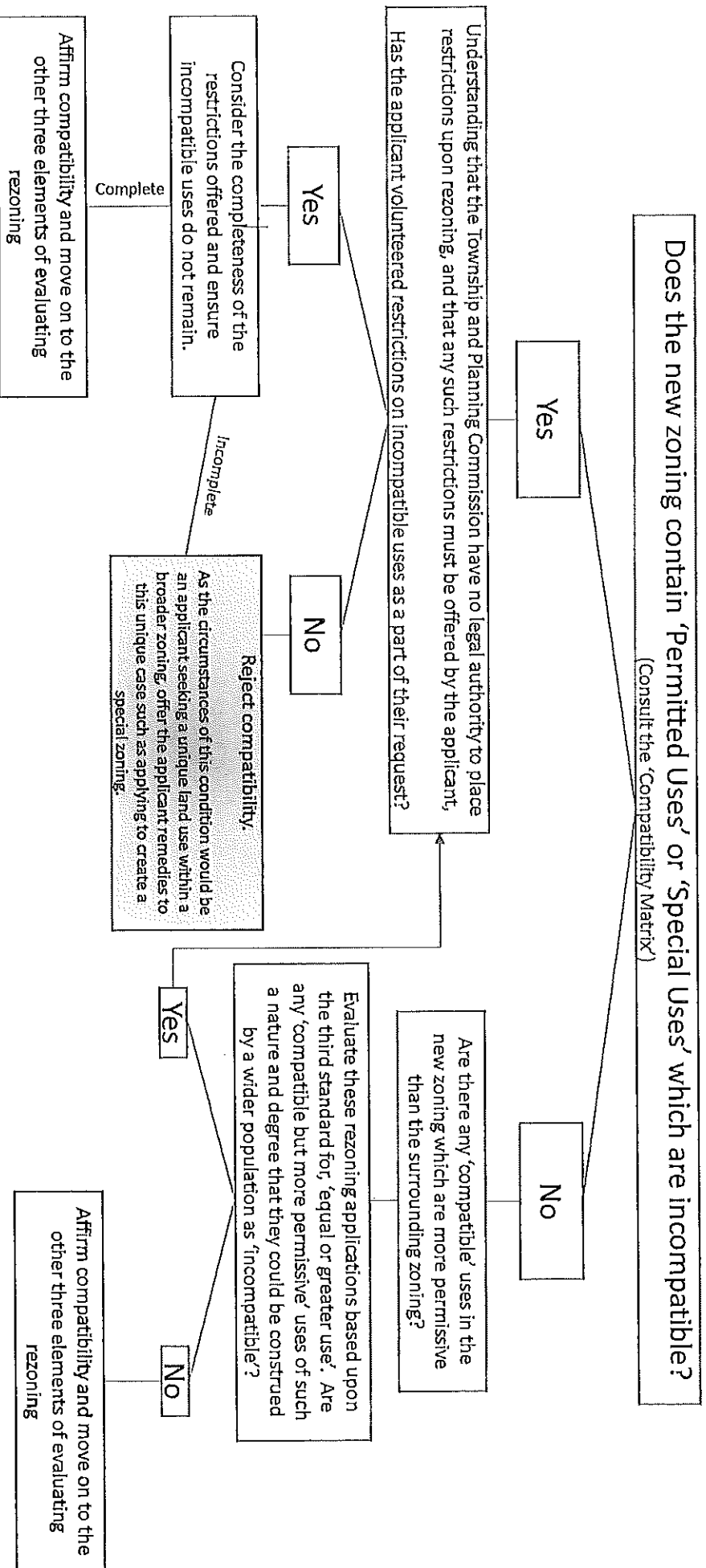
This map represents the quality of agricultural land in 2018. Nationally significant land meets the minimum productivity, versatility, and resilience (PVR) thresholds set by the American Farmland Trust (AFT). Michigan's best land has a PVR value above the state's median.

The land use data is owned (and was developed) by the American Farmland Trust (AFT) and Conservation Science Partners for the Farms Under Threat program (as directed by the AFT).

Appendix C - Compatibility Matrix Methodology

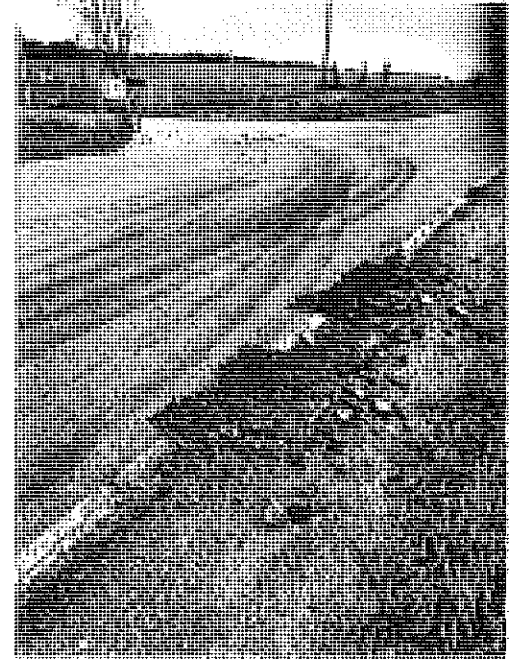
Decision Tree for Assessing 'Compatibility' of Rezoning Requests

For the purposes of evaluating a rezoning request in accordance with the law and to answer the question, "Is the new zoning compatible with the existing, surrounding zoning(s)?", Planning Commissioners must first ask -

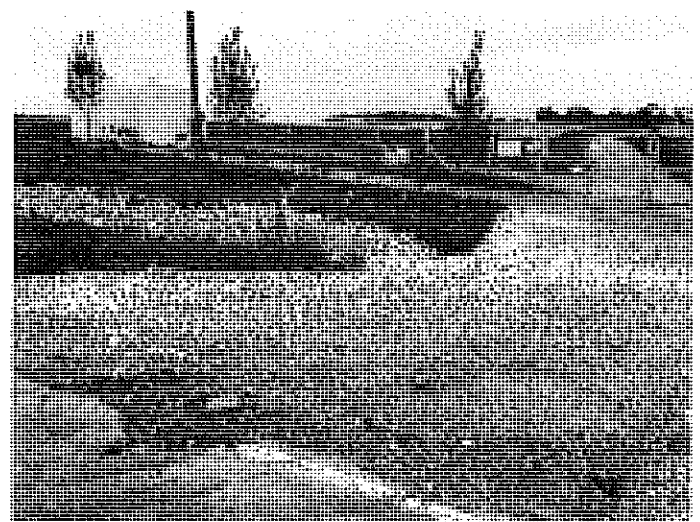


Appendix D - Solar Development Road Impact

Looking South on Francisco Rd.



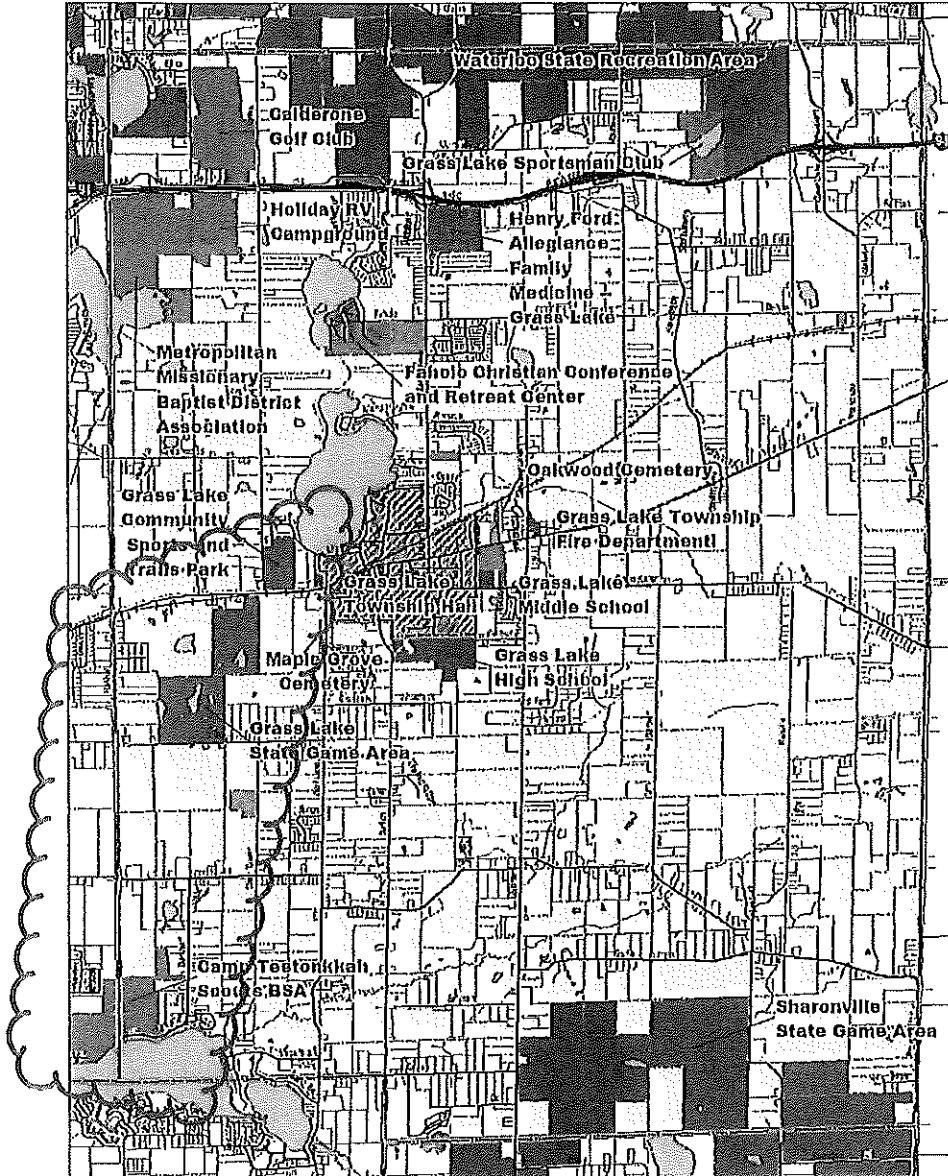
At the entrance to the Francisco Rd. solar development



Appendix E - Community Facilities Impacted

Appendix C

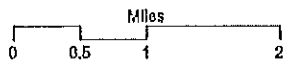
Mapping



Grass Lake Charter Township Master Plan

Community Facilities

-  Township Hall and Fire Station
-  Parks
-  Recreation Facilities
-  Cemeteries
-  Schools
-  Major Medical Facilities
-  Churches



Appendix F - Public Safety Concern



www.GrasLakeSolar.com

Grass Lake Solar Project

Project Overview

- » Located in Leoni and Grass Lake Townships in Jackson County, Michigan.
- » Owned and operated by a subsidiary of NextEra Energy Resources, LLC.
- » A 100-megawatt photovoltaic solar energy generating facility.
- » Expected to begin commercial operation in 2026.

Project Benefits

- » Represents a capital investment of approximately \$145 million.*
- » Provides up to 200 jobs during construction.
- » Expected to generate approximately \$15 million in additional tax revenue.*
- » Supports the local economy through purchases of regional goods and services.
- » Creates no air or water pollutants, uses no water resources to generate electricity.
- » Preserves prime farmland; and helps secure America's energy independence from foreign oil.

*Estimated over 35-year life of project

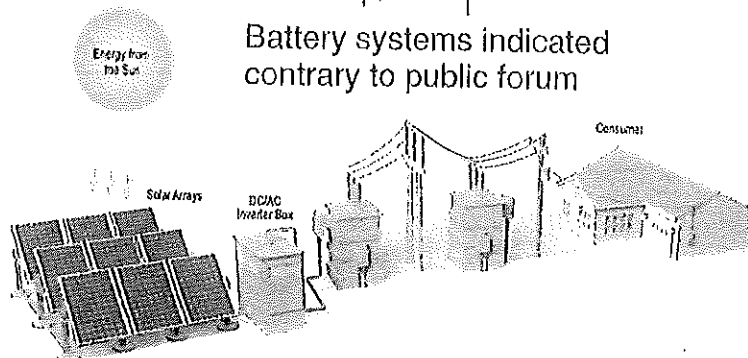
About NextEra Energy Resources

- » A leading clean energy provider operating wind, natural gas, solar and nuclear power plants.
- » Generating clean, renewable energy while protecting the environment and giving back to the community.
- » Generating facilities across the United States and in Canada.
- » Nearly all of the electricity generated comes from clean or renewable sources.
- » A subsidiary of NextEra Energy, Inc., one of America's largest capital investors in infrastructure.

NextEraEnergyResources.com

How the Grass Lake Solar Project Will Work

As sunlight hits the solar panels, the photovoltaic energy is converted into direct current electricity (DC). The direct current flows from the panels through inverters and is converted into alternating current (AC). From the inverter, some of the emissions free energy goes into a battery system to be stored for use at a later time while the rest of the energy travels through the power grid for delivery to homes and businesses.





Wade Trim Associates, Inc.
 500 Griswold Street, Suite 2500 • Detroit, MI 48226
 313.961.3650 • www.wadetrim.com

July 10, 2023

Grass Lake Township
 373 Lakeside Drive
 Grass Lake, MI 49240

Attention: Planning Commission

Re: Rezoning Request – Six Properties
 Kunhal Parikh, Grass Lake Solar, LLC
 R-2, Single-Family Residential District to AG Agricultural District
 Wade Trim Job No.: GTP 6001-23D, Task 100

Dear Commissioners:

The applicant, Kunhal Parikh of Grass Lake Solar, LLC, is requesting the rezoning of six separate properties located along Page Avenue, Grey Tower Road, and Lee Road in the southwest corner of the Township, from the R-2, Single-Family Residential District to the AG, Agricultural District. According to the application materials, Grass Lake Solar, LLC proposes to rezone the properties so that it can later submit site plan and special land use permit requests to construct large solar energy systems (LSES) within the rezoned properties.

For the purposes of our analysis, we have given letter designations (A through F) for each of the six properties which are the subject of this rezoning request. For your reference, below are separate tables summarizing the key facts for each parcel. We have also prepared a series of Aerial Photo Exhibits which highlight the properties and their relationship to other properties in the vicinity.

<i>Summary of Facts – Parcel A</i>	
Property Address:	9181 Page Ave
Property Owner:	Zenz Farms Real Estate II, LLC
Property ID:	15-07-100-001-00
Project Location:	South side of Page Avenue, adjacent to and east of the Grass Lake Township border with Leoni Township
Property Size:	89.5 acres
Property Frontage:	1,482 feet on Page Avenue
Existing Zoning of Property:	R-2, Single-Family Residential District
Proposed Zoning of Property:	AG, Agricultural District
Future Land Use Designation of Property:	AG, Agricultural District
Current Use of Property:	Agricultural land
Proposed Use:	Large Solar Energy System (LSES)
Allowance for Use:	“Large Solar Energy Systems” are allowed within the AG District as a special land use

Summary of Facts - Parcel B	
Property Address:	No address
Property Owner:	Phillips Farm Management, Inc
Property ID:	15-07-100-002-01
Project Location:	South side of Page Avenue, one-half mile west of Grey Tower Road
Property Size:	167.5 acres
Property Frontage:	2,424 feet on Page Avenue
Existing Zoning of Property:	R-2, Single-Family Residential District
Proposed Zoning of Property:	AG, Agricultural District
Future Land Use Designation of Property:	AG, Agricultural District
Current Use of Property:	Agricultural land
Proposed Use:	Large Solar Energy System (LSES)
Allowance for Use:	"Large Solar Energy Systems" are allowed within the AG District as a special land use

Summary of Facts - Parcel C	
Property Address:	9940 Lee Road
Property Owner:	The Romanian Orthodox Episcopate of America
Property ID:	15-07-200-004-01
Project Location:	Borders Page Avenue to the north, Grey Tower Road to the east and Lee Road to the south
Property Size:	125.3 acres
Property Frontage:	Has frontage on Page Avenue (1,244 feet), Grey Tower Road (4,147 feet) and Lee Road (1,267 feet)
Existing Zoning of Property:	R-2, Single-Family Residential District
Proposed Zoning of Property:	AG, Agricultural District
Future Land Use Designation of Property:	AG, Agricultural District
Current Use of Property:	Agricultural land
Proposed Use:	Large Solar Energy System (LSES)
Allowance for Use:	"Large Solar Energy Systems" are allowed within the AG District as a special land use

Summary of Facts – Parcel D	
Property Address:	No address
Property Owner:	The Romanian Orthodox Episcopate of America
Property ID:	15-07-400-001-01
Project Location:	Between Page Ave and Lee Rd to the north and south, between Grey Tower Rd and the Leoni Township border to the east and west
Property Size:	71.75 acres
Property Frontage:	45 feet on Page Avenue; 55 feet on Lee Road (“flag” parcel)
Existing Zoning of Property:	R-2, Single-Family Residential District
Proposed Zoning of Property:	AG, Agricultural District
Future Land Use Designation of Property:	AG, Agricultural District
Current Use of Property:	Agricultural land
Proposed Use:	Large Solar Energy System (LSES)
Allowance for Use:	“Large Solar Energy Systems” are allowed within the AG District as a special land use

Summary of Facts – Parcel E	
Property Address:	No address
Property Owner:	The Romanian Orthodox Episcopate of America
Property ID:	15-18-226-001-00
Project Location:	Southwest corner of Lee Road and Grey Tower Road
Property Size:	38.75 acres
Property Frontage:	1,270 feet on Lee Road and 1,289 feet on Grey Tower Road
Existing Zoning of Property:	R-2, Single-Family Residential District
Proposed Zoning of Property:	AG, Agricultural District
Future Land Use Designation of Property:	AG, Agricultural District
Current Use of Property:	Agricultural land
Proposed Use:	Large Solar Energy System (LSES)
Allowance for Use:	“Large Solar Energy Systems” are allowed within the AG District as a special land use

Summary of Facts – Parcel F	
Property Address:	No address
Property Owner:	Keith's Properties, LLC
Property ID:	15-18-101-004-01
Project Location:	South side of Lee Road, adjacent to and east of the Grass Lake Township border with Leoni Township
Property Size:	91.87 acres
Property Frontage:	220 feet on Lee Road
Existing Zoning of Property:	R-2, Single-Family Residential District
Proposed Zoning of Property:	AG, Agricultural District
Future Land Use Designation of Property:	AG, Agricultural District
Current Use of Property:	Agricultural land
Proposed Use:	Large Solar Energy System (LSES)
Allowance for Use:	"Large Solar Energy Systems" are allowed within the AG District as a special land use

Four of the six properties are contiguous (A through D); two (E and F) are separated and do not touch any of the other subject properties. In total, the six properties comprise 583.5 acres of land. All of the properties are presently zoned R-2, Single-Family Residential District. According to the Grass Lake Township Zoning Ordinance, the R-2 District does not allow Large Solar Energy Systems (LSES). LSES are allowed as a special land use in the AG, Agricultural District (see Section 5.03, (H)). Thus, the applicant is seeking rezoning of the subject properties to the AG District. LSES are further subject to the specific standards of Section 14.07, (TT). If the properties are rezoned, the applicant would need to come back to the Planning Commission and request special land use approval to construct a large solar energy system on each of the six properties. Detailed site plans would need to be submitted for each property at that time.

We have reviewed the rezoning requests in consideration of the existing land use pattern, established zoning pattern, proposed zoning, future land use recommendations, and sound planning principles. We are pleased to offer the following findings for your consideration.

Existing Conditions

All six properties are occupied by farmland. According to the 2022 Township Master Plan, all six subject parcels are considered to contain "nationally significant agricultural land." Parcel A, D, E and F have no buildings or structures. Parcel B has several farm buildings located near the Page Avenue frontage. Parcel C has a single-family dwelling with accessory structures located at the northwest corner of Grey Tower Road and Lee Road.

The existing land uses in the immediate vicinity predominantly include agricultural land, farmsteads, single-family dwellings, and undeveloped land. Generally, the single-family residential homes in the area are located along the road frontages (Page, Grey Tower, and Lee) while agricultural lands surround and are behind the homes. Some unique land uses in the area include: a horse ranch, located across from Parcel A on the north side of Page Avenue; the Schlee Waterfowl Protection Area on the north side of Page Avenue across from Parcel B; the Romanian Orthodox Episcopate Church, which is surrounded by Parcel C and has buildings on both sides of Grey Tower Road; and a commercial business (R-n-D Dirtworks/Jackson Indoor Storage) located on the south side of Lee Road which is adjacent to Parcel F.

According to the 2022 Grass Lake Charter Township Master Plan, Lee Road and Burkhart Road are designated as county primary roads, Page Avenue and Grey Tower Road are designated as county local roads, and all remaining roads are designated as private.

According to the Township Master Plan, the properties fronting Page Avenue in this area are within a public sewer service area. The properties along Grey Tower Road and Lee Road are not within a public sewer service area. No properties in this vicinity are part of a public water service area.

The topography of the subject area is generally flat with some gently rolling hills. According to the 2022 Township Master Plan, parcels A, D and F contain small wetland areas. None of the properties are within a 100-year or 500-year flood zone.

Existing Zoning

The subject sites are all zoned R-2, Single-Family Residential District. The stated intent of the R-2, Single-Family Residential District, as established in Section 7.01 of the Zoning Ordinance, is as follows:

This District is composed of those areas of the township whose principal use is and should be single-family dwellings on moderately sized lots. The regulations of this district are designed to preserve and enhance those areas that are suitable for higher densities of residential development. In addition to the dwellings permitted in the zoning district, certain non-residential uses are permitted which have been regulated to make them compatible with the principal uses of this District.

All properties adjacent to and surrounding the six subject parcels within Grass Lake Township are zoned R-2 District, except for one parcel adjacent to Parcel F, which is zoned LI, Light Industrial District. Within Leoni Township, adjacent to Parcel A and Parcel F to the west, properties are presently zoned AG, Agricultural District (according to the Leoni Township Zoning Map).

Proposed Zoning

The applicant is proposing to rezone all six subject properties from the R-2 District to the AG District. According to Section 5.01 of the Zoning Ordinance, the AG District is:

... intended for large tracts used for farming, or farm lands which are idle, and single-family dwellings. Agricultural uses and other uses generally associated with agriculture, single-family residential development on larger lots, and related non-residential uses are provided within the district. The overall purpose of this District is to preserve larger tracts of land for agricultural use while allowing for residential development at appropriate densities.

Master Plan Recommendations

The recently adopted 2022 Grass Lake Charter Township Master Plan indicates that all six parcels are future planned for Agricultural use (refer to the Future Land Use Map). This Agricultural use area encompasses the properties on both sides of Page Avenue, west side of Grey Tower Road and both sides of Lee Road. In describing the Agricultural future land use classification, page 3-6 of the Master Plan indicates the following:

The purpose of the Agricultural classification is to recognize that agriculture continues to be a major land use within the Township, contributing to its rural character. The future land use category accounts for approximately 51% of the municipality. Most of the Agricultural properties are located on the east side of the Township as well as along its northern border. Another agricultural area is located in the southwestern portion of the Township, where solar energy facilities are anticipated.

We have also reviewed the Community Goals and Policies chapter of the Grass Lake Charter Township Master Plan to identify any planning goals and policies which may be pertinent to this rezoning request. We note the following pertinent goals/policies:

- The Township will encourage the protection of active farmland as a valuable resource for the community and take measures to ensure that farming operations are adequately buffered from residential development. (Farmland Protection Goal)
- Land use decisions will support the desire of individual property owners who wish to keep their land in active agricultural production. (Farmland Protection Policies)
- The natural beauty and features that make this area a desirable rural community will be preserved and enhanced by encouraging responsible development that respects the small town and rural character of the area. (Natural Features Goal)

The Community Goals and Policies chapter of the Master Plan does not specifically address solar energy systems or renewable energy in general.

Wade Trim Findings

Page 3-11 of the 2022 Grass Lake Charter Township Master Plan indicates that rezoning requests should be evaluated to determine whether they are consistent with the Master Plan. The Master Plan outlines four criteria for the Township to consider as part of rezoning requests:

1. Is the proposed rezoning consistent with the policies and uses proposed for that area in the Township's Master Plan?
2. Will all of the uses allowed under the proposed rezoning be compatible with other zones and uses in the surrounding area?
3. Will any public services and facilities be significantly adversely impacted by a development or use allowed under the requested rezoning?
4. Will the uses allowed under the proposed rezoning be equally or better suited for the area than uses allowed under the current zoning of the land?

We have evaluated the proposed rezoning requests based on each of these criteria and offer the following findings:

1. All six of the subject properties are classified for Agricultural use on the Future Land Use Map of the 2022 Township Master Plan. The proposed rezonings to the AG District would thus be consistent with the Master Plan. Page 3-6 of the Master Plan specifically indicates that the agricultural area in the southwestern portion of the Township is a location "where solar energy facilities are anticipated." Consistent with the Master Plan, the proposed rezoning of the six subject properties to the AG District is a first step that would allow the applicant to submit detailed site plans and special land use requests for the development of solar energy facilities.
2. A variety of uses are allowed within the AG District (see Sections 5.02 and 5.03 of the Grass Lake Township Zoning Ordinance). These uses include agricultural activities, single-family residential dwellings, residential care facilities (family day care, state licensed residential facilities, etc.), recreation and conservation facilities, agricultural businesses, churches, golf courses, schools, and solar energy systems. The overall purpose of the AG District is to preserve larger tracts of land for agricultural use while allowing for residential development at appropriate densities (see Section 5.01). It is our opinion that the uses allowed in the AG District are generally compatible with the uses presently found within the surrounding area.

3. The six subject parcels and the properties within the immediate vicinity have limited or no access to public utilities. As the most restrictive (least intensive) zoning district in the Township, a rezoning to the AG District is more appropriate than the current R-2 District designation, which would allow for higher density residential uses that would demand a greater level of public services. As noted by the applicant, Grass Lake Solar's proposed large solar energy system would not require significant use of public services and utilities – specifically, it would not require water or sewer service, and should not require changes to existing roads.
4. The uses allowed under the AG District are well suited to the area – a rural area predominated by agricultural lands and low-density residential uses. As a special land use, the AG District allows for large solar energy systems. Any proposed large solar energy system will require detailed review by the Township. At that time, the Township would need to find that such large solar energy system meets the general standards for special land uses (as outlined in Section 14.06) and the specific standards for large solar energy systems (as outlined in Section 14.07, (TT)).

Given the above findings, we support the proposed rezonings of the six subject parcels from the R-2, Single-Family Residential District to the AG, Agricultural District.

If you have any questions, please do not hesitate to contact me directly at 313.961.3650 or by e-mail at ayoung@wadetrim.com.

Very truly yours,

Wade Trim Associates, Inc.



Adam C. Young, AICP
Professional Planner

ACY:lkf
GTP 6001-23D
20230710_Grass Lake Twp Solar LLC Rezoning-Ltr.docx

Enclosure: Aerial Photo Exhibits

**Rezoning Requests
R-2 District
to AG District**

**Grass Lake
Solar, LLC**

**6 Properties on
Page Ave.,
Grey Tower Rd.
and Lee Rd.**

Aerial Photo Exhibit

- Zoning Districts:**
- R-2, Single-Family Residential
 - LI, Light Industrial

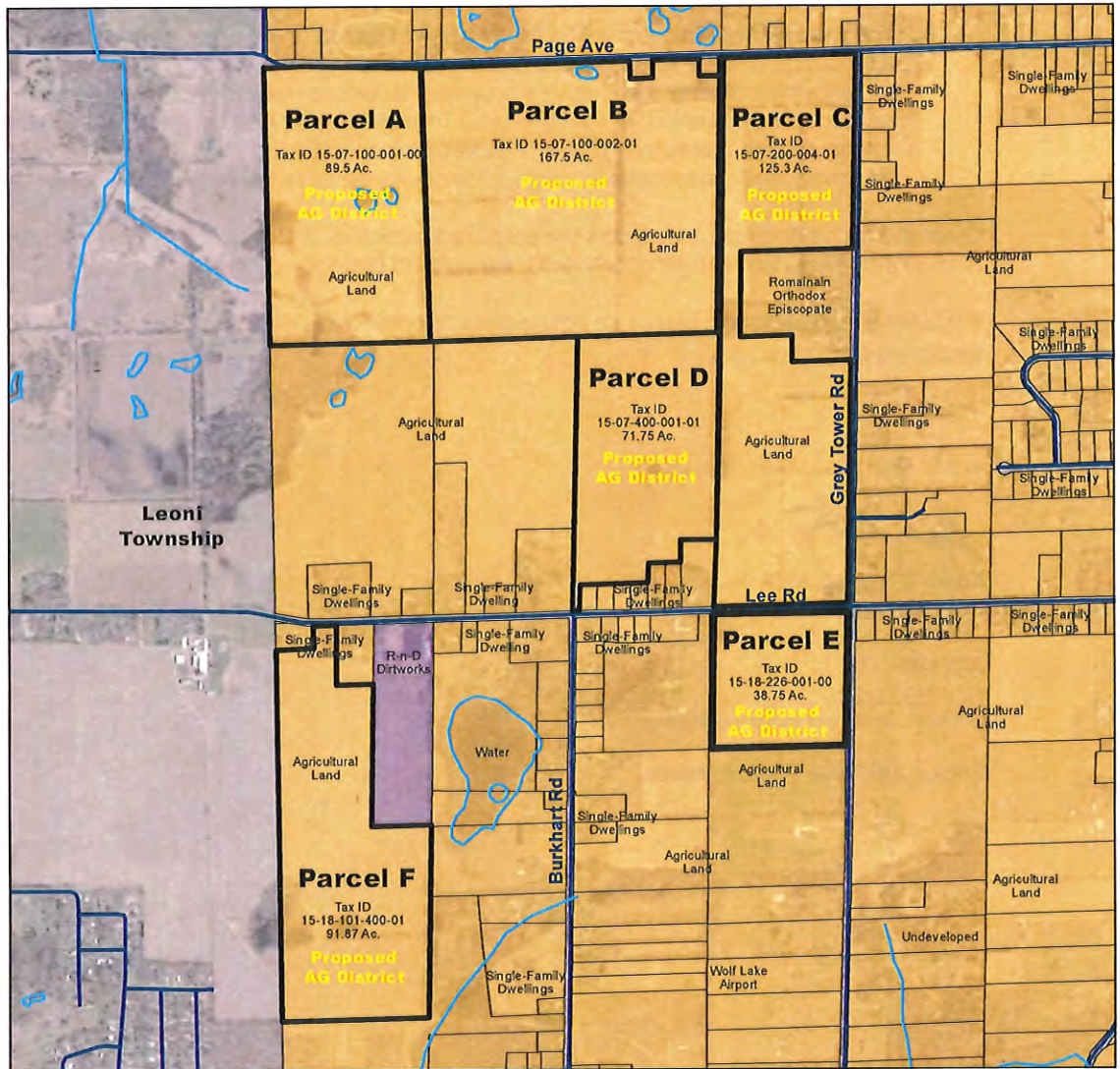
July 2023

Data Sources: Jackson County GIS;
Michigan Public Imagery Layer;
and Wade Trim Analysts



0 500 1,000
Feet

Grass Lake Township
Jackson County, MI



Parcel A

Rezoning Requests
R-2 District to
AG District


Grass Lake
Solar, LLC

Vacant Land on
Page Ave

Aerial Photo Exhibit


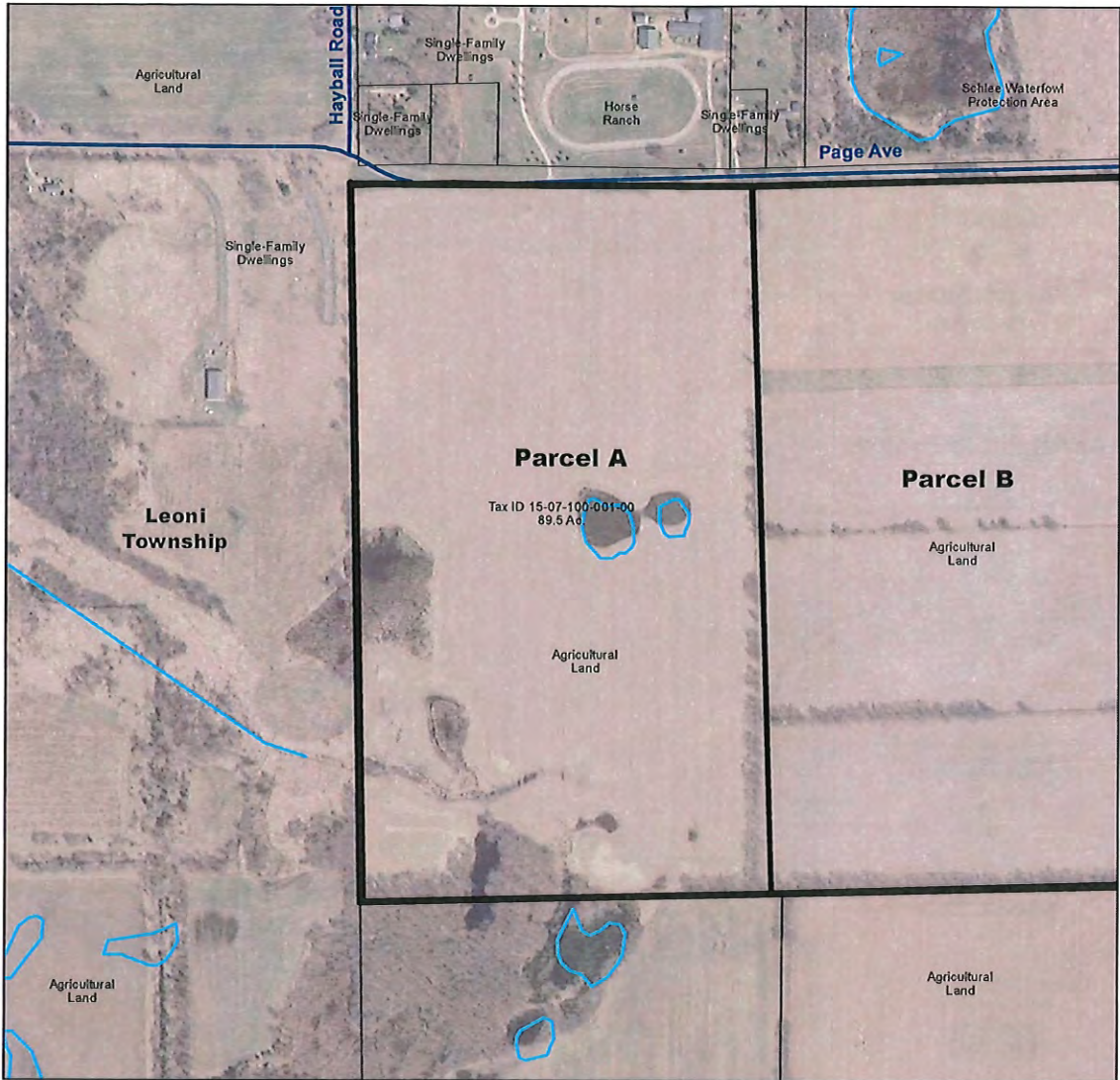
July 2023

Data Source: Jackson County GIS;
 Michigan Public Imagery Layer
 and Wade Trim Analysis



0 250 500
 Feet

Grass Lake Township
 Jackson County, MI

Parcel B

Rezoning Requests
R-2 District to
AG District

Grass Lake
Solar, LLC

Vacant Land on
Page Ave

Aerial Photo Exhibit

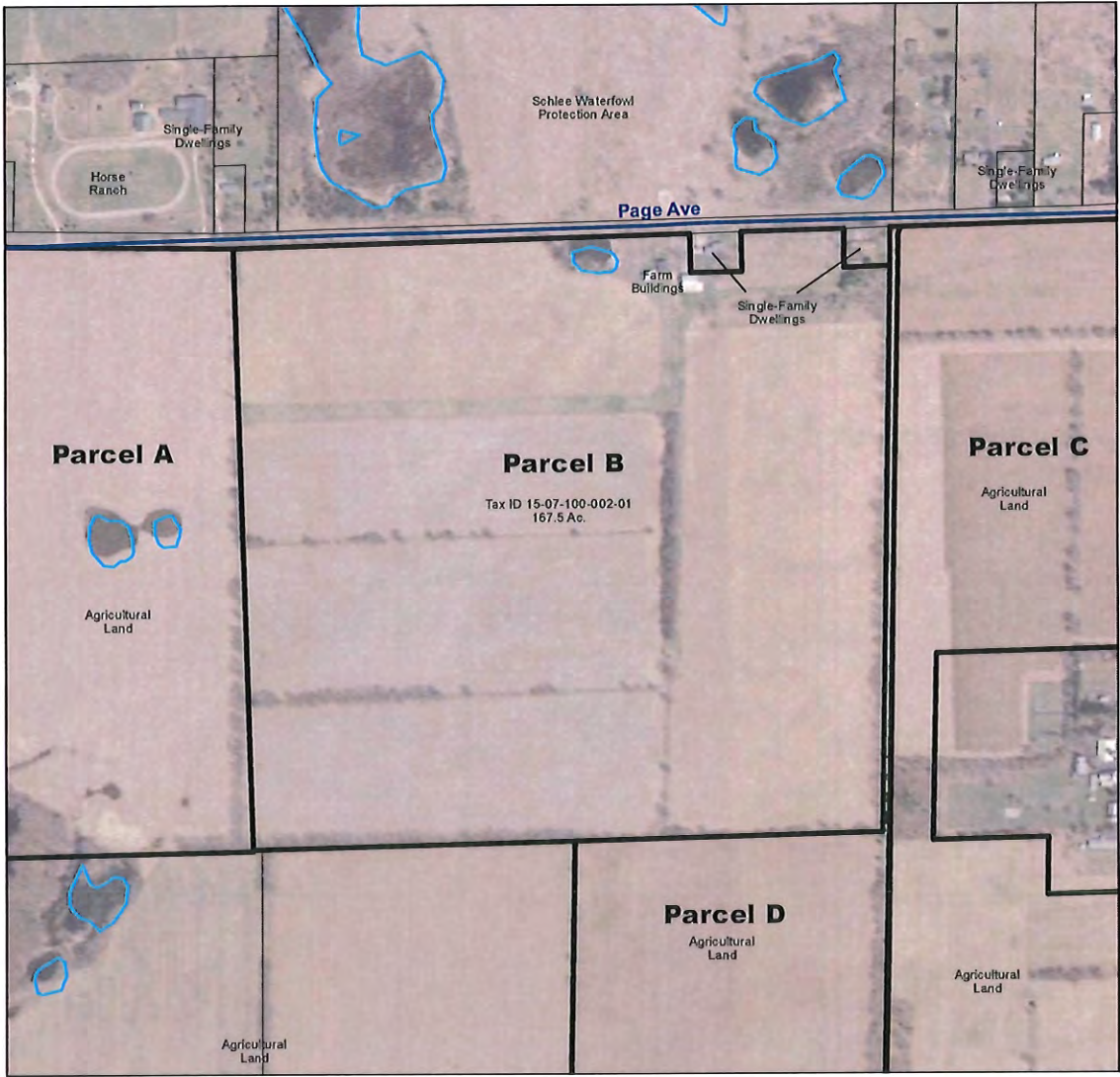
July 2023

Data Source: Jackson County GIS;
 Michigan Public Imagery Layer
 and Wade Trim Analysis



0 250 500
 Feet

Grass Lake Township
 Jackson County, MI

Parcel D

**Rezoning Requests
R-2 District to
AG District**

**Grass Lake
Solar, LLC**

**Vacant Land on
Lee Road**

Aerial Photo Exhibit

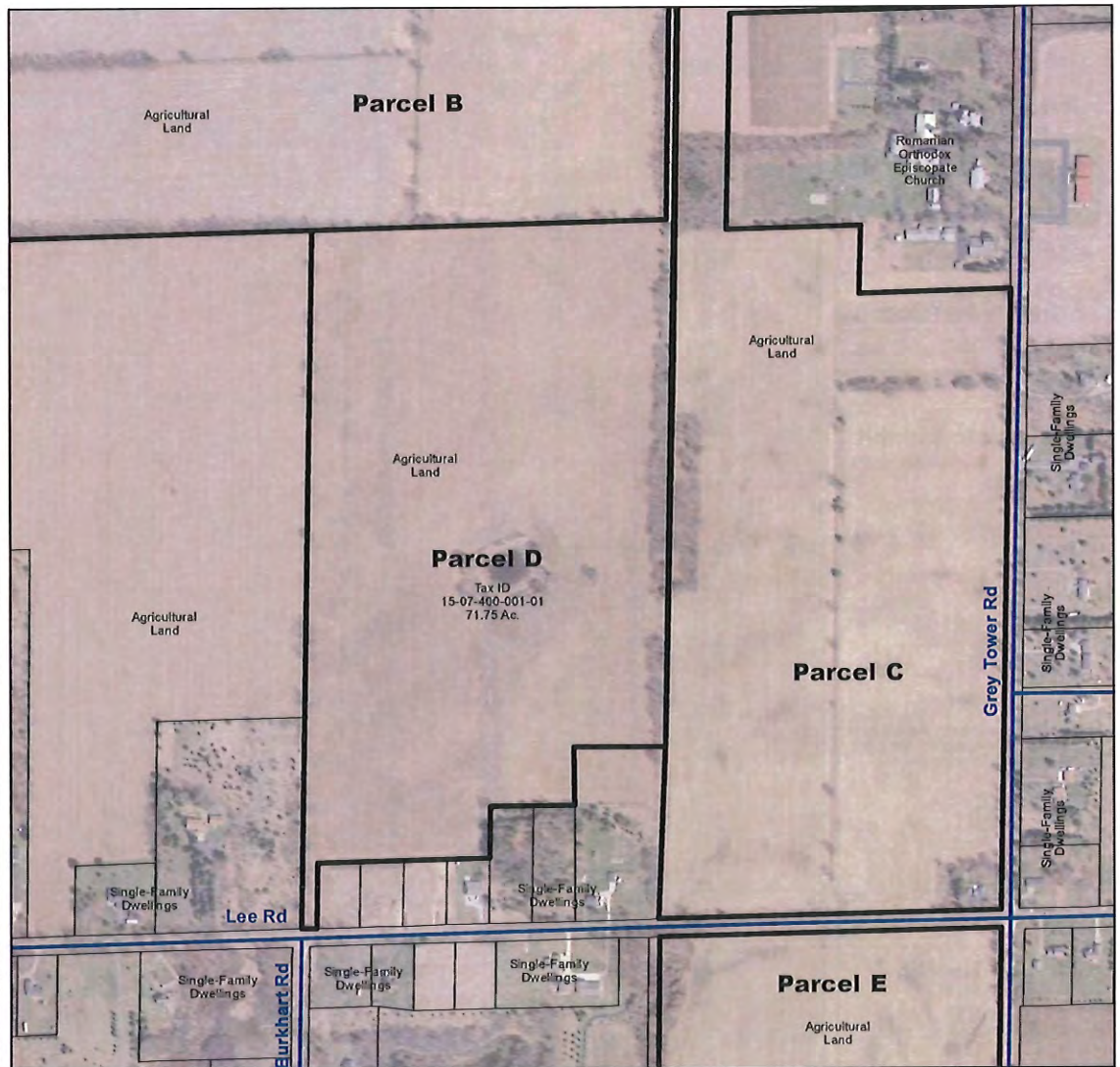
July 2023

Data Source: Jackson County GIS;
Michigan Public Imagery Layer
and Wade Trim Analysis



0 250 500
Feet

Grass Lake Township
Jackson County, MI



Parcel F

**Rezoning Requests
R-2 District to
AG District**

**Grass Lake
Solar, LLC**

**Vacant Land on
Lee Road**

Aerial Photo Exhibit

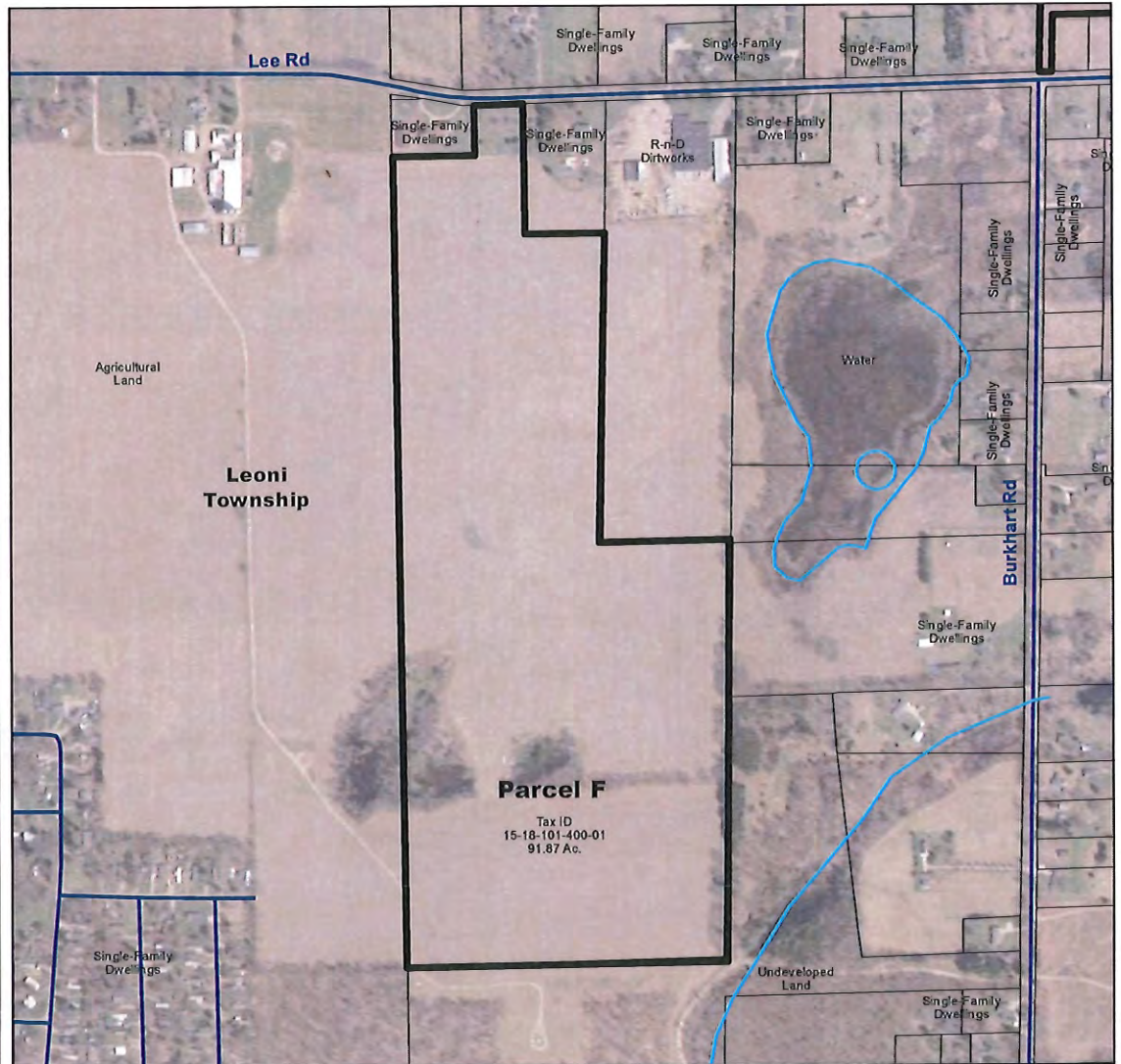
July 2023

Data Source: Jackson County GIS;
Michigan Public Imagery Layer
and Wade Trim Analysis



0 250 500
Feet

Grass Lake Township
Jackson County, MI



December 1, 2023

Zack Smith, Planner
Region 2 Planning Commission
Jackson County Tower Building – 9th Floor
120 West Michigan Avenue
Jackson, MI 49201

Re: Recommendation re Grass Lake Solar Rezoning Request

Dear Mr. Smith,

I am writing to request your support of the request to rezone property in Grass Lake Charter Township from R2 Single Family to AG Agricultural District. Grass Lake Solar has filed a petition on behalf of several property owners including six parcels.

My brother, James Phillips, of Grass Lake, and I are the owners of a farm in Grass Lake Charter Township, Jackson, that is currently the subject of this rezoning request. The rezoning is necessary for a large scale 100-megawatt solar energy production facility. This project requires rezoning from R-2 Single Family Residential zoning to AG Agricultural Zoning according to the local zoning ordinance. I was born in Jackson and raised on this farm. Our farm has been in our family and in operation for 100 years. Grass Lake Charter Township previously rezoned large sections in the western portion of the township to R-2 Single Family Residential at the recommendation of the Township Land Use Plan in effect at that time. This was based on the proximity of the wastewater treatment facility in nearby eastern Leoni Township.

Property owners were led to believe the property in the R-2 District could be developed at a higher density due to the availability of the facility. However, the facility does not have adequate capacity to accept additional volume, and there are no plans to increase that capacity according to officials. This is particularly troubling for my family's property since the Township changed the zoning to R-2 while rezoning the land away from the use it has been since it was originally settled in the 1800s.

As a result of this action and the limitations it imposes on owners, and the increasing difficulty of running a traditional farm, our family, like many others, must consider other options for the future. Our family and several other families adjacent have signed a long-term lease with a large solar energy production company. The company is particularly interested in our location due to the proximity of high-power transmission lines and open land.

The State of Michigan has made it clear that it strongly supports the production of renewable energy by reducing reliance on fossil fuels. To that end, it is necessary for the State's energy providers and partners to invest in solar, wind, hydroelectric and other methods. The State cannot meet these goals unless it partners with energy providers and property owners like us to do so.

The rights of property owners need to be considered in this current conversation as well. Working with property owners on the temporary conversion of farmland into medium and large-scale solar and wind production facilities is a wise and sustainable use of land. Allowing continuously used agricultural land to

go fallow and regenerate for a period is also a good conservation practice. After a solar or wind energy production facility ceases operation, it is easy to return that land to agricultural use.

Finally, it should be noted that the current Grass Lake Charter Township Master Plan calls for the properties that are the subject of this petition to be used for agricultural uses according to Appendix C Future Land Use Map on Page C-21. You will also note that the existing land use of all the parcels in this petition is Agricultural, as it has been for over 100 years. Further, the Charter Township Master Plan, page 3-11, lists criteria that must be met in order a rezoning to be considered consistent with the Master Plan. This rezoning request meets all these criteria.

My brother and I sincerely request you support the petition and favorably recommend its approval to the Grass Lake Charter Township Board. We appreciate your consideration of our state's energy future and the support of property owners who choose to participate in achieving these goals.

Thank you for your time and consideration.

Sincerely,



David L. Phillips

Phillips Farm Management, Inc.

9701 Page Avenue

Jackson, MI 49201

517 522 8815



THE ORTHODOX CHURCH IN AMERICA
THE ROMANIAN ORTHODOX EPISCOPATE OF AMERICA

The Most Reverend Dr. NATHANIEL Popp, Archbishop

Jackson County Planning Commission
Zach Smith
120 W Michigan Ave
Jackson, MI 49201

December 5, 2023

Re: Ordinance #23-06-0004

Dear Mr. Smith:

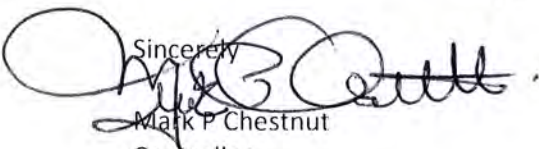
The Romanian Orthodox Episcopate wishes to support the above referenced legislation to rezone properties owned by the diocese, from Single-Family Residential (R-2) to Agricultural (AG). The rezoning request is in conformance with the recommendations of the recently adopted Grass Lake Charter Twp. Master Plan, which calls for an agricultural future land use.

The R.O.E.A. has been a part of the Grass Lake community since the establishment of the diocesan headquarters in 1938. The parcels under consideration are currently farmed and have been historically used for agricultural purposes. The balance of the property will be continued to be used for our administrative offices, as well as the many programs we offer to our membership.

As County and Township taxpayers, we are of the opinion, that the proposed Agricultural zoning will allow for long term farmland preservation, ensuring the land can continue to be farmed into the future.

Please take these points under consideration, as part of your deliberations on the Ordinance, which we understand will be reviewed by the Jackson County Planning Commission on December 14th, 2023.

Sincerely,


Mark P. Chestnut
Controller
R.O.E.A.



Warner Norcross + Judd LLP

December 5, 2023

Via email to hcrlt@yahoo.com

Ms. Nancy Hawley
Chair, Jackson County Planning Commission
Jackson County Tower Building, 9th Floor
120 West Michigan Avenue
Jackson, MI 49201

Re: **Grass Lake Solar, LLC Response to the Grass Lake Charter Township Planning Commission's Recommendation to Deny Rezoning Application**

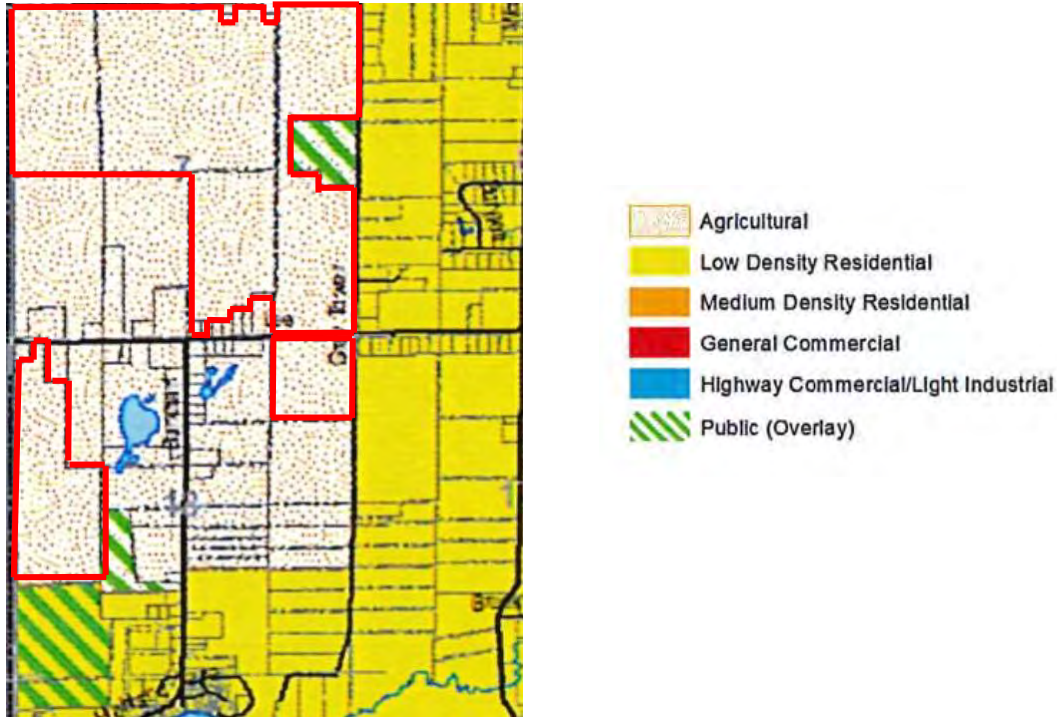
Dear Ms. Hawley:

My firm is Michigan land use counsel for Grass Lake Solar, LLC, a subsidiary of NextEra Energy Resources, LLC. On June 16, 2023, Grass Lake Solar submitted an application to rezone six parcels in Grass Lake Charter Township from Single Family Residential (R-2) to Agricultural (AG) (the application is attached as **Exhibit 1**). On October 19, 2023, Grass Lake Solar submitted a supplement to its rezoning application (attached as **Exhibit 2**) to provide additional information about how the application met the rezoning requirements set forth in the Master Plan, and to address questions that had been raised in past Township Planning Commission meetings. If the requested rezoning is approved, Grass Lake Solar intends to submit a Special Land Use Permit application for a Large Solar Energy System in the Township. As you know, however, approval of the rezoning application would not authorize construction of the project itself, which would be subject to a separate permitting and approval process with specific requirements under the Township's Zoning Ordinance.

On October 19, 2023, the Grass Lake Charter Township Planning Commission recommended the denial of Grass Lake Solar's rezoning application (the denial resolution is attached as **Exhibit 3**). We understand that the Jackson County Planning Commission will be reviewing the Township's recommended denial at its December 14, 2023 meeting pursuant to its responsibilities under the Zoning Enabling Act. **The purpose of this letter is to address the Township Planning Commission's recommended denial and respectfully request that the Jackson County Planning Commission recommend that the Grass Lake Charter Township Board approve Grass Lake Solar's rezoning application.**

Grass Lake Solar's rezoning request is straightforward in light of the express language in the Township's Master Plan, which was updated by the Township earlier this year. Rarely does a master plan directly designate the parcels and the surrounding area for the particular use that is being proposed under the rezoning. But the Township's Master Plan does just that. As Grass Lake Solar noted in its initial application materials, the Future Land Use Map (which is attached to the Master Plan as Appendix C, Page C-21 and recreated below with the proposed rezoning outlined

in red), shows these precise parcels being designated as agricultural areas, which the Master Plan equates to the Agricultural zoning district:



In addition, the Master Plan expressly notes on page 3-6 that *solar energy facilities* are anticipated in the southwestern portion of the Township where the proposed parcels are located. So not only does the Master Plan contemplate the requested rezoning, but it contemplates the rezoning of the property specifically to allow for Grass Lake Solar’s proposed use.

In the face of Grass Lake Solar’s rezoning application and the clear language in the Master Plan, the Township Planning Commission set in motion a rather unusual process to evaluate the application. The Planning Commission decided at one of its meetings to appoint an ad hoc subcommittee made up of three Planning Commission members and four members of the public (“Subcommittee”) to study Grass Lake Solar’s rezoning request and make a recommendation based on their review. The Planning Commission’s “appointment process” was to choose the first four people that the Chair saw raise their hands during the meeting to express an interest in joining the Subcommittee. The Subcommittee met a few times in public, but when it came to developing its recommendation to the Planning Commission, it met behind closed doors. One of the non-Planning Commission Subcommittee members, who has spoken out against Grass Lake Solar and its proposed project at several Planning Commission meetings during public comment, developed and presented a recommendation that the Planning Commission deny Grass Lake Solar’s request because it did not meet *any* of the factors for rezoning set forth in the Master Plan. Predictably, the Planning Commission’s resolution recommending denial also concluded that Grass Lake Solar’s application did not meeting any of the rezoning factors.

Three things are evident from the Planning Commission’s process and the Subcommittee’s report (which is attached as **Exhibit 4**): 1) while the rezoning request itself has nothing to do with the authorization of a utility scale solar project, that was the focus of the Planning Commission and the Subcommittee, which entitled its report “Subcommittee Report on Rezoning and Large Scale Solar”; 2) while the Planning Commission relied heavily on the Subcommittee’s report and presentation at the Planning Commission meeting, it completely ignored the materials submitted by Grass Lake Solar in support of its rezoning application; and 3) the Planning Commission’s ultimate recommendation to the Township Board was not based on the language of the Master Plan or the rezoning factors set forth in the recently updated document, but instead on a desire to put the brakes on utility scale solar in the Township. Indeed, just days earlier, the Township Board adopted an “emergency” police power moratorium on utility scale solar development for one year (with no public notice or adherence to the requirements of the Zoning Enabling Act) in order to review and modify the Township’s solar ordinance.

Grass Lake Solar’s application materials speak for themselves and lay out in detail why its rezoning request meets the requirements of the Zoning Enabling Act and the factors set forth in the Township’s Master Plan. We will not repeat all of the information set forth in those materials, which are attached to this letter for the Jackson County Planning Commission’s reference. Instead, we will respond to the findings of the Township Planning Commission in its resolution recommending denial of Grass Lake Solar’s rezoning application, as well as the Subcommittee report that formed the basis of the Planning Commission’s decision.

The Planning Commission’s job was to determine whether to recommend approval of Grass Lake’s rezoning request by considering whether it conforms to the following four factors set forth in the Township’s Master Plan, *all of which are ultimately criteria for determining whether the proposed rezoning is “consistent with the Master Plan”*:

1. Is the proposed rezoning consistent with the policies and uses proposed for that area in the Township’s Master Plan?
2. Will all of the uses allowed under the proposed rezoning be compatible with the other zones and uses in the surrounding area?
3. Will any public services and facilities be significantly adversely impacted by a development or use allowed under the requested rezoning?
4. Will the uses allowed under the proposed rezoning be equally or better suited to the area than uses allowed under the current zoning of the land?

Again, given the clear and unambiguous language in the Master Plan that contemplates rezoning the area in question as Agricultural and siting utility scale solar on that land, the Planning Commission’s finding that the rezoning application did not meet any of the criteria simply does not withstand scrutiny.

With respect to the first criterion, the Planning Commission completely ignored the express language of the Master Plan discussed above—it is never mentioned in the resolution¹—and instead determined that the proposed rezoning was not consistent with the policies and uses proposed in the Master Plan because: 1) rezoning is unnecessary to meet the policy of agricultural preservation; and 2) rezoning is not the consensus of the community as discussed on page 1-3 of the Master Plan. The first point is illogical in light of the Master Plan’s contemplation that the area would be rezoned as Agricultural. In fact, the State of Michigan has determined that utility scale solar development is consistent with agricultural land use and agricultural preservation under PA 116 (this was MDARD policy and was codified into Michigan law on November 28). Moreover, while the resolution refers to agricultural preservation as the goal/policy, it then states that the area is better suited for residential development due to sewer in the area. So the Planning Commission, in direct contradiction to the Master Plan, appears to be prioritizing residential development, which will unquestionably prevent future agricultural use of the land. On the second point, the Planning Commission misconstrued the Master Plan, which states that the Master Plan *reflects* the general consensus of the community and must be clearly understood to avoid arbitrary decision making. Because of some very vocal public input, the Planning Commission has recommended ignoring the clear language developed during the process of updating the Master Plan. That is, by definition, arbitrary decision making.

With respect to the second criterion, the Planning Commission found that the uses allowed under the proposed rezoning will not be compatible with other zones and uses in the surrounding area, even though the Future Land Use Map attached to the Master Plan shows the parcels proposed for rezoning and the areas immediately surrounds these parcels as agricultural areas. The Planning Commission argued: 1) the AG District allows for land uses that may not be compatible with existing residential farm uses such as mining, CAFOs, and Large Solar Energy Systems; and 2) they believe that AG District land uses need to be revisited to be compatible with surrounding current land uses. Both of these findings directly contradict the specific language of the Master Plan referenced above. Further, the Planning Commission ignored the fact that a rezoning does not preclude the Township from assessing compatibility on a case-by-case basis during the special use approval process under the Township’s Zoning Ordinance (and that the Township has a moratorium in place to review the regulation of utility scale solar). Moreover, the second point has nothing to do with Grass Lake Solar’s rezoning application, but instead relates to a decision by the Township about which uses it wants to allow in each of its zoning districts. However, we appreciate the Township’s historical concerns with aggregate mining in the Township. Therefore, as suggested in our supplemental letter, we have obtained the consent of our participating landowners to condition the rezoning so that mining will be precluded and the rezoned land will revert to R-2 after the life of the Grass Lake Solar Project is complete. We will be submitting a request that our rezoning be conditional to the Township Board.

As for the third criterion, the Planning Commission found that public services would be significantly adversely impacted by uses allowed under the requested rezoning because: 1) potential battery storage as part of a utility scale solar project could create undue stress on the fire

¹ The Subcommittee report dismisses this express language as a “non sequitur master plan solar reference.”

department; and 2) mining and solar development will create undue stress on roads. Again, the Planning Commission's findings belie the facts on the record. Battery storage is not a permitted special use in the AG district, so that should not be a concern. And there is no evidence that undue stress on roads is a concern with utility scale solar, even during construction (and Grass Lake Solar has indicated that it will condition rezoning on the preclusion of mining in the rezoned area). In any event, to the extent that impacts on local roads is a concern, that can easily be, and typically is, addressed through a road use agreement with the County Road Commission and/or a special use permit condition (since the Township's Ordinance already allows the Township to consider adverse impacts on public services and to impose reasonable conditions on any approved special uses).

The Planning Commission's finding on the fourth criterion is puzzling and contradicts earlier findings. The factor is supposed to consider whether the uses allowed under the proposed rezoning to AG are equally or better suited to the area than uses allowed under the current zoning. The Master Plan contemplates the area as zoned AG and as used for utility scale solar, but the Planning Commission concluded that the area is better suited to residential development due to sewer in the area. As discussed above, this finding is in direct contradiction to the Planning Commission's stated goal of agricultural preservation (which is also discussed in the Subcommittee report). And again, as the State of Michigan has already found, utility scale solar is consistent with agricultural preservation, as the use will preserve the land for future generations of farmers (as opposed to residential development, which precludes future agricultural use and places a greater burden on public services and facilities—a concern also noted by the Planning Commission and Subcommittee).

Thus, the Planning Commission's resolution recommending denial of Grass Lake Solar's rezoning application is arbitrary under even a cursory review of the findings. The Subcommittee report fares no better. Indeed, the report raised numerous issues that have nothing to do with the rezoning request at issue, such as:

- Complaints about the Township's lack of an independent analysis of potential effects on property values;
- Unfounded speculation about "ecological catastrophe" from solar development and the invocation of unrelated developments in support;
- Criticism of "aggressive agendas on the transition to green energy" and the "coded language" that characterizes utility scale solar as consistent with agricultural uses rather than the industrial use that the report claims is the appropriate label;
- A broad and unsubstantiated statement that "the Subcommittee does not believe utility scale solar arrays on prime agricultural lands is generally good for farming, land use planning, or the American food system";
- Deficiencies with the current Zoning Ordinance (which can of course be considered during the Township's Ordinance review);
- Grass Lake Solar's development agreements with landowners;

- The Subcommittee’s view that Grass Lake Township “should not be forced . . . to become exporters of power to urban areas” (without consideration of how electricity is actually distributed); and
- Recommendations that the Township establish a vision, goals, and policies regarding the extent of utility scale solar in the Township, be more forthcoming with information about large projects, re-examine which uses are allowable in the AG District, and consider specific changes to the Township’s solar ordinance.

The report also cannot reconcile why the specific language in the recently updated Master Plan that supports Grass Lake Solar’s rezoning application should be dismissed. At the end of the day, the Subcommittee recommended ignoring the Master Plan language because they disagreed with it, concluding that “[i]t seems more like someone slipped solar into the least obvious location [in the Master Plan] to support a legal theory in support of rezoning.” With respect to compatibility, the Subcommittee apparently believes that in order to grant a rezoning application, there must be unanimous approval in the community. These sorts of considerations are not proper bases for denying Grass Lake Solar’s rezoning application.

That being said, Grass Lake Solar has worked for some time to engage Township officials and members of the public in an effort to be transparent and provide information about the rezoning request, utility scale solar development generally, and the proposed project (recognizing that the project site plan remains in flux, in particular with the Township’s solar ordinance on hold and subject to changes). The Michigan legislature just recently adopted legislation that provides state siting requirements for utility scale solar development that will ultimately allow developers to seek approval from the MPSC unless the municipality with jurisdiction has compatible siting requirements that do not exceed those of the state. Nevertheless, our strong preference remains to work with local communities like Grass Lake Charter Township to responsibly develop a project that protects the personal property rights of participating landowners and reasonably minimizes potential impacts on non-participating residents, all while providing substantial tax revenue to the community.

Grass Lake Solar’s proposed rezoning is consistent with the policies in the Master Plan, and the use proposed under the rezoning amendment is expressly contemplated by the Master Plan. The Township Planning Commission’s recommendation to deny the rezoning is reflective of an unusual process that was not reasonably calculated to sound decision-making consistent with the Township’s Master Plan and the Zoning Enabling Act. Accordingly, we respectfully request that the Jackson County Planning Commission recommend approval of Grass Lake Solar’s rezoning request.

Sincerely,



Daniel P. Ettinger

Ms. Nancy Hawley

December 5, 2023

Page 7

cc: Dan Campbell, Grass Lake Charter Township Zoning Administrator
(danc@grasslakect.com)
John Lesinski, Grass Lake Charter Township Supervisor (johnl@grasslakect.com)
Zack Smith, Region 2 Planning Commission Planner (zsmith@mijackson.org)
Kyle O'Meara, Grass Lake Charter Township Attorney (komeara@fsbrlaw.com)

**GRASS LAKE CHARTER TOWNSHIP, JACKSON COUNTY, MICHIGAN
APPLICATION TO INITIATE A ZONING AMENDMENT**

APPLICATION NO. _____

PLEASE PRINT OR TYPE (use back of application if more space is needed)

Application is hereby made to amend the Map of the Zoning Ordinance by re-zoning the property described below to another zoning classification. The proposed zoning change is:

Single Family
From: Residential (R-2) To: Agricultural (AG)
Zoning District Zoning District

1.) Give a legal description of the property (lot, block, tract, and/or metes and bounds):
See Attached

2.) The property is situated (give street address, indicating alleys, cross roads, etc.):
See Attached

3.) Give reasons for requesting zoning change, including intended use of buildings, structures and land:
See Attached

4.) Submit map, drawn to scale, in sufficient detail to adequately describe the proposed changes in the zoning district boundaries.

Applicant(s): Grass Lake Solar, LLC
700 Universe Boulevard
Address: Juno Beach, Florida 33408 Telephone: (630) 210-2177

The applicant(s) is/are:
() the owner(s) of the property involved.
(X) acting on behalf of the owner(s) of the property involved.

I/We Kunhal Parikh do hereby swear that the above information is true and correct to the best of my/our knowledge.

Applicant(s): _____ Signature Signature

Optional: I/We hereby grant permission for members of the Grass Lake Charter Township Planning Commission and Zoning Administrator to enter the above described property for the purposes of gathering information related to this application. This permission is optional and failure to grant such permission will not affect any decision on your application.

SIGNATURE OF APPLICANT (S) DATE: 6/16/2023

Fee Received: \$ _____ Township Clerk: _____ Date: _____

Date Application referred to Planning Commission _____ 20_____
Public Hearing Notice Published: 1st Date _____ 20_____
2nd Date _____ 20_____
Public Hearing Notices Mailed: Date _____ 20_____

Planning Commission Action: Recommends Adoption () Denial () _____
Chairman

Date Application referred to County Affairs Committee: _____ 20_____
Recommended: Approval () Disapproval ()

Township Board action: Adoption () Denial ()
Remarks: _____

Date: _____ Supervisor: _____
Signature

Clerk: _____
Signature

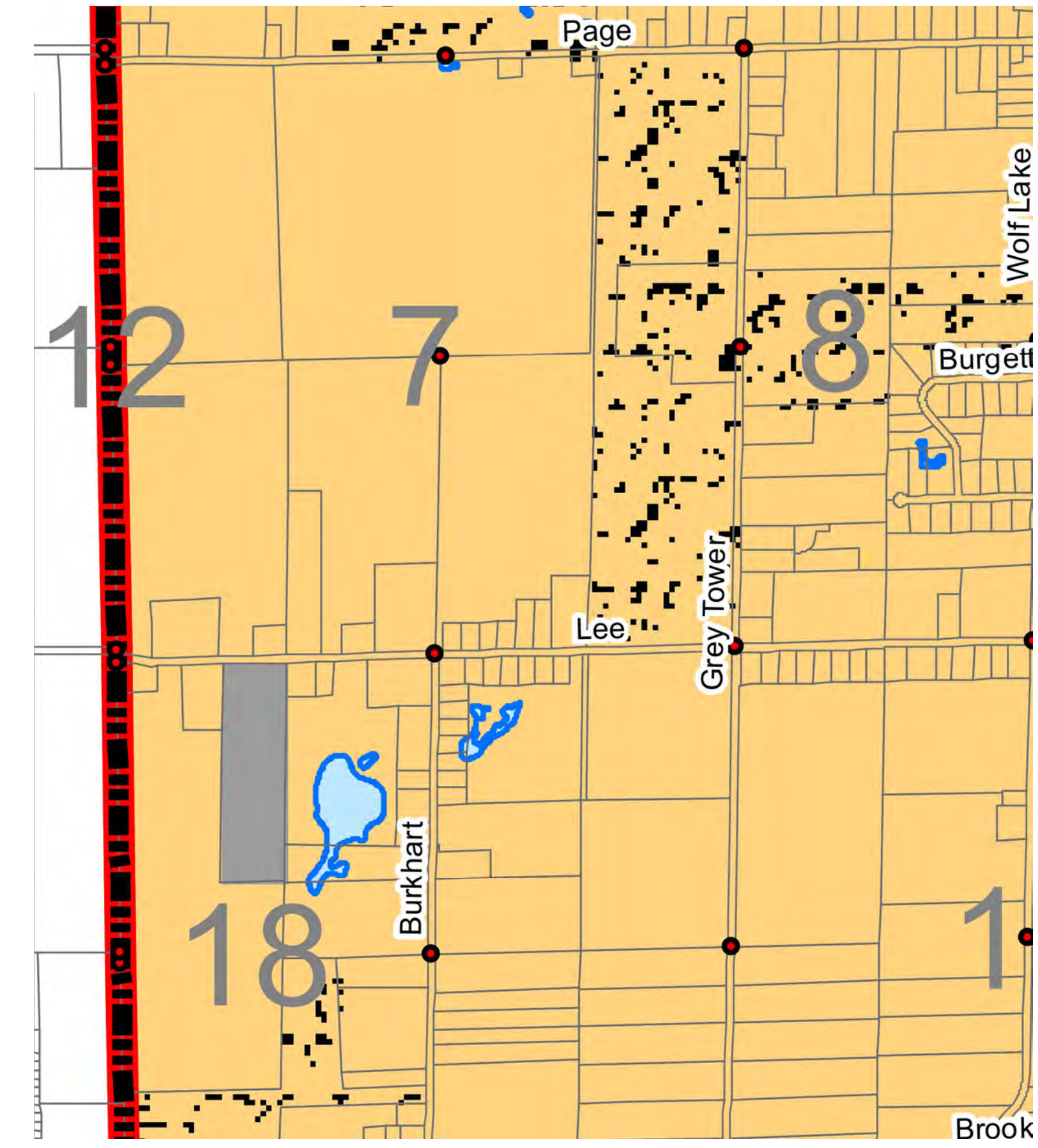
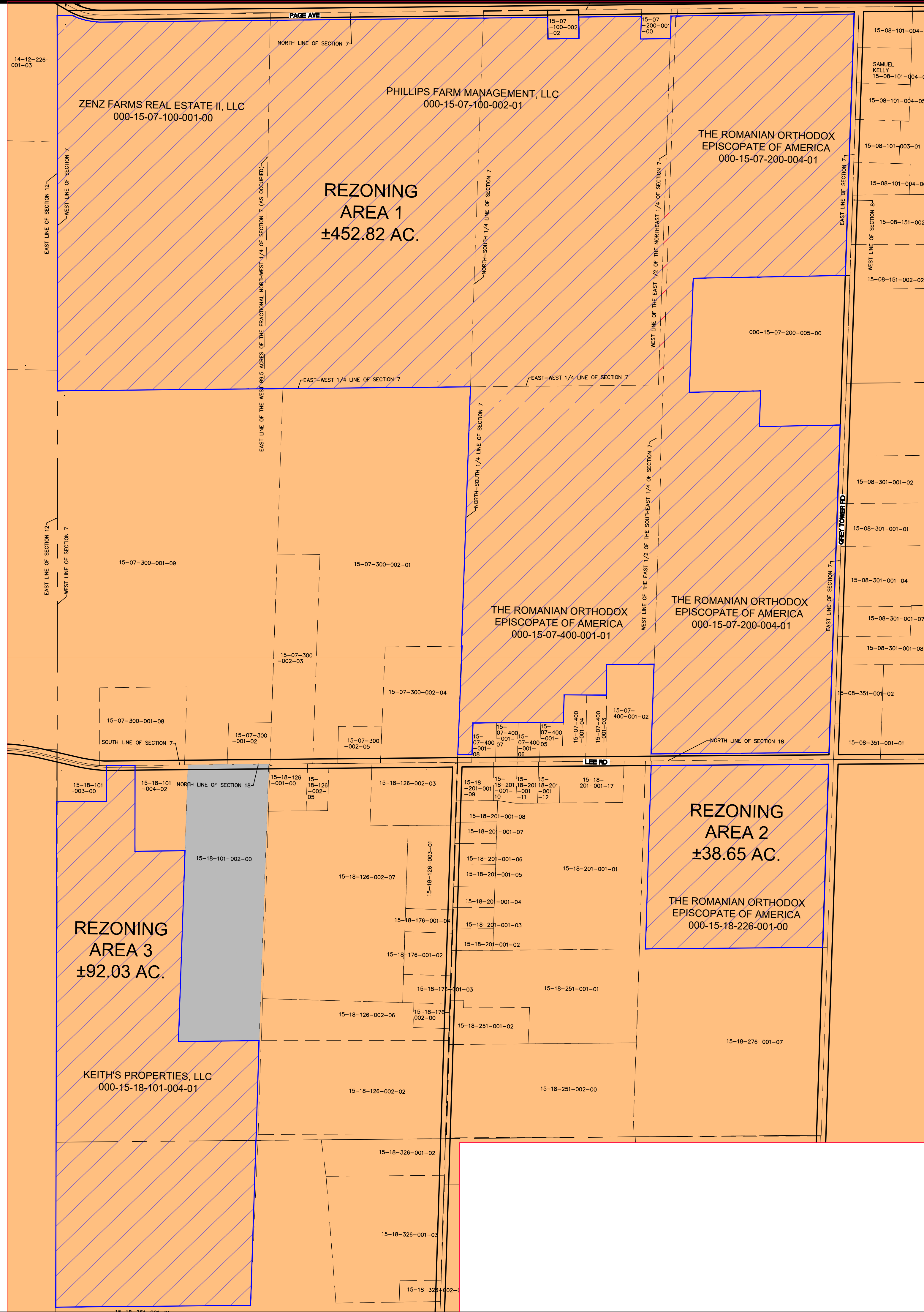
ONE (1) COPY EACH RETAINED BY THE CLERK, THE ZONING ADMINISTRATOR, THE PLANNING COMMISSION, THE TOWNSHIP BOARD AND THE APPLICANT.

Application To Initiate a Zoning Amendment – Supplemental Response to Question 3 - Give reasons for requesting zoning change, including intended use of buildings, structures and land:

Grass Lake Solar, LLC proposes to rezone the proposed parcels from Single Family Residential (R-2) to Agricultural (AG) so it can submit a Special Land Use Permit for a Large Solar Energy System (LSES) within the proposed rezoned parcels. The recently updated Grass Lake Charter Township Master Plan states on page 1-4: "Since the master plan determines the future use of land, rezoning decisions should be consistent with its provisions."

The Master Plan acknowledges on page 3-5 that rezoning requests will become necessary to accommodate development as the community grows. The proposed rezoning will better align with the recently updated Master Plan – Future Land Use Map, Appendix C, Page C-21, which shows the proposed parcels being designated as agricultural areas, which the Master Plan equates to the Agricultural (AG) zoning district. Further, the proposed rezoning will be compatible with other zones and uses in the surrounding area. The Master Plan states on page 3-6 that agriculture is a "major land use" within the Township, and notes that the future land use category for agriculture accounts for approximately 51% of the municipality. In addition, the Future Land Use Map shows that the area immediately surrounding the proposed rezoning is designated as agricultural. In fact, the Master Plan notes that solar energy facilities are anticipated in the southwestern portion of the Township where the proposed parcels are located. Moreover, the Grass Lake Charter Township Solar Ordinance Section 14.07.TT allows for LSES on land zoned Agricultural (AG).

Therefore, the proposed rezoning amendment is consistent with the policies in the Master Plan, and the use proposed under the rezoning amendment is expressly contemplated in the Master Plan. In addition, Grass Lake Solar's proposed LSES would not require significant use of public services and utilities. It will not require water or sewer service, and should not require changes to existing roads.



EXISTING ZONING DISTRICTS MAP

LEGEND

- PROPOSED REZONING PARCEL LIMIT
- EXISTING ZONING R2 – SINGLE FAMILY RESIDENCE
- EXISTING ZONING LI – LIGHT INDUSTRIAL
- EXISTING PARCEL BOUNDARY
- EXISTING RIGHT OF WAY
- EXISTING SECTION LINE
- PROPOSED ZONING AG – AGRICULTURAL

811
 Know what's below.
 Call before you dig.

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

NOTICE: CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. NEITHER THE OWNER NOR THE ENGINEER SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF THE WORK OF PERSONS ENGAGED IN THE WORK OF ANY NEARBY STRUCTURES, OR OF ANY OTHER PERSONS.

COPYRIGHT © 2023 ATWELL, LLC. NO REPRODUCTION SHALL BE MADE WITHOUT THE PRIOR WRITTEN CONSENT OF ATWELL, LLC.

ATWELL
 866.850.4200 www.atwell-group.com

SECTIONS 07 & 18
 TOWN 03 SOUTH, RANGE 02 EAST
 GRASS LAKE CHARTER TOWNSHIP
 JACKSON COUNTY, MICHIGAN

CLIENT
 NEXTERA ENERGY RESOURCES, LLC
 GRASS LAKE SOLAR
 REZONING MAP

DATE
 JUNE 9TH, 2023

REVISIONS		
SCALE	0	200 400
1" = 400 FEET		
DR.	MB	CH. BS
BOOK	--	
JOB	22001367	
SHEET NO.	01	

Attachment 1

Grass Lake Solar Energy Project Rezoning Application - Rezoning Landonwer List Information

Legal Property Owner Name	Rezoning Area Reference Number (Per Exhibit Map)	Parcel Identification Number (PIN)	Approx. Acreage	Legal Description	Current Land Use	Current Zoning	Requested Zoning
ZENZ FARMS REAL ESTATE II, LLC	Rezoning Area 1	000-15-07-100-001-00	89	See Attached	Agricultural	R-2	Ag
PHILLIPS FARM MANAGEMENT, LLC		000-15-07-100-002-01	166.83	See Attached	Agricultural	R-2	Ag
THE ROMANIAN ORTHODOX EPISCOPATE OF AMERICA		000-15-07-200-004-01	125.3	See Attached	Agricultural	R-2	Ag
THE ROMANIAN ORTHODOX EPISCOPATE OF AMERICA		000-15-07-400-001-01	71.69	See Attached	Agricultural	R-2	Ag
THE ROMANIAN ORTHODOX EPISCOPATE OF AMERICA	Rezoning Area 2	000-15-18-226-001-00	38.65	See Attached	Agricultural	R-2	Ag
KEITH'S PROPERTIES, LLC	Rezoning Area 3	000-15-18-101-004-01	92.03	See Attached	Agricultural	R-2	Ag

Total Acreage	583.5
----------------------	--------------

Attachment 2 – Legal Descriptions

Parcel ID NO.: 000-15-07-100-001-00

THE WEST 89.5 ACRES OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 7, TOWNSHIP 3 SOUTH, RANGE 2 EAST, IN THE TOWNSHIP OF GRASS LAKE, COUNTY OF JACKSON, STATE OF MICHIGAN.

Parcel ID NO.: 000-15-07-100-002-01

PARCEL I: THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 3 SOUTH, RANGE 2 EAST, JACKSON COUNTY, MICHIGAN, EXCEPTING THEREFROM THE NORTH 208 FEET OF THE EAST 208 FEET THEREOF.

PARCEL II: THE NORTHWEST FRACTIONAL 1/4 OF SECTION 7, TOWNSHIP 3 SOUTH, RANGE 2 EAST, JACKSON COUNTY, MICHIGAN, EXCEPTING THEREFROM THE WEST 89.5 ACRES THEREOF.

Parcel ID NO.: 000-15-07-200-004-01 (being 125.3 acres more or less)

THE EAST HALF OF THE NORTHEAST QUARTER, AND THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION SEVEN (7), TOWNSHIP THREE (3) SOUTH, RANGE TWO (2) EAST, JACKSON COUNTY, MICHIGAN, EXCEPTING THEREFROM THE WEST 2.25 RODS OF THE SOUTH 3/4 AND THE WEST 2 RODS OF THE NORTH 1/4 THEREOF CONVEYED TO JACKSON CONSOLIDATED TRACTION COMPANY AND JACKSON SUBURBAN TRACTION COMPANY AS REFERENCED IN DEED RECORDED IN LIBER 207, PAGE 562 AND LIBER 273, PAGE 385.

Parcel ID NO.: 000-15-07-400-001-01

LAND IN THE WEST 1/2 OF THE SOUTHEAST 1/4 AND THE EAST 1/2 OF THE EAST 1/2 OF SECTION 7, TOWN 3 SOUTH, RANGE 2 EAST, GRASS LAKE TOWNSHIP, JACKSON COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTH 1/4 CORNER OF SAID SECTION 7; THENCE NORTH 01°04'57" EAST ALONG THE NORTH-SOUTH QUARTER LINE OF SAID SECTION 7 A DISTANCE OF 2635.06 FEET TO THE CENTER 1/4 CORNER OF SAID SECTION 7; THENCE NORTH 88°32'20" EAST ALONG THE EAST-WEST QUARTER LINE OF SAID SECTION 7 A DISTANCE OF 1318.63 FEET TO THE EASTERLY NORTH-SOUTH 1/8 LINE OF SAID SECTION 7; THENCE NORTH 00°03'34" EAST ALONG SAID 1/8 LINE 2639.29 FEET TO THE NORTH LINE OF SAID SECTION 7 AND THE CENTERLINE OF PAGE AVENUE; THENCE NORTH 88°28'48" EAST ALONG SAID SECTION LINE 45.05 FEET; THENCE SOUTH 01°03'34" WEST PARALLEL TO SAID 1/8 LINE 33.03 FEET TO THE SOUTHERLY RIGHT OF WAY OF PAGE AVENUE; THENCE SOUTH 22°35'45" WEST 32.87 FEET TO A POINT 33 FEET EAST OF SAID 1/8 LINE AND 30 FEET SOUTH OF SAID RIGHT OF WAY LINE; THENCE SOUTH 01°03'34" WEST PARALLEL TO SAID 1/8 LINE 3233.94 FEET; THENCE SOUTH 88°56'17" EAST 4.13 FEET TO THE WEST LINE OF DEED RECORDED IN

LIBER 377, PAGE 176, JACKSON COUNTY RECORDS; THENCE SOUTH 01°03'43" WEST PARALLEL TO SAID 1/8 LINE 1301.61 FEET ALONG THE WEST LINE OF DEED RECORDED IN LIBER 377, PAGE 176, JACKSON COUNTY RECORDS; THENCE SOUTH 88°39'32" WEST 335.44 FEET; THENCE SOUTH 01°19'18" EAST

214.34 FEET; THENCE SOUTH 89°26'12" WEST 296.85 FEET; THENCE SOUTH 01°04'57" WEST 192.36 FEET; THENCE SOUTH 88°39'32" WEST 632.92 FEET; THENCE SOUTH 01°04'57" WEST 275.55 FEET TO THE SOUTH LINE OF SAID SECTION 7 AND THE CENTERLINE OF LEE ROAD; THENCE SOUTH 88°39'32" WEST ALONG SAID SECTION LINE 100.00 FEET TO THE POINT OF BEGINNING.

Parcel ID NO.: 000-15-18-226-001-00

THE NORTHEAST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) OF SECTION EIGHTEEN (18), TOWNSHIP THREE (3) SOUTH, RANGE TWO (2) EAST, JACKSON COUNTY, MICHIGAN, EXCEPTING THEREFROM THE WEST 2.5 RODS THEREOF CONVEYED TO JACKSON CONSOLIDATED TRACTION COMPANY AND JACKSON SUBURBAN TRACTION COMPANY AS REFERENCED IN DEEDS RECORDED IN LIBER 207, PAGE 562 AND LIBER 273, PAGE 385.

Parcel ID NO.: 000-15-18-101-004-01

THE WEST FRACTIONAL 1/2 OF THE NORTHWEST FRACTIONAL 1/4 IN SECTION 18, TOWN 3 SOUTH, RANGE 2 EAST, GRASS LAKE TOWNSHIP, JACKSON COUNTY, MICHIGAN, EXCEPT THE NORTH 250 FEET OF THE WEST 350 FEET THEREOF, ALSO EXCEPT COMMENCING AT THE NORTH 1/4 POST OF SECTION 18; THENCE SOUTH 87°40' WEST ON THE CENTERLINE OF LEE ROAD 1323.76 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 0°15' WEST 1937.60 FEET (AS OCCUPIED); THENCE SOUTH 87°50' WEST 566.08 FEET; THENCE NORTH 0°15' EAST 1936.28 FEET TO THE CENTERLINE OF LEE ROAD; THENCE NORTH 87°40' EAST ON THE CENTERLINE OF LEE ROAD 566.08 FEET TO THE POINT OF BEGINNING,

ALSO EXCEPT BEGINNING AT NORTHWEST CORNER OF SECTION 18; THENCE NORTH 89°21'30" EAST ALONG NORTH LINE OF SAID SECTION 550.03 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°21'30" EAST ALONG SAID NORTH LINE 372.03 FEET; THENCE SOUTH 1°56'30" WEST 602.58 FEET; THENCE SOUTH 89°21'30" WEST 351.61 FEET; THENCE NORTH 602.01 FEET TO BEGINNING.

ALSO THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 IN SECTION 18, TOWN 3 SOUTH, RANGE 2 EAST, GRASS LAKE TOWNSHIP, JACKSON COUNTY, MICHIGAN, EXCEPT THAT PORTION INCLUDED IN THE FOLLOWING DESCRIPTION: A PORTION OF THE NORTH 1/2 OF THE SOUTHWEST FRACTIONAL 1/4 OF SECTION 18, DESCRIBED AS: COMMENCING AT THE SOUTH 1/4 POST OF SECTION 18; THENCE NORTH ON THE CENTERLINE OF BURKHART ROAD AND THE NORTH AND SOUTH 1/4 LINE OF SECTION 18, A DISTANCE OF 1321.82 FEET TO THE SOUTH 1/8 LINE OF SECTION 18 (AS OCCUPIED); THENCE SOUTH 87°21'30" WEST 1337.96 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 87°21'30" WEST 1358.54 FEET TO THE WEST SECTION LINE (AS OCCUPIED); THENCE ON THE SAID WEST SECTION LINE NORTH 2°36'30" WEST 163 FEET; THENCE NORTH 87°21'30" EAST 1365.70 FEET; THENCE SOUTH 0°09' EAST 163.14 FEET TO THE PLACE OF BEGINNING.

October 19, 2023

Via electronic mail care of

Dan Campbell, Zoning Administrator (danc@grasslakect.com)
John Lesinski, Township Supervisor (johnl@grasslakect.com)

Tim Golding
Grass Lake Township Planning Commission Chairman
373 Lakeside Drive
Grass Lake, MI 49240

Re: **Supplement to Grass Lake Solar, LLC Rezoning Application**

Dear Mr. Golding:

As you are aware, on June 16, 2023, Grass Lake Solar, LLC submitted a request to rezone six parcels from Single Family Residential (R-2) to Agricultural (AG). This letter is intended to supplement Grass Lake Solar’s rezoning application and to respond to questions that have been raised by the Planning Commission and members of the public during the Planning Commission’s review of the rezoning request.

As Grass Lake Solar has previously indicated, if the proposed rezoning is approved, Grass Lake Solar intends to submit a Special Land Use Permit application for a Large Solar Energy System. However, it is worth reiterating that the rezoning approval does not approve the construction of the project itself and the project is still subject to a separate permitting process with specific requirements under the Township’s Ordinance. Accordingly, at this stage, the rezoning request needs to be considered independently of the proposed Large Solar Energy System. For the proposed rezoning, the Planning Commission merely needs to determine whether it should recommend approval of the rezoning request by considering whether it conforms to the four factors set forth in the Township’s Master Plan. Those factors are:

1. Is the proposed rezoning consistent with the policies and uses proposed for that area in the Township’s Master Plan?
2. Will all of the uses allowed under the proposed rezoning be compatible with the other zones and uses in the surrounding area?
3. Will any public services and facilities be significantly adversely impacted by a development or use allowed under the requested rezoning?
4. Will the uses allowed under the proposed rezoning be equally or better suited to the area than uses allowed under the current zoning of the land?

Notably, as the Master Plan makes clear on page 3-11, the purpose of these factors is to provide criteria for determining whether the proposed rezoning is “consistent with the Master Plan.” In other words, while each of these factors needs to be considered, the overarching determination is whether

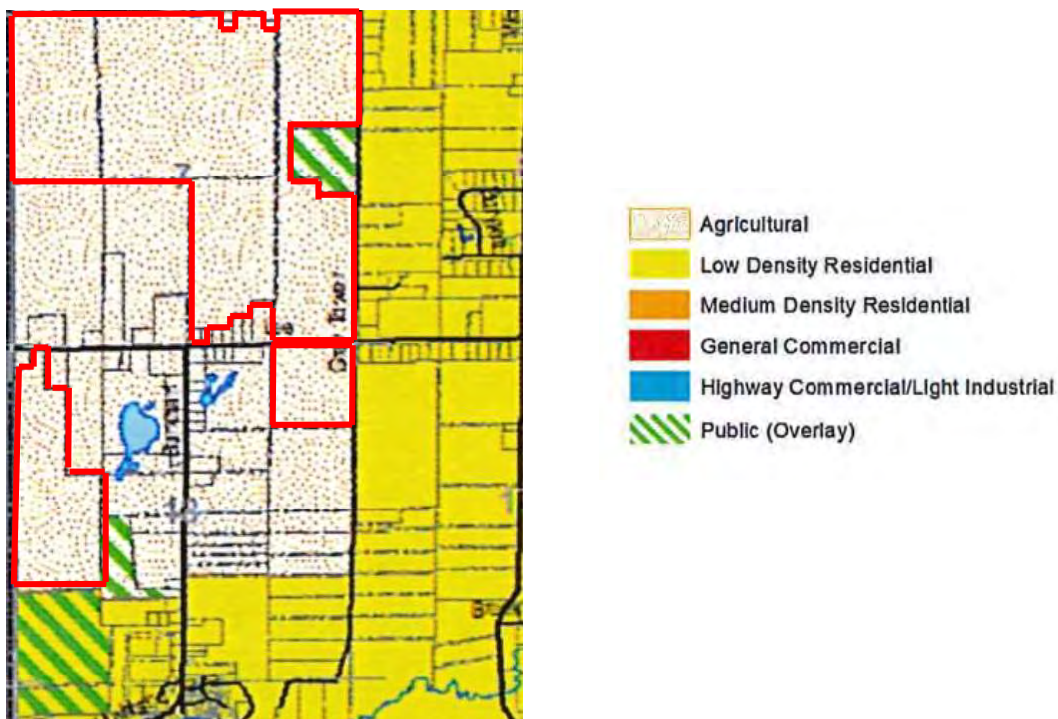
the proposed rezoning is consistent with the Master Plan. Indeed, the recently updated Grass Lake Charter Township Master Plan states on page 1-4: “Since the master plan determines the future use of land, rezoning decisions should be consistent with its provisions.” This is also consistent with how Michigan courts have analyzed rezoning requests as well. See, e.g., Gerald A. Fisher et al, *Michigan Zoning, Planning, and Land Use* § 3.11 (ICLE 2023) (noting that courts routinely hold that consistency with the community’s master plan is the most important factor considered in deciding a rezoning request).

As explained below, the proposed rezoning readily complies with these four factors and is plainly consistent with the Township’s Master Plan.

1. The proposed rezoning is consistent with the policies and uses proposed for that area in the Township’s Master Plan.

First, the proposed rezoning is consistent with the policies and uses proposed for these parcels in the Township’s Master Plan. For instance, the Master Plan states on page 3-6 that agriculture is a “major land use” within the Township, and notes that the future land use category for agriculture accounts for approximately 51% of the municipality.

Further, this proposed rezoning presents the rare situation where the Master Plan directly designates these parcels and the surrounding area for the particular use that is being proposed under the rezoning. Indeed, as Grass Lake Solar noted in its initial application materials, the Future Land Use Map (which is attached to the Master Plan as Appendix C, Page C-21 and recreated below with the proposed rezoning outlined in red), shows these precise parcels being designated as agricultural areas, which the Master Plan equates to the Agricultural zoning district.



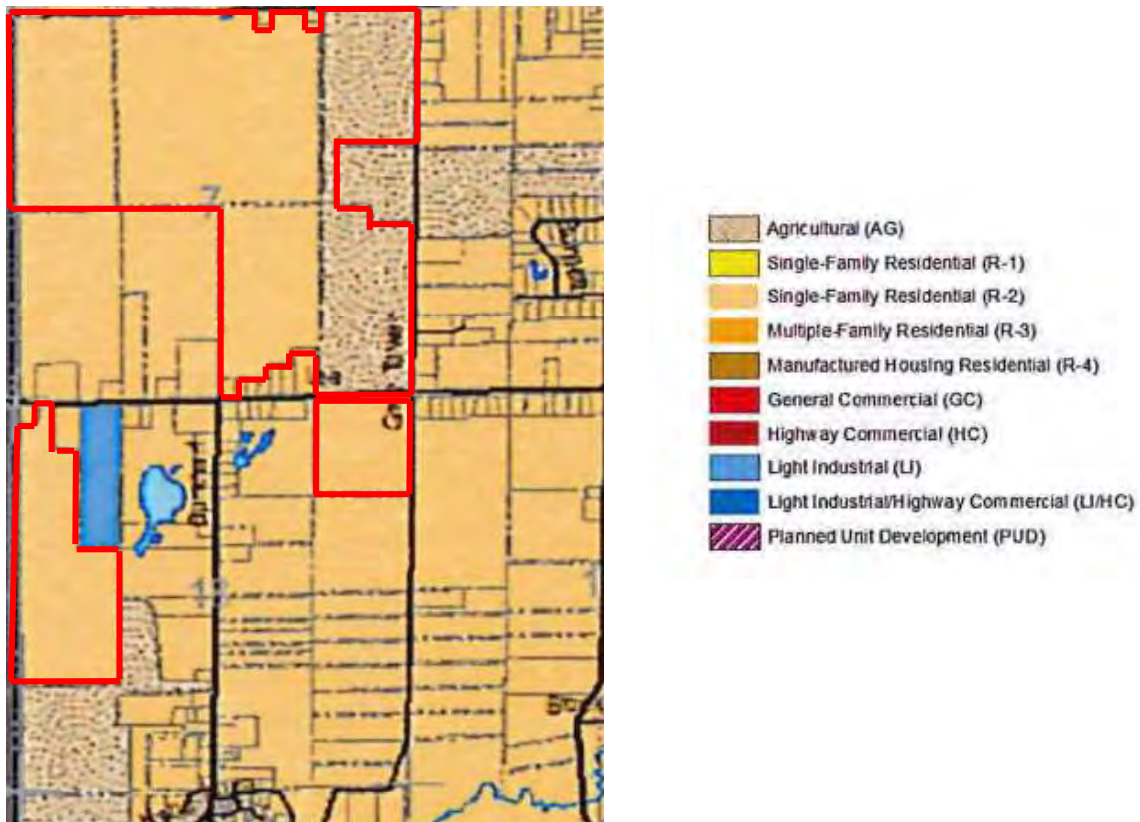
In addition, the Master Plan expressly notes on page 3-6 that solar energy facilities are anticipated in the southwestern portion of the Township where the proposed parcels are located.

Thus, there is no question that the proposed rezoning is consistent with the policies and uses proposed for this area in the Master Plan.

2. All of the uses allowed under the proposed rezoning will be compatible with the other zones and uses in the surrounding area.

Next, the proposed rezoning will be compatible with other zones and uses in the surrounding area.

With respect to the zones in the surrounding area, the Zoning Map attached to the Master Plan as Appendix C, Page C-22 already identifies several of the parcels proposed to be rezoned as agricultural, and also identifies the areas immediately to the south and east of the proposed rezoning as agricultural as well, as shown in the figure below:



To be sure, this map is inconsistent with the 2015 version of the zoning map that is currently available on the Township’s website.¹ Nonetheless, it demonstrates that the Township intends for these parcels to be zoned as agricultural. In fact, as noted above, the Future Land Use Map attached to the Master Plan also shows these parcels and the areas immediately surrounding these parcels as agricultural areas.

Further, with respect to the current uses in the surrounding area, the parcels proposed for rezoning and the areas immediately surrounding those parcels are either already largely being used for agriculture or are undeveloped. While there are existing residential uses in the surrounding area, because those residential uses are already surrounded by agricultural uses, the rezoning will not change the scope of existing uses in the area.

Thus, there is no question that the proposed rezoning will be compatible with the other zones and uses in the surrounding area.

3. No public services or facilities will be significantly adversely impacted by a development or use allowed under the requested rezoning.

Third, no public services or facilities will be significantly adversely impacted by a use allowed under the requested rezoning. As noted in Paragraph 4 below, a majority of uses allowed in the AG district are already allowed in the R-2 district. For these uses that are allowed in both districts, there will be no difference to the impact on public services and facilities if the rezoning is approved. For the uses that are allowed in the AG district that are not currently allowed in the R-2 district, all but two require special use approval. For the two uses that do not require special use approval—agricultural tourism and conservation/recreation areas—those uses would have no greater impact on public services or facilities than similar uses that are allowed by right in AG and by special use in R-2, such as commercial greenhouses and open space preservation areas. For the other uses that require special use approval, the Planning Commission can determine on a case-by-case basis whether such proposed uses would adversely impact public services or facilities. In fact, the standards for granting a special use approval require findings that the proposed special land use shall:

- “Be served adequately by essential public facilities and services . . . or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for those services” (Ordinance § 14.06.A.3); and
- “Not create excessive additional requirements for public facilities and services at the public’s cost” (Ordinance § 14.06.A.5).

Thus, the Planning Commission will explicitly have to consider the impact on public services and facilities before granting a special use permit for most of the uses allowed in the AG district that are not allowed in the R-2 district.

¹ <https://www.grasslakect.com/wp-content/uploads/2022/03/GrassLakeZoningMap2015.pdf>.

More specifically, Grass Lake Solar’s proposed Large Solar Energy System would not require significant use of public services and utilities. The project will not require public water or sewer service, will not increase traffic during operation, should not require changes to existing roads and does not have additional impact to schools or other public services.

Thus, no public services or facilities will be significantly adversely impacted by a development or use allowed under the requested rezoning.

4. The uses allowed under the proposed rezoning will be equally or better suited to the area than uses allowed under the current zoning of the land.

Finally, the uses allowed under the proposed rezoning will be equally or better suited to the area than uses allowed under the current zoning of the land. As noted above, these parcels are currently being used for agriculture, so rezoning them as AG will simply align their zoning designation with their current use. Further, the Master Plan clearly contemplates that these parcels are better suited for agricultural uses because it has explicitly designated them for agricultural use, and more specifically, for operation of solar energy facilities.

In addition, as shown in the table below, the majority of uses allowed in the AG district are already allowed in the R-2 district, further demonstrating that the proposed rezoning will be at least equally suited to the area when compared with the uses allowed under the current zoning. Of the uses that are allowed only in the AG district, only two are permitted by right.² The two that are permitted by right—agricultural tourism and conservation/recreation areas—are comparable to uses that are currently allowed by special use in the R-2 district, such as commercial greenhouses and open space preservation areas. The remaining uses require special land use approval from the Planning Commission, meaning that the use is not automatically permitted, but rather, the Planning Commission can determine whether such use is appropriate based on application of the special land use criteria.

R-2 District		AG District	
<i>Permitted Uses</i>	<i>Special Uses</i>	<i>Permitted Uses</i>	<i>Special Uses</i>
Family day care homes	Country clubs, golf courses, private athletic grounds and parks	Family day care homes	Country clubs, golf courses, private athletic grounds, parks, riding stables, and gun clubs
Farms (general and specialized)	Bed and breakfasts	Farms (general and specialized)	Bed and breakfasts
Single-family dwellings	Churches	Single-family dwellings	Churches
Small solar energy systems	Home based businesses	Small solar energy systems	Home based businesses

² The uses that differ between the two zoning districts are highlighted in **bold**.

State licensed residential family care facilities	Open space preservation developments	State licensed residential family care facilities	Open space preservation developments
Utility and public service buildings	Private, elementary, middle and high schools and colleges	Utility and public service buildings	Private, elementary, middle and high schools and colleges
Accessory buildings	Private campgrounds	Accessory buildings	Private campgrounds
	Commercial greenhouses and nurseries	Commercial greenhouses and nurseries	
	Roadside stands for the sale of produce grown on the premises	Roadside stands for the sale of produce grown on the premises	
	Group day care homes		
		Agricultural tourism	
		Conservation and recreation areas	
			Agricultural business
			Commercial kennels
			Intensive livestock operations
			Large & medium solar energy systems
			Open air business
			Private airports
			Removal and processing of topsoil, stone, rock, sand, gravel, lime, or other soil or mineral resources
			Veterinary clinics

In other words, to the extent the AG district allows additional uses that are not allowed under the R-2 district, for the majority of those uses, the Planning Commission can determine on a case-by-case basis whether such uses are permissible and consistent with the health, safety, and welfare of the Township.³

³ To the extent the Township is still concerned about the potential future uses of the parcels if they are rezoned, including the possibility that these parcels may be used for sand and gravel mining, Grass Lake Solar would be willing to discuss voluntarily imposing conditions on the rezoning in an effort to address these concerns.

Thus, the uses allowed under the proposed rezoning will be equally or better suited to the area than uses allowed under the current zoning.

* * * *

In short, there is no question that the proposed rezoning is consistent with the policies in the Master Plan, and the use proposed under the rezoning amendment is expressly contemplated by the Master Plan. Accordingly, we respectfully request that the Planning Commission recommend approval of the rezoning request.

Sincerely,



Tracy L. Backer
Senior Attorney
NextEra Energy Resources, LLC

cc:

Kyle A. O'Meara, Fahey, Schultz, Burzych, Rhodes, PLC
Dan Ettinger, Warner, Norcross & Judd
Kunhal Parikh, NextEra Energy Resources, LLC

GRASS LAKE CHARTER TOWNSHIP
Jackson County, Michigan

PLANNING COMMISSION
RESOLUTION NO. _____

At a meeting of the Grass Lake Charter Township Planning Commission held on the 19th day of October, 2023, at 7:00 p.m.

Present: Chairman Tim Golding, Marc Cuddie, Mark Jewell, Tom Brennan, Heather McDougall, Dale Lucas, Jim Warbritton (tardy)

Absent:

The following resolution was offered by Member Chairman Tim Golding and supported by Member(s) Marc Cuddie, Mark Jewell, Tom Brennan, Heather McDougall, Jim Warbritton. Exception was Dale Lucas who recused himself.

WHEREAS, Grass Lake Solar, LLC (“Owner”) has rights to certain real property (“Subject Property”) within the Township as described and depicted on **Exhibit 1**; and

WHEREAS, Owner submitted an application to rezone the Subject Property from the R-2 Single Family Residential Zoning District (“R-2 District”) to the Agricultural Zoning District (“AG District”); and

WHEREAS, the Township held a public hearing on the proposed rezoning request as well as obtained input from the Owner, stakeholders, and other interested individuals from written submissions (including application materials), correspondence, and public comment; and

WHEREAS, the Planning Commission determined that the rezoning application should be recommended to be denied based on the following.

NOW THEREFORE, THE GRASS LAKE CHARTER TOWNSHIP PLANNING COMMISSION RESOLVES:

1. The Township Planning Commission hereby recommends that the Township Board deny Owner’s request to amend the Zoning Ordinance Map with respect to the request to rezone the Subject Property from the R-2 to the AG District.

2. The Township Planning Commission makes the following findings in support of its decision to related to the rezoning request related to the Subject Property:

A. Is the proposed rezoning consistent with the policies and uses proposed for that area in the Township's Master Plan? Master Plan, Section 3-11.

- Do not need to rezone to AG District to meet goal/policy of agricultural preservation.

- Rezoning is not consensus of community as discussed in p 1-3 of the Master Plan. A majority of the public input is against rezoning.
- B. Will all of the uses allowed under the proposed rezoning be compatible with other zones and uses in the surrounding area? Master Plan, Section 3-11.**
- Provides for land uses that may not be compatible with existing residential and farm uses such as mining, CAFOs, and Large Solar Energy Systems.
 - Planning Commission believes AG District land uses need to be revisited to be compatible with surrounding current uses in the area.
- C. Will any public services and facilities be significantly adversely impacted by a development or use allowed under the requested rezoning? Master Plan, Section 3-11.**
- Undue stress created by special land uses such as Large Solar Energy Systems on Fire Department from potential battery storage.
 - Undue stress on roads by potential special land uses in AG District such as mining and Large Solar Energy Systems.
- D. Will the uses allowed under the proposed rezoning be equally or better suited to the area than uses allowed under the current zoning of the land? Master Plan, Section 3-11.**
- Agricultural uses still permitted in R-2 District.
 - Better suited for R-2 District residential development due to sewer in area.
- E. Any other reasons as may be supported by the Zoning Ordinance, Michigan Zoning Enabling Act, or otherwise.**
-

3. The Planning Commission further resolves to submit this resolution to the County Planning Commission (Region 2) for review and comment. This resolution shall be submitted to the Township Board along with any comments received at the public hearing 30 days thereafter, or upon the receipt of comments from the Jackson County Planning Commission (Region 2), whichever shall occur first. See MCL 125.3307 and MCL 125.3308.

4. All other resolutions or parts of resolutions insofar as they are inconsistent with this resolution are repealed.

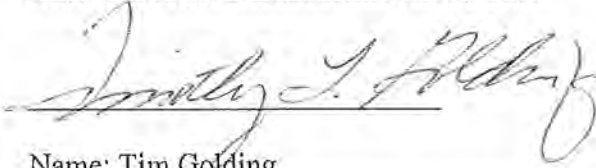
ROLL CALL VOTE

Ayes: Chairman Tim Golding, Marc Cuddie, Mark Jewell, Tom Brennan, Heather McDougall,
Jim Warbritton

Nays: _____

Absent/Abstain: Dale Lucas recused himself

RESOLUTION DECLARED ADOPTED



Name: Tim Golding
Grass Lake Charter Township Planning Commission Chair

CERTIFICATION

I hereby certify that the above is a true copy of a Resolution adopted by the Grass Lake Charter Township Planning Commission at a meeting held on October 19th, 2023, pursuant to the required statutory procedures.

Name: Mark Jewell
Grass Lake Charter Township Planning Commission Secretary

Dated: _____, 2023



Grass Lake Charter Township Planning Commission:
Subcommittee Report on Rezoning and Large Solar

October 19, 2023

Table of Contents

Part I – Introduction to What We Heard

- A. Property Values
- B. Ecological Concerns
- C. Agricultural Preservation
- D. Effects on Farmers and Farming
- E. Deficiencies of Current Zoning & Ordinances
- F. Non sequitur Master Plan Solar Reference
- G. Development Agreements
- H. Justice and Equality in Deployment of Green Energy Agendas
- I. Property Rights
- J. Burden of Proof

Part II – Recommendations

- A. Master Planning for Large Solar - Transparency
- B. 'Compatibility Matrix' Approach to Rezoning
- C. Agricultural Zoning for Preservation Goals
- D. Ordinances and Zonings for the 21st Century
- E. Special Zonings as Preferred Delivery

Part III – The Four Part Test for Rezoning and Conclusions

- A. Consistent with Policies and Uses of the Master Plan
- B. Compatibility
- C. Adverse Impact on Public Services and Facilities
- D. Uses Equally or Better Suited

Part I – Introduction to What We Heard

A. Property Values

A consistent issue mentioned by both NextEra and surrounding property owners was the impact utility-scale solar can have on property values. During the September Planning Commission Meeting, NextEra provided a binder of information related to property value studies. Similar studies, some paid for by NextEra, have been shared by the Land and Liberty Coalition at public forums. Of those studies, some residents have raised issues with the sample sizes and locations as not being comparable to the current proposal being considered.

The inflationary pressure on agricultural properties was mentioned by several farmers in the community. Supply and demand says that, as land is a limited resource critical to farming activities, occupying large tracts with solar arrays and offering taxpayer-subsidized land leases which are above competitive market rates for agriculture will put upward price pressure on the remaining tillable acreage in the area. This economic effect and what it means for Township's stated goal of agricultural preservation and Grass Lake farmers beyond the few who benefit from this proposal is discussed in Parts C & D, below.

Already within the community, there is an anecdotal story of a property owner surrounded by the proposed development who has listed their property for sale because of this proposal. This property owner also had an offer rescinded after disclosing the proposed development to the potential buyer.

While this remains a contentious issue, with no clearly conclusive proofs – the truth being that it may negatively impact some properties for some people and not others depending on how close, lines of sight, personal proclivities, etc. – the obvious deficiency is in Grass Lake Township's lack of it's own independent third-party analysis of potential effects on property values.

B. Ecological Concerns

Another issue which both NextEra and residents continuously mention are impacts to the environment, flora and fauna, and potential for ecological catastrophe.

1. Lake Effect – birds crashing into panels
2. Fencing Around Arrays – restricts wildlife corridors
3. Groundwater Contamination – from fires in battery systems
4. Natural Disasters – these are not 'brick and mortar' powerplants

NextEra and the solar industry, in general, are implementing strategies for reducing ecological impacts of lake effect and fencing. They are also beginning to look at strategies generating positive ecological and/or agricultural benefits like pollinator plantings or planned grazing beneath arrays (agrivoltaics).

A community member brought forth one prominent case in which the U.S. Department of Justice prosecuted, and NextEra's wholly-owned subsidiary plead guilty to, three charges of violating federal protections for eagles when installing a

development. Appendix A has a press release from the Department of Justice regarding these criminal offenses.

The Subcommittee credits the industry where it is looking to mitigation strategies or stacking functions to achieve a balanced approach to development. However, there are not currently any requirements in Grass Lake Ordinances, State/National Laws, or industry 'best practice' guidance for the implementation of any of the strategies which have been discussed. They are all at the discretion of the developer, with no liability for the risk exposure.

C. Agricultural Preservation

The issue of 'agricultural preservation' has been claimed by both NextEra and Grass Lake residents with clearly very different interpretations of what that term means. From the perspective of utility solar developers like NextEra, they are helping farmers who have either or both:

1. Depleted their soils and are struggling with crop yields so badly that they need to 'let the ground rest' for more than three decades in the hopes that some topsoil will return.
2. No immediate family wanting to farm but hopes that the family name can stay on the deed to land until some future generation of family member(s) decide they do want to farm decades from now.

On the other hand, residents of Grass Lake have aligned their comments regarding 'agricultural preservation' with the "Farmland Protection Goal" and "Farmland Protection Policies" stated on Page 29 of the most recent Master Plan. It states, "The Township will encourage the protection of **ACTIVE** farmland as a valuable resource for the community...." (emphasis added).

The Subcommittee emphasizes that most lay people, when confronted with the term 'agricultural preservation' will envision something closer to the latter than the former. Within the context of the most recent Master Plan, and the totality of Chapter 3 – Community Vision and Goals and Policies, which discusses 'Community Character', 'Farmland Protection', and 'Natural Features', but not once mentions utility scale solar, the Subcommittee wishes to remind the Planning Commission and Township Board to apply the principles and policies which were clearly communicated, approved by the public with a common understanding of terms, and adopted to those explicit ends.

D. Effects on Farmers and Farming

As previously discussed, the pressure on farmland prices was a recurring theme from resident farmers or those interested in bolstering the agricultural nature of Grass Lake Township. As the average size of farms has steadily increased in recent decades, so has the age of the average farmer. There is a real need for more young and small farmers to enter the industry; however, one of the critical challenges is access to land. Covering

prime farmlands with solar arrays is not going to help the economics of this growing problem.

Similarly, when a few larger farmers have access to taxpayer-subsidized development leases, they have more capital to spend making up for the loss of grain, hay, silage, etc. production. They may still have a herd to feed, but little or no agricultural production left from which to feed them. So, they can afford to pay more for feed or leases on nearby land than surrounding farmers, and now the inflationary pressures are not just on land, but on the basic inputs critical to farmers' production, as well.

Likewise, given cropping a field requires many workers from the seed supply and grain elevators, to equipment mechanics, truckers hauling harvests, agronomists, and others beyond the farmers themselves, the number of jobs lost when removing land from agricultural production is greater than the couple of long-term jobs at a solar site and probably more jobs lost, when factored over a 35 year period, than the development creates during construction.

As with Part C, the Subcommittee does not believe utility scale solar arrays on prime agricultural lands is generally good for farming, land use planning, or the American food system. This issue is taken up further in Recommendation under Part II(C), below.

E. Deficiencies in Current Zoning & Ordinances

One of the most common themes of resident concerns deals with the lack compatible zoning and an insufficient ordinance. While there are those who do not believe utility scale solar should be situated in residential areas at all, there are others who believe that some projects of utility scale may be acceptable to a certain size with updated criteria for setbacks, screening, inter and intra parcel array densities, etc.

Given the moratorium recently passed by the Grass Lake Township Board, and given the fast-emerging nature of these high-dollar developments just within the past couple of years, it is the position of the Subcommittee that serious work should be done by the Board and residents to adopt new guidance for where and how utility scale solar should be applied in this township. This issue is taken up further in the Recommendations of Part II(A)(D), below.

F. Non Sequitur Master Plan Solar Reference

On Page 32 of the Master Plan, in a section which is only supposed to be, "**A description** of each future land use category" (emphasis added), there is a sentence which references an agricultural area "in the southwestern portion of the Township, where solar energy facilities are anticipated."

From this one reference, NextEra and, notably, it's legal representation at a Subcommittee meeting, has proffered that this makes their proposal "consistent with the Master Plan." Furthermore, they contend that Grass Lake Township **MUST** approve the rezoning because of this one reference.

Community members have consistently pointed out that this one sentence is the only reference to 'solar' anywhere in the Master Plan. Nowhere in the 'Goals' and 'Policies' sections, which speak directly to the Community Vision set forth in the Master Plan, is there reference to major land use change to 600 acres. The facts as many residents see them, is that the preponderance of words, phrases, and topics addressed in the Master Plan are in direct contradiction to this one erroneous conjunctive phrase. To be sure, there are plenty of suspicions as to how and why this vague, unobvious reference could appear in the Master Plan as anything other than a surreptitious way to support a legal theory of rezoning.

In this regard, the Subcommittee wishes to bring to the fore a litany of verbiage from the Master Plan which highlight the communicated vision, goals, policies, and resident feedback for making Grass Lake "A Great Place to Call Home". See Appendix B

G. Development Agreements

At the Planning Commission Meeting in July, residents were already bringing to the fore concerns with 'Development Agreements' which NextEra subsidiaries were offering. Specifically, some of the terms and conditions seemed to give a lot of leeway for other uses to NextEra while limiting the landowner's recourse. Legal cases between farmers and developers from other townships have been anecdotally referenced, but the legal details of lease agreements are beyond the charter of this Subcommittee.

'Development Agreements' began to get more scrutiny by residents after July's meeting because NextEra made a wave of overtures to neighbors of the proposed development with payment offers that always seemed to come with an agreement not to criticize the project. More and more residents came forward to discuss how much their "bribe" offer was in relation to the value of their free speech.

The position of the Subcommittee is that such payments to adjacent, nearby, surrounding residents is a necessary and worthwhile tool for balancing the cost-benefit analysis of property-owning stakeholders. If there are legitimate concerns for property values which can be assuaged with a 'piece of the pie', or if someone just believes in more egalitarian benefits like 'spreading the wealth', then this may be an avenue for garnering broader public support for utility solar developments. However, when these offers are not equally distributed to all around, when they only come *ex post facto* or 'after the fact', and then they come with explicit or implied gagging of residents' rights to offer criticisms and concerns regarding a development, they are not appropriate. See Recommendations Part II(A), below, for further discussion about how the Township and future potential developers could learn a lesson, here, and put this at the forefront of future proposal negotiations and potentially ease project approval.

H. Justice and Equality in Deployment of Green Energy Agendas

Residents who are familiar with the politics of 'green energy' have concerns about big government agendas aligned with large corporate interests that lobby them. While many of these people are not anti-solar, and some are even pro-solar, their concerns arise from the aggressive timelines which Lansing is pushing alongside lucrative

incentives for large producers while restricting market access for everyday, working-class people.

From the State's most recent discussions of taking away local control, to elimination of net metering, lack of virtual microgrids to pay small producers, approval of caps on residential arrays by legislated utility monopolies, to lack of legislative support for community solar delivery models, the market incentives and disincentives have been rigged toward multi-billion dollar corporations getting to force their developments, not into the most logical places, but into the most profitable places.

The Subcommittee believes that the most resilient strategy for securing the energy future of the general public is in distributed deployment of solar energy as close to the end point of use. Places like Grass Lake Township, which values the rural, open nature of the space, should not be forced into dense development to become exporters of power to urban areas.

I. Property Rights

A lot of residents on both sides of the issue claim 'property rights' in support of their case. On the one hand, owners and developers claim that private property rights grant them free license to do whatever they want on their property. On the other hand, surrounding residents point out that private property rights grants them the enjoyment of their property without nuisance.

The Subcommittee's position is that private property rights have always been properly constrained by zonings and ordinances. Of course, the Founding Fathers discussed individual liberties within a context of a social contract. No man is an island because the human condition is futile alone. To the specific point of property rights, a rezoning application is the admission of a lack of certain rights and the formal request to have a property owner's rights extended. So, this isn't really a 'property rights' issue at all.

J. Burden of Proof

Residents of Grass Lake Township have repeatedly expressed their frustration that the 'burden of proof' is on them for a reason to deny rezoning, rather than that onus being put on the applicant to prove how the additional property rights they are seeking will meet the criteria for rezoning. So often, as is the case here, an applicant seeking a more permissive zoning offers 'tax base' as the justification, even though that is not one of the four criteria when considering rezoning. From the public meetings it could be said there is wide frustration that the default position seems to be 'grant a rezoning unless enough people complain.' And, residents' complaints isn't, in itself, a legally justifiable reason to deny a rezoning.

If a use is compatible within an area, then it should be added to the prevailing zoning. If a use is incompatible with an area, then rezoning should not be used as a way to change the rules for an elephant in the room. If there is no compelling reason, as laid out in the Vision, Goals, and Policies of the Master Plan, then the default position on rezoning should be a 'No' until an applicant can provide such sufficient cause as to how

their use meets the four criteria described in Part III. Also, see Recommendations Part II(D), below, for further discussion of how ordinances and zoning need to adapt to a changing landscape of commercial and industrial pressures on open spaces.

Part II – Recommendations

A. Master Planning for Large Solar – Transparency

Whereas there is this widely known proposed utility solar development, and several other less widely known potential utility solar developments, looking to capitalize on Grass Lake Township's open space at low-cost, the Township should protect itself by clearly communicating in the Vision, and establishing Goals and Policies regarding the extents of utility scale solar arrays within the Township.

And, whereas these developments represent significant alteration to land use and capital investments which are abnormal for this community, the Township should be more forthcoming with information about such large projects.

B. 'Compatibility Matrix' Approach to Rezoning

As discussed in Part I(D), community members, and maybe at times some members of the Planning Commission, lose sight of the fact that rezoning is not, can not be whimsical lest it be rejected by the courts as 'arbitrary and capricious.' It can not be based on liking or disliking a proposed use. It can not be based on positive or negative public pressure to approve or disapprove. It must be based upon a rational, objective decision-making process that can be applied to all cases equally.

To that end, and whereas there is currently no formal framework for the Planning Commission to follow when deciding on rezonings, the Subcommittee recommends adoption of a 'Compatibility Matrix' Approach as shown in Appendix C. This standard starts with a black-and-white, side-by-side comparison of Permitted and Special Uses in each zoning. Then, after identifying any differences indicating incompatibility of the proposed rezoning.

C. Agricultural Zoning for Preservation Goals

Currently, the Agricultural Zoning in Grass Lake is overly broad, allowing uses which are now more generally considered 'industrial' in nature. To be sure, 'gravel pits' are no longer the farmer in his dump truck selling some sand and gravel from some back acreage like a half century ago. Intensive livestock operations at today's industrial scale, also, would not generally be considered compatible with many of the residential areas in which agriculture still takes place, and should take place indefinitely into the future. More recently, agricultural tourism has come under scrutiny in other townships where 'party barns' for weddings and 'cider mills' grow to a size which is cumbersome to surrounding residents and public facilities.

Unfortunately, agricultural zoning is required for many federal and state grants that assist with farmland preservation by compensating farmers to restrict development rights. Currently, Grass Lake Township is in a catch-22 where it wants to preserve

farmland, but the principle tool for doing that, agricultural zoning, is encumbered by extraneous incompatible industrial uses.

Whereas, farmland preservation is critical to the Vision, Goals, and Policies of the Township and reinforced by the residents' survey responses included within the Master Plan ("keep industrial in industrial areas"), the Subcommittee recommends Grass Lake Township remove the uses not generally consistent with the act of farming crops from the Agricultural Zoning so that the narrower, focused application of this zoning can be leveraged by the Township to achieve its residents' stated desires to preserve active agriculture intermixed within residential areas.

D. Ordinances and Zonings for the 21st Century

Related the previous topic, but more general in nature, Grass Lake Township is still handcuffed by the legacy of less rigorous zoning and ordinances. What worked for a Township of less than 4,000, 40 years ago, is not going to work for the future. Recent years should show that their busting at the seams trying to work in the present.

SMART goals are Specific, Measurable, Achievable, Relevant, and Time-Bound. Some, if not all, of those principles applied to Master Planning, and the zoning and ordinances which carry out that plan, would facilitate good governance and restore trust where some community members still believe that the loose rules were the intentional product of 'good old boys' that needed plenty of wiggle room with their tools.

Whereas, Grass Lake Township could restore trust with some residents regarding the equal application of clear rules and standards, and whereas current zonings and ordinances are still the legacy of historically outmoded practices, the Subcommittee recommends that the Township develop additional subcommittees to work on addressing concerns regarding any and all ordinances which could benefit from popular suggestions like:

- a) Escrow funds from applicants for Township third-party due diligence on large projects (specific, relevant, and measurable)
- b) Required project sunseting (time-bound)
- c) Location/density restrictions (specific, measurable, achievable, relevant)
- d) Enforcement clauses (specific, measurable, achievable, relevant, time-bound)
- e) Setbacks/buffers (specific, measurable, achievable, relevant)

Part III – The Four Part Test for Rezoning and Conclusions

□ **Is the proposed rezoning consistent with the polices and uses proposed for that area in the Township’s Master Plan?** No

- Appendix B – Master Plan Citations and Survey Responses favor -
 - Maintaining existing rural agricultural/residential character
 - Limiting industrial uses to industrial areas.
- The current uses allowed by an Agricultural zoning are not generally consistent with the policies and uses proposed in the Master Plan. If the Township were to limit current uses in the Agricultural zoning to be in alignment with proposed policies and uses, then an Ag rezoning could become consistent with the Master Plan’s stated vision, goals, and policies of farmland preservation, natural features protection, and maintaining the rural, agricultural nature.
- On Page 32 there is one vague, imprecise, oddly-placed reference to ‘solar’ which is contradictory to all other stated goals and policies and survey responses of community members
 - Non sequitur, erroneous placement - One instance of mentioning solar in an agricultural area. This appears not in a Goals or Objectives section, but in a description of future land use categories. It seems more like someone slipped solar into the least obvious location to support a legal theory in support of rezoning. Indeed, we heard a NextEra lawyer at one subcommittee meeting insist we ‘MUST’ rezone it because of this one sentence. When asked to respond to the three other points of the ‘Rezoning Test’ in light of why we SHOULD want to rezone, he offered no input. So, it appears that this may have been the gamut from the beginning; however, we’re open to more information from the individual(s) who composed this line in the Master Plan for greater understanding of what was intended.

□ **Will all of the uses allowed under the proposed rezoning be compatible with other zones and uses in the surrounding areas?**

- Whereas, ‘compatible’ is from the Latin ‘*compatibilis*’ which is literally ‘sympathetic’ and, whereas, Merriam Webster defines ‘compatible’ as “capable of existing together in harmony” and provides the following synonyms: agreeable, amicable, congenial, frictionless, harmonious, kindred, united, unanimous
 - It is proper for the Planning Commission and Township Board to consider the local stakeholders – those who own property and, more importantly, reside within close proximity to a proposed rezoning.
 - Indeed, to ask the question of this part differently would be to ask, “Understanding the sympathies of those in the surrounding areas’ zoning and uses, is there a harmonious atmosphere, where kindred citizens are amicable, agreeable, united, and unanimous in their approval of the proposed rezoning and uses allowed therein?”

- Based on the *prima facie* understanding that, if a permitted or special use was considered compatible with a zoning, the professionals who drafted zonings and the people who approved such uses in each zoning would have included all compatible uses. Then, if a permitted or special use in one zoning (Ag) does not exist in another zoning (R-2) the two zonings have incompatible uses.
 - It should be noted that the zones may have uses which are different from one another, but still considered compatible, like 'Agricultural Tourism' or 'Commercial Greenhouses' of Ag could be considered more permissive extensions or relations to the permitted uses of agriculture under R-2.
 - In those cases, there may be some subjective margin for evaluating 'compatibility'; however, when no such similar use exists between two zonings, those uses should be considered incompatible when applied to the more restrictive zoning.
- Members of the Subcommittee have developed 'Compatibility Matrices' to aid in the objective determination of 'compatibility'. (See Appendix C)
 - By comparing any two zonings' 'Permitted Uses' and 'Special Uses' within the spreadsheet, it highlights which if any uses exist in one zoning but not the other.
 - The Subcommittee recommends the Planning Commission adopt such an objective, side-by-side analysis approach to this an all future rezoning decisions.

□ **Will any public services and facilities be significantly adversely impacted by a development or use allowed under the requested zoning?**

- Grass Lake Township has existing evidence of no fewer than two uses of Agricultural zoning, which are incompatible with R-2, causing adverse impact to public services and facilities.
 - Roads
 - Mineral extraction, aka gravel mining, on Bohne Rd. has long been attributed as the cause for deteriorating road conditions there. Likewise, this was one of the principle concerns referenced by residents regarding the most recent application for a gravel mining operation – i.e. the lack of ordinance language which could force an operator to pay for damages to roadways.
 - See Appendix D. Likewise, industrial solar, as implemented on Francisco Rd., has shown significant adverse impact to roadways. To be sure, NextEra admitted at their public forum that, "they replace a lot of roads." In fact, admitting that these developments adversely impact facilities, but that we should take their word they will fix damages. Currently, the Township has no definitive answer as to if or how the operator of that array can be held liable for repairs.
 - Community Facilities – Wildlife Corridors
 - The Subcommittee is also bringing to the Planning Commission and Township Board's attention that, as indicated on Page 98 of the Master Plan, the Grass Lake State Game Area, Maple Grove Cemetery, and

Camp Teetonkah BSA Camp are 'Community Facilities' which could be negatively impacted in two ways.

- If any of several uses allowed under an Ag zoning were to be implemented on adjacent parcels, there could be significant impact to the wildlife and watersheds.
 - Likewise, several uses in the Ag zoning could radically alter land use in such a way as to alter the character of the area and negatively impact the number and frequency of visitors to these areas and the wildlife they can experience.
- Fire and Public Safety
 - NextEra emphasized at a public forum that batteries were not a part of the proposed installation in Grass Lake, but their promotional mailer clearly indicated the opposite. (See Appendix F)
 - The use of batteries – by far the most contentious issue regarding preparedness of emergency responders and potential adverse impact to air and groundwater – is not clearly spelled out in the ordinance nor honestly presented by utility solar developers.
 - Grass Lake Township's Large Solar Ordinance does not address requirements for positioning, protecting, or training local first responders when battery systems are being proposed. These are not systems comprised solely of solar panels, which the ordinance does not address.
 - A brief interview with Fire Chief Greg Jones revealed that, based on the current solar array development in place, Grass Lake still has room for improvement when it comes to understanding and managing the public safety concerns of these installations. Appropriate hazardous chemical monitoring equipment for first responders, appropriate trainings, and emergency preparedness planning are a few of the investments Grass Lake will have to make in its fire department if solar arrays are much larger and/or more abundant in the Township.
 - The Subcommittee is also bringing to the Planning Commission and Township Board's attention that, as indicated on Page 98 of the Master Plan, the Grass Lake State Game Area, Maple Grove Cemetery, and Camp Teetonkah BSA Camp are 'Community Facilities' which could be negatively impacted in two ways.
 - If any of several uses allowed under an Ag zoning were to be implemented on adjacent parcels, there could be significant impact to the wildlife and watersheds.
 - Likewise, several uses in the Ag zoning could radically alter land use in such a way as to alter the character of the area and negatively impact the number and frequency of visitors to these areas and the wildlife they can experience.

□ **Will the uses allowed under the proposed rezoning be equally or better suited to the area than the uses allowed under the current zoning of the land?**

- Referring back to Question 2 *prima facie*, if the citizens and their elected/appointed officials had deemed a use 'to be equally or better suited to the area than the uses allowed', they would have added those uses to the existing zoning's Permitted or Special uses.
- While this may appear to be, of the four parts, the most open to subjective interpretation, the Planning Commission and Township Board should not undertake this evaluation alone.
 - Although many outside voices may try to influence a local decision-making body, the process of evaluating Question 2 in light of Part 2(B) above will inform the answer to this questions.
 - Where uses are not compatible, the people have already determined them not to be 'equally or better suited'; hence, they left them out of the surrounding zonings. Likewise, if there is a strong disagreement, friction, unharmonious reception of those who share the current zoning of a parcel, then the Planning Commission and Township Board should rightly use that feedback when evaluating this criteria. To be sure, if this is the most subjective of the four parts, then let it be subjectively guided by the preponderance of community voices.

The Subcommittee on Rezoning and Large Solar has had the pleasure to serve the Planning Commission, Grass Lake Township Board, and other policy decision-makers who may take this report into consideration. As mentioned in this report, there are many issues which local townships throughout the state are dealing with in the face of aggressive agendas on the transition to green energy. One thing is for certain – that there are many community members willing and able to provide great ideas on updated ordinance language and other townships dealing with the same struggles who are consulting with each other.

Remember, too, that a denial of rezoning has nothing to do with denying development. What following the legal criteria, cited above, to denial of rezoning does accomplish is returning power to elected officials, their appointed Planning Commission, and the citizens of this community while ending the 'coded language' that would have people believe utility solar arrays, gravel mines, and other industrial uses are 'agricultural' enterprises. With proper planning and policy implementation which speaks directly to the concerns cited in this report, solar development, albeit in a modified form which is responsive to the will of ALL community stakeholders, could still be part of the community mix in "A Great Place to Call Home."

Appendix A - NextEra Criminal Conviction

PRESS RELEASE

ESI Energy LLC, Wholly Owned Subsidiary of NextEra Energy Resources LLC, is Sentenced After Pleading Guilty to Killing and Wounding Eagles in Its Wind Energy Operations, in Violation of the Migratory Bird Treaty Act

Tuesday, April 5, 2022

For Immediate Release

Office of Public Affairs

ESI Energy Inc. (ESI) was sentenced today in Cheyenne, Wyoming, for violations of the Migratory Bird Treaty Act (MBTA), announced Assistant Attorney General Todd Kim for the Justice Department's Environment and Natural Resources Division and U.S. Attorney L. Robert Murray for the District of Wyoming.

ESI is a wholly owned subsidiary of NextEra Energy Resources LLC, which in turn is a wholly owned subsidiary of NextEra Energy Inc. ESI owns other companies, many of which operate wind energy generation facilities throughout the United States, including in Wyoming, New Mexico, Arizona, California, Colorado, Illinois, North Dakota and Michigan, as well as other states.

ESI pled guilty to three counts of violating the MBTA, each based on the documented deaths of golden eagles due to blunt force trauma from being struck by a wind turbine blade at a particular facility in Wyoming or New Mexico, where ESI had not applied for the necessary permits. ESI further acknowledged that at least 150 bald and golden eagles have died in total since 2012, across 50 of its 154 wind energy facilities. 136 of those deaths have been affirmatively determined to be attributable to the eagle being struck by a wind turbine blade.

The court sentenced ESI, pursuant to a plea agreement, to a fine of \$1,861,600, restitution in the amount of \$6,210,991, and a five-year period of probation during which it must follow an Eagle Management Plan (EMP). The EMP requires implementation of up to \$27 million (during the period of probation; more thereafter if a written extension is signed) of measures intended to minimize additional eagle deaths and injuries, and payment of compensatory mitigation for future eagle deaths and injuries of \$29,623 per bald or golden eagle. ESI also must over the next 36 months apply for permits for any unavoidable take of eagles at each of 50 of its facilities where take is documented or, in the case of four facilities not yet operational, predicted.

"The Justice Department will enforce the nation's wildlife laws to promote Congress's purposes, including ensuring sustainable populations of bald and golden eagles, and to promote fair competition for companies that comply," said Assistant Attorney General Todd Kim of the Justice Department's Environment and Natural Resources Division. "For more than a decade, ESI has violated those laws, taking eagles without obtaining or even seeking the necessary permit. We are pleased to see ESI now commit to seeking such permits and ultimately ceasing such violations."

"Wyoming is graced with abundant natural resources—including both eagles and strong winds," said U.S. Attorney L. Robert Murray for the District of Wyoming. "The sentencing today shows our commitment to both maintaining and making sustainable use of our resources. It also ensures a level playing field for business in Wyoming and ensures those receiving federal tax credits are complying with federal law."

"The U.S. Fish and Wildlife Service (USFWS) has a long history of working closely with the wind power industry to identify best practices in avoiding and minimizing the impacts of land-based wind energy facilities on wildlife, including eagles," said Edward Grace, Assistant Director of the USFWS' Office of Law Enforcement. "This agreement holds ESI and its affiliates accountable for years of unwillingness to work cooperatively with the Service and their blatant disregard of wildlife laws, and finally marks a path forward for the benefit of eagles and other wildlife resources entrusted to the Service's stewardship."

"This prosecution and the restitution it secures will protect the ecologically vital and majestic natural resources of our bald eagle and golden eagle populations," said U.S. Attorney Phillip A. Talbert for the Eastern District of California. "California has been awarded more

Appendix A - NextEra Criminal Conviction

than \$46 million in restitution under this plea agreement for the deaths of at least 92 eagles within the state caused by the defendant and affiliated companies."

The MBTA prohibits the "taking" of migratory birds, including bald and golden eagles, without a permit from the U.S. Fish and Wildlife Service of the Department of the Interior. "Take" is defined by regulation to mean "to pursue, hunt, shoot, wound, kill, trap, capture or collect" or to attempt to do so.

Bald and golden eagles are also protected under the Bald and Golden Eagle Protection Act (the Eagle Act) which, like the MBTA, prohibits killing and wounding eagles without a permit from USFWS. USFWS is authorized to issue such eagle take permits (ETPs) only where: (1) the predicted take is compatible with the preservation of bald and golden eagles; (2) it is necessary to protect an interest in a particular locality; (3) the take is associated with, but not the purpose of, the activity; and (4) the take could not practicably be avoided. Permit applicants are required to avoid and minimize take to the maximum extent practicable, and to pay compensatory mitigation for unavoidable takes.

According to documents filed in court, it is the government's position that ESI's conduct violated both the Eagle Act and the MBTA, but the government accepted the company's guilty plea to only MBTA counts due in large part to ESI's agreement to apply for permits at 50 facilities and its prior efforts to minimize and mitigate for eagle fatalities.

ESI's and its affiliated companies' actions in Wyoming and New Mexico were taken under an admitted nationwide posture and alleged corporate policy of not applying for ETPs.

According to the information filed in this case:

- ESI and its affiliates deliberately elected not to apply for or obtain any ETP intended to ensure the preservation of bald and golden eagles, and instead chose to construct and operate facilities it knew would take eagles, and in fact took eagles, without any permits authorizing that take.
- Because ESI did not seek any ETPs, it avoided any immediate federal obligation to avoid and minimize eagle take to the maximum degree practicable and to pay for compensatory mitigation for the eagle deaths.
- Because some other wind energy companies (1) altered proposed operations as required to avoid and minimize take levels to the maximum degree practicable, (2) applied for ETPs, (3) obtained ETPs that in some cases were impacted by take levels caused by ESI's unpermitted facilities, and/or (4) paid mitigation for eagle takings, ESI, by not doing these things, gained a competitive advantage relative to those wind energy companies.
- ESI and its affiliates began commercial operations at new facilities on a schedule intended to meet, among other things, power purchase agreement commitments and qualifying deadlines for particular tax credit rates for renewable energy, and with production amounts not impacted by avoidance and minimization measures that might have been required under an eagle take permit. ESI and its affiliates received hundreds of millions of dollars in federal tax credits for generating electricity from wind power at facilities that it operated, knowing that multiple eagles would be killed and wounded without legal authorization, and without, in most instances, paying restitution or compensatory mitigation.

According to documents filed in court, between 2018 and 2019, ESI authorized subsidiary Cedar Springs Transmission LLC (CST) to develop a multi-facility commercial wind power project in Converse County, Wyoming, consisting of the Cedar Springs I, II and III wind power facilities (collectively, the project).

On March 28, 2019, USFWS informed the defendant, through a letter to its agents, that Cedar Springs I and II, based on CST's consultant's calculations, could result in the collision mortality of 44 golden eagles and 23 bald eagles over the first five years of operations, and recommended that, because of the unusually high number of occupied golden eagle nests, the proposed wind facilities not be built. USFWS further stated that, if the facilities were built, the company should apply for an ETP under the Eagle Act as soon as possible. The defendant continued the development of the Cedar Springs facilities.

On July 17, 2019, representatives of CST met with USFWS representatives. During that meeting, USFWS recommended that, consistent with the recommendation made by USFWS in February, the wind project not be constructed due to the risk of avian fatalities. USFWS also recommended that, if the wind project was built, the project should implement seasonal curtailment during daylight hours. The defendant did not implement the recommended curtailment.

Between Sept. 10 and Sept. 23, 2019, USFWS sent additional letters to the defendant's agents, each noting that the defendant's parent company had documented that the project was anticipated to kill eagles and recommending that the facilities apply for an ETP. USFWS reiterated for the third time its recommendation that a wind project should not be constructed in the proposed area for the Cedar Springs project.

On or about Sept 28, 2020, the defendant's affiliates began some turbine operations at Cedar Springs II. Between approximately Nov 29, 2020, and Dec 1, 2020, two golden eagle carcasses were found near wind turbines at Cedar Springs II (after which it was sold).

On or about Dec. 6, 2020, the defendant authorized the commercial operation of Cedar Springs I to commence. Between April 2021 and January 2022, seven golden eagle carcasses were found near wind turbines at Cedar Springs I.

Appendix A - NextEra Criminal Conviction

On or about Dec. 15, 2020, the defendant authorized the commercial operation of Cedar Springs III to commence. On approximately Jan. 30, 2022, a golden eagle carcass was found near a wind turbine at Cedar Springs III.

Between 2018 and 2019, ESI authorized a subsidiary, Roundhouse Renewable Energy LLC (RRE), to develop a commercial wind power facility in Laramie County, Wyoming.

In a letter dated March 28, 2019, USFWS stated that, based on RRE's consultant's calculations, Roundhouse could result in the collision mortality of 19 golden eagles and 4 bald eagles over the first five years of operation, and recommended that RRE apply for an ETP under the Eagle Act. The defendant continued the development of Roundhouse.

In a letter dated Aug. 27, 2019, USFWS provided recommendations on opportunities to avoid and minimize impacts to eagles using the available data. USFWS again stated that the facility was predicted to take eagles even if all USFWS recommendations were implemented, however, and recommended that an ETP be sought.

On June 12, 2020, the defendant authorized the commercial operation of Roundhouse to commence. Between approximately Sept. 17, 2020, and April 17, 2021, four golden eagle carcasses were found near wind turbines at Roundhouse.

In 2003, ESI authorized a subsidiary, FPL Energy New Mexico Wind LLC (NMW), to begin operations at a commercial wind power facility in De Baca and Quay Counties, New Mexico. On or about Dec. 29, 2020, two golden eagle carcasses were found near a wind turbine at NMW.

No ETP was sought by or issued to ESI in connection with the operations or repowering of any of the above wind power facilities.

This case was investigated by the U.S. Fish and Wildlife Service Office of Law Enforcement. The prosecutions were handled by the Environmental Crimes Section of the Justice Department's Environment and Natural Resources Division with assistance from the U.S. Attorneys' Offices for the Eastern District of California, the District of Wyoming and the Northern District of California.

Updated April 5, 2022

Topic

ENVIRONMENT

Component

[Environment and Natural Resources Division](#)

Press Release Number: 22-331

Related Content

PRESS RELEASE

Wisconsin Jury Convicts Corn Milling Company Officials for Workplace Safety Violations Following Deadly Mill Explosion

A federal jury in Madison, Wisconsin, convicted current and former Didion Milling Inc. officials of workplace safety, environmental, fraud and obstruction of justice charges following a deadly explosion in 2017...

October 17, 2023

PRESS RELEASE

Page 17 of 28

102
10/19/2023

Appendix B - Master Plan Citations

Page 9 • **The plan must balance property rights.** The law requires that all property owners be granted a reasonable use of their property. This includes the rights of adjoining property owners to enjoy their property.

Page 10 • **Zoning Decisions.** Since the master plan determines the future use of land, rezoning decisions should be consistent with its provisions. This is not to say that all rezonings that are consistent with the future land use map should automatically be approved. However, if all of the preconditions of the master plan are met, approval of the request may logically be forthcoming.

Page 25

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	No Opinion
The Township should maintain its existing rural agricultural/residential character.	43%	33%	14%	7%	2%	<1%
Grass Lake Township should protect its natural resources (e.g., river, lakes, wetlands, etc.).	72%	24%	3%	<1%	0%	0%

Page 28 **Community Vision and Goals and Policies**

The Grass Lake Area contains a mixture of developed and rural characteristics. The “built” areas face the challenge of ensuring that existing and future neighborhoods and businesses remain attractive to residents and investors. The direction for the undeveloped areas will be the preservation of rural qualities that have made Grass Lake Charter Township a desirable place to live. Therefore, the Community Vision may be expressed as:

Community Vision

The character of Grass Lake Charter Township will be defined by its rural, agricultural/residential surroundings, with planned areas of commercial and industrial development designed in keeping with that character.

Goals and Policies

Community Character Policies

- The principal land uses in the Township will be agricultural and residential, with varying densities situated in appropriate locations. Infrastructure will play a key role in determining suitable types and densities of development. Generally, more intensive development will be directed to planned areas, generally in or near the Village or near I-94, while other areas will remain as agricultural and low density residential development accompanied by related uses.

Page 29 • **Farmland Protection Goal.** The Township will encourage the protection of active farmland as a valuable resource for the community and take measures to ensure that farming operations are adequately buffered from residential development.

Farmland Protection Policies

- Land use decisions will support the desire of individual property owners who wish to keep their land in active agricultural production.

Page 30

Community Facilities and Services Policies

- Future land use patterns should reflect densities appropriate for areas served by public services. Utility services should not be provided where the Township intends to encourage the preservation of rural character.

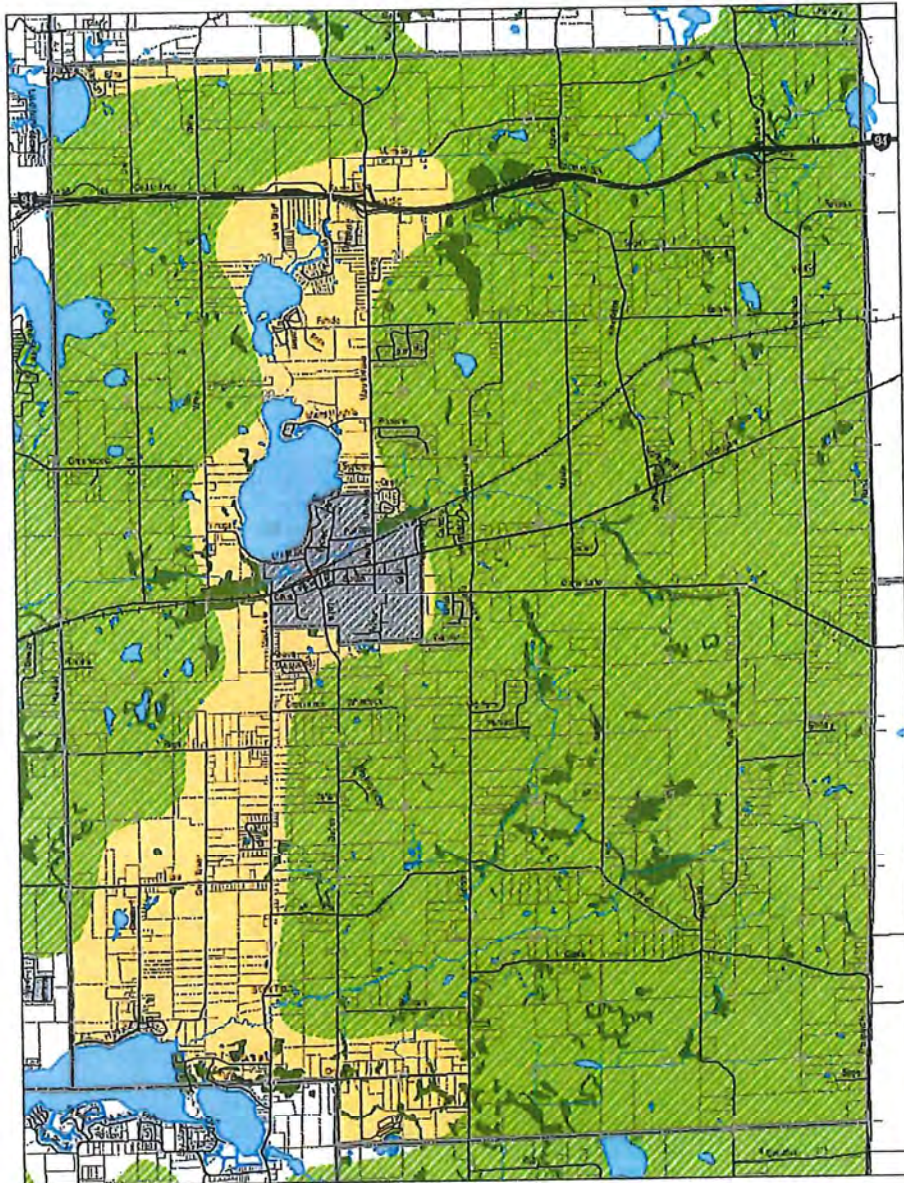
Appendix B - Master Plan Citations

- Page 71 Lived here for 57 years, worked in Townships in Jackson for 40 years including Grass Lake. Own property in the township. I would like to see Grass Lake remain a small rural/agricultural area.
- Page 75 I recommend keeping the business/industry in one area and then residential/farming in the other. This way you keep the "Small Town Community" feel.
- Page 78 John Lesinski is doing a good job of ridding GL of corruption and the good old boys network. Industrial businesses should operate in industrial zones not residential/ AG zones. The PC should be more pro residents instead of taking care of their business friends. Jere Hinkle should be replaced by a more pro resident/ pro envi-
- Page 79 Every effort should be made to keep Grass Lake a Rural Community.
- Page 81 Keep Grass Lake Rural, No New mining sites.
- Page 82 We love Grass Lake! Please don't change too much.
- Page 83 Grass Lake is an amazing place to live. Please maintain the rural small town feel. Industrial businesses should only operate in industrial zones. Something needs to be done about all the gravel trucks rolling through town.
- Page 83-84 I moved to Grass Lake Township for the rural, small town feel and the peaceful environment. From previously living in an over-developed suburban area, it is my strong hope above all that Grass Lake continues to keep it's small-town charm, with agriculture and green spaces as they are, with a cap on development of housing as well as business/industry.
- Page 85 Need to stick to the existing township zoning plan
Strongly encourage our Township to start a preservation program for agricultural land and green spaces.
I like the small town rural feel of Grass Lake.

Appendix B - Master Plan Citations

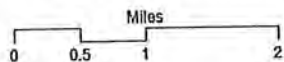
Appendix C



Mapping



**Grass Lake Charter
Township Master Plan**

Agricultural Soils and Preservation Areas

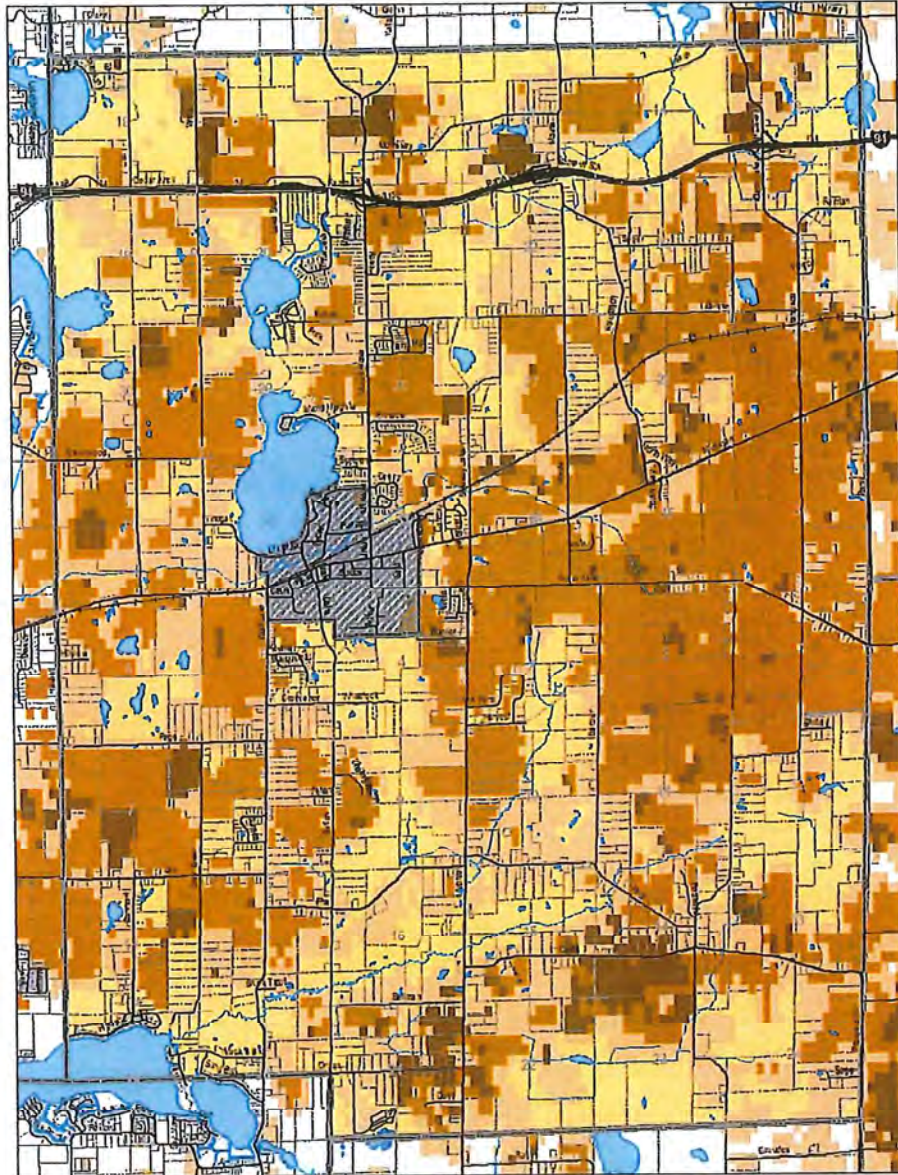


-  Most Productive Agricultural Soils
-  Recommended Preservation Areas

Appendix B - Master Plan Citations

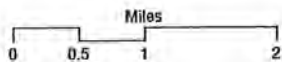
Appendix C

Mapping



Grass Lake Charter Township Master Plan

Quality of Farmland



- Michigan's Best Agricultural Land
- Nationally Significant Agricultural Land
- Other Agricultural Land

Notes and Data Source

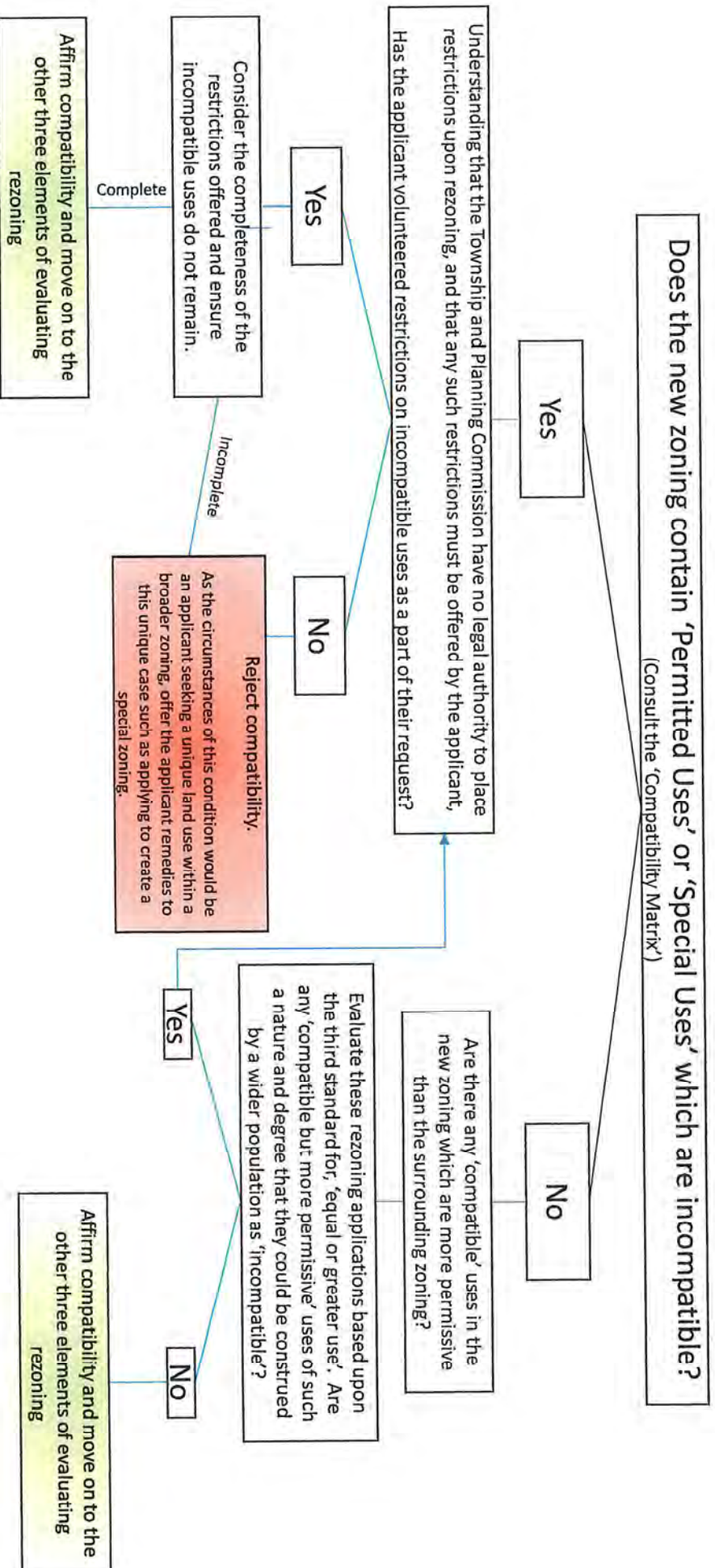
This map represents the quality of agricultural land in 2016. Nationally significant land meets the minimum productivity, versatility, and resilience (FVR) threshold set by the American Farmland Trust (AFT). Michigan's best land has a FVR value above the state's median.

The land use data is owned (and was developed) by the American Farmland Trust (AFT) and Conservation Science Partners for the Farms Under Threat program (as directed by the AFT).

Appendix C - Compatibility Matrix Methodology

Decision Tree for Assessing 'Compatibility' of Rezoning Requests

For the purposes of evaluating a rezoning request in accordance with the law and to answer the question, "Is the new zoning compatible with the existing, surrounding zoning(s)?" Planning Commissioners must first ask -



Appendix D - Solar Development Road Impact

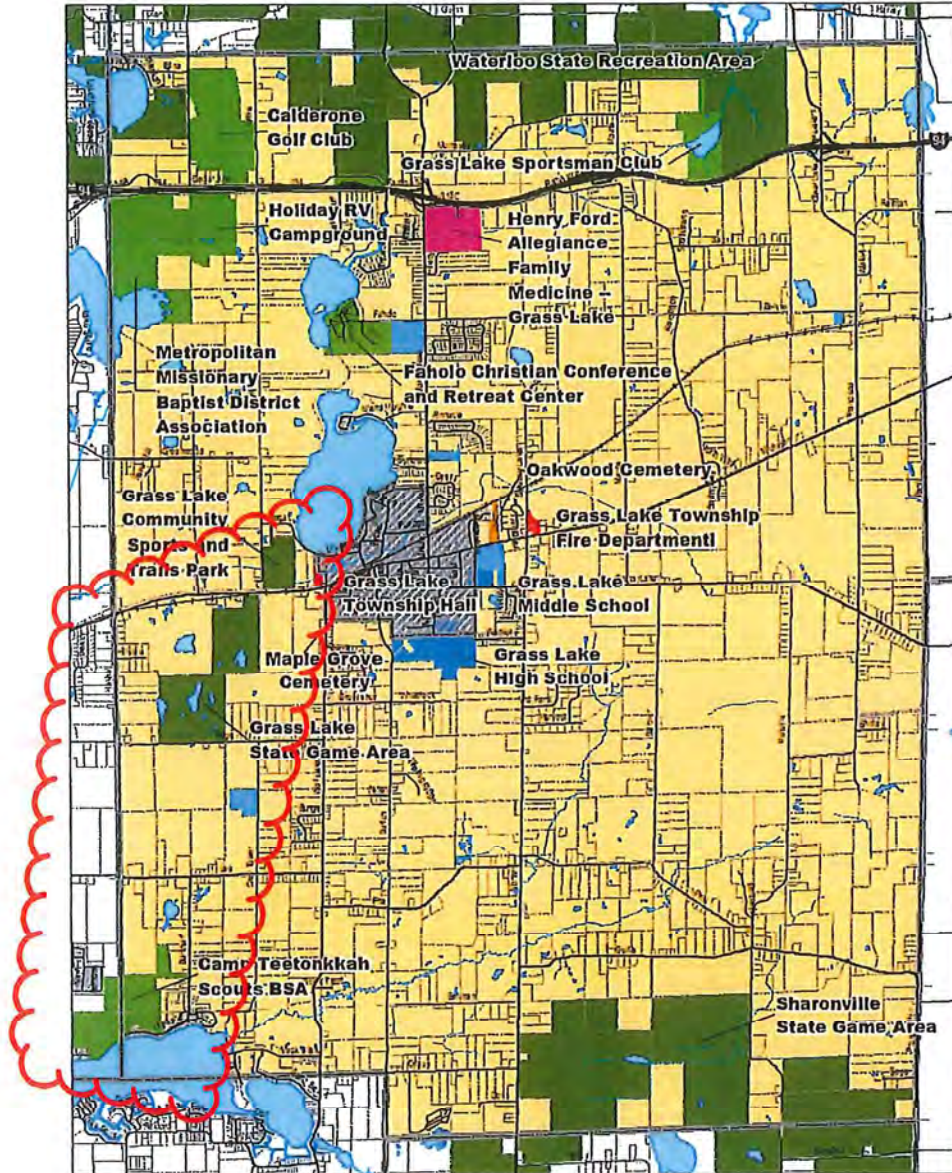
Looking South on Francisco Rd.



At the entrance to the Francisco Rd. solar development

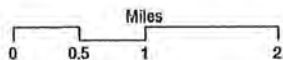


Appendix E - Community Facilities Impacted



Grass Lake Charter Township Master Plan

Community Facilities



- Township Hall and Fire Station
- Parks
- Recreation Facilities
- Cemeteries
- Schools
- Major Medical Facilities
- Churches

Appendix F - Public Safety Concern



www.GrassLakeSolar.com

Grass Lake Solar Project

Project Overview

- » Located in Leoni and Grass Lake Townships in Jackson County, Michigan.
- » Owned and operated by a subsidiary of NextEra Energy Resources, LLC.
- » A 100-megawatt photovoltaic solar energy generating facility.
- » Expected to begin commercial operation in 2026.

Project Benefits

- » Represents a capital investment of approximately \$145 million.*
- » Provides up to 200 jobs during construction.
- » Expected to generate approximately \$15 million in additional tax revenue.*
- » Supports the local economy through purchases of regional goods and services.
- » Creates no air or water pollutants, uses no water resources to generate electricity.
- » Preserves prime farmland; and helps secure America's energy independence from foreign oil.

*Estimated over 35-year life of project

About NextEra Energy Resources

- » A leading clean energy provider operating wind, natural gas, solar and nuclear power plants.
- » Generating clean, renewable energy while protecting the environment and giving back to the community.
- » Generating facilities across the United States and in Canada.
- » Nearly all of the electricity generated comes from clean or renewable sources.
- » A subsidiary of NextEra Energy, Inc., one of America's largest capital investors in infrastructure.

NextEraEnergyResources.com

How the Grass Lake Solar Project Will Work

As sunlight hits the solar panels, the photovoltaic energy is converted into direct current electricity (DC). The direct current flows from the panels through inverters and is converted into alternating current (AC). From the inverter, some of the emissions free energy goes into a battery system to be stored for use at a later time while the rest of the energy travels through the power grid for delivery to homes and businesses.



My name is Ingrid Proxiv, I reside at 9450 Lee Rd Jackson 49201 which is in Grass Lake Township.

Having attended town council and zoning committee meeting these past months, I was disheartened to learn that there was a proposal being considered for a **1000 acre industrial size solar farm** very near my home. (1/2 located in Grass Lake the other 1/2 adjoining in Leoni township). . **We chose to live in Grass Lake for the tranquility and simple pleasures afforded us here. This is too large a project!**

Having lived here for 33 years, I was surprised that our once peaceful, residential, rural farming community was now inviting industrial enterprises **without really getting resident consensus or input.**

Nextera has not been truthful when with dealing with residents So many different answers for simple questions does not lead us to trust in this company. Opposing this huge 1000 acre industrial footprint in our quiet neighborhood is imperative.

The changing of the zoning from R2 to agricultural seems harmless but it will open the door to special use permits leading to this intrusion by heavy industry. This is not compatible with current land uses.


Increase in heavy trucking on our local roads will definitely impact road quality. Noise pollution, wildlife disruption, possible ground water contamination and unforeseen health problems can certainly warrant a pause to further evaluate this massive construction intrusion! Frequently health concerns don't occur till years after an innovation. **Opening the door to special use permits may also allow the introduction of the battery storage element which has proven to increase the fire risk in these installations.** **Nextera has indicated that all our concerns are unfounded but recently said battery storage will be on site.** They have all the studies that back their proposals. Looking, we can find studies that contradict their findings. Certainly at best, more research would be prudent.

The influx of tax revenue certainly is attractive- but on further scrutiny is it really as lucrative as led to believe? Dividing revenue between Grass Lake and Leoni, over the course of thirty years will possibly not bring the revenue anticipated. **Inflation and possible company ownership changes may put Grass Lake at an unanticipated disadvantage. Further evaluation needs to be considered. Large companies will certainly secure their profits while Grass Lake has minimal guarantees.** Residential home ownership expansion with normal property tax revenue and local population growth would most likely bring comparable results. With likely decreasing property values and drastic infringement on homeowner's peace of mind this industrial sized solar farm really doesn't fit with our current life I strongly oppose the installation of an **INDUSTRIAL SOLAR FARM** and **strongly object to the lies and misconceptions along this process!**

PLEASE VOTE NO on the zoning change . Please let residents and homeowners have a voice!

THIS IS NOT WHY WE BOUGHT OUR. HOMES IN GRASS LAKE. The Grass Lake Master plan designated areas for commercial use near the highway where it would certainly be better suited.

Thank You for all your thoughtful time spent! It is appreciated.


12/6/23

Hello,

This e-mail is from Darrell and Katherine Wood, we live at 10112 Page Ave Jackson Michigan. We are writing to voice our disapproval of the rezoning from R2 to Agriculture to accommodate Industrial Solar fields. This request to rezone affects several residents who live directly across the road and very near it like our property. These industrial fields do not fit the agricultural description and our township did not approve the rezoning based on several aspects. #1 Solar fields use industrial equipment (glass, metal wiring, batteries (toxic), and noise pollution (yes noise interrupting our country's living) for this size of these solar fields. #2 Residents, we have invested in our homes and to have this eye sore in our living environment is a huge negative to our community along with paying Grass Lake high taxes is a de-value impact on our homes and property. Yes, losing equity!! We already have proof of the buyer's backing out due to these Industrial Size Solar Fields. #3 Corporate interest is taking over the superior agricultural ground. These fields are rated high (level 3) for crop production. This particular rezoning would ruin good acreage forever! The ground will never be the same, period, do not believe these corporate salesman who pitch there. I hope you consider all these items and support our Grass Lake Community in not approving this rezoning request.

Also, this new energy package also opens up for other industrial ag like gravel pits and asphalt. Please be mindful and keep Industrial Solar, gravel pits, and asphalt production away from residential communities. Please protect our community!!! There is a place for all three and hope this is the first consideration to protect our community and the environment that our families live in.

Thank you,
Darrell and Katherine Wood



Jackson County Planning Commission

Staffed by the Region 2 Planning Commission (R2PC)
120 W. Michigan Avenue • Jackson, MI 49201
Phone (517) 788-4426 • Fax (517) 788-4635

Coordinated Zoning Report | #23-22

To: County Planning Commissioners
From: Zack Smith, R2PC Planner
Date: November 29, 2023

Proposal: **Rezoning 120 acre parcel, at 12230 Mt Hope Rd, Waterloo Township from Primary Agriculture (A-1) to Secondary Agriculture (A-2)**

Request

The subject property is proposed for rezoning to Secondary Agriculture (A-2) from Primary Agriculture (A-1).

Purpose

The Rezoning Worksheet Form states that the purpose of the proposed change is that “the owner wants to separate 2 3-acre parcels on which 2 homes are located and sell them.”

Location and Size of the Property

The parcel (000-05-05-400-001-00) proposed for rezoning is located in Section 5 SE Quarter of Waterloo Township on the west side of Mt Hope Rd. The subject parcel has an area of approximately 120 acres which are currently zoned from Primary Agriculture (A-1).

Land Use and Zoning

Current Land Use – The property is currently used for agriculture. The parcels to the north, south, east, and west are all used for agriculture.

Future Land Use Plan – The suggested future land use of the subject parcels, as depicted on the Township’s Future Land Use Map, is agricultural.

Current Zoning – The subject parcel is currently zoned from Primary Agriculture (A-1). The properties to the north and south are currently zoned A-1 and A-2. The properties to the east and west are currently zoned from Primary Agriculture (A-1).

Public Facilities and Environmental Constraints

Water and Sewer Availability – Municipal sewer and water services are currently not available to the subject parcels.

Public Road/Street Access – Mt Hope Road provides direct access to the subject parcel.

Environmental Constraints – The parcel has no known environmental constraints, according to the Township.

Analysis and Recommendation

Township Planning Commission Recommendation – The Waterloo Township Planning Commission approved the rezoning unanimously at their October 17, 2023 meeting, and the Waterloo Township Board made a motion to approve the zoning change request.

JCPC Staff Analysis and Advisement – The proposed rezoning is compatible with other zones and uses in the surrounding area. Based upon this analysis, staff advises the Planning Commission to recommend **APPROVAL** to the Waterloo Township Board of the proposed rezoning to ‘Secondary Agriculture (A-2)’.

Staff Report Attachment(s):

- *Background information provided by Waterloo Township*

Suggested Actions:	
(1)	Recommend APPROVAL
(2)	Recommend DISAPPROVAL
(3)	Recommend APPROVAL WITH COMMENTS
(4)	Take NO ACTION

JCPC Case #: 23-22
(For JCPC Use Only)

ZONING AMENDMENT FORM



**JACKSON COUNTY PLANNING COMMISSION
(COORDINATING ZONING)**

Return to: Jackson County Planning Commission • c/o Region 2 Planning Commission • 120 W. Michigan Avenue • Jackson, Michigan 49201

Please submit the Planning Commission meeting minutes and any reports/exhibits the Commission used to make its recommendation with this form. Use a separate form for each proposed zoning change. Please include a legal description/survey with rezoning requests in addition to the Parcel ID Number.

A copy of this form with the JCPC recommendation will be mailed back to the Clerk, who will return a copy to the JCPC with the Township Board Action.

THE WATERLOO TOWNSHIP PLANNING COMMISSION submits the following proposed zoning change to the Jackson County Planning Commission for its review, comment, and recommendation:

(ANSWER EITHER A or B)

A. DISTRICT BOUNDARY CHANGE (REZONING):

(Provide the legal and popular property descriptions, the Parcel ID Number(s), the number of acres, and the section(s) in which the property is located. Attach additional sheets if more space is needed. Attach a map showing all changes and additions.)

PARCEL # 000-05-05-400-001-00, 120 ACRES, SECTION 5

1. The above described property has a proposed zoning change FROM AGRICULTURAL 1 (A1) ZONE TO AGRICULTURAL 2 (AZ) ZONE.

2. PURPOSE OF PROPOSED CHANGE: THE OWNER WANTS TO SEPARATE (2) 3ACRES PARCELS ON WHICH 2 HOMES ARE LOCATED AND SELL THEM. 3 ACRE PARCELS ARE ALLOWED IN AZ, BUT NOT A1. THIS WILL

B. ZONING ORDINANCE TEXT AMENDMENT:

SAVE 4 ACRES OF FARMLAND IN TOTAL.

The following Article(s) and Section(s) is amended or altered: ARTICLE _____ SECTION _____

The NEW SECTION reads as follows: (Attach additional sheets if more space is needed.) _____

C. PUBLIC HEARING on the above amendment was held on: month 10 day 17 year 2023

D. NOTICE OF PUBLIC HEARING was published/mailed on the following date: month 9 day 30 year 2023
(Notice must be provided at least fifteen days prior to the public hearing.)

E. THE NEWSPAPER (having general circulation in Township) carrying the NOTICE: STOCKBRIDGE COMMUNITY NEWS

The PROPOSED ZONING AMENDMENT described herein was duly considered by the Township Planning Commission and will be forwarded to the Township Board with a recommendation to APPROVE or DISAPPROVE.

RALPH SCHUMACHER Chair or Secretary 10 / 17 / 2023 (enter date)

JACKSON COUNTY PLANNING COMMISSION (JCPC) ACTION:

1. Date of Meeting: month _____ day _____ year _____

2. The JCPC herewith certifies receipt of the proposed amendment on the above date and:

- Recommends APPROVAL of the zoning change
- Recommends DISAPPROVAL of the zoning change for the reasons stated in the attached letter.
- Recommends APPROVAL of the zoning change with comments, as stated in the attached letter.
- Takes NO ACTION.

_____, Recording Secretary _____ / _____ / _____ (enter date)

TOWNSHIP BOARD ACTION:

1. Date of Meeting: month 10 day 24 year 2023

2. The WATERLOO Township Board herewith certifies that a legally constituted meeting held on the above date and that the proposed amendment PASSED, DID NOT PASS, or was REFERRED ANEW to the Township Planning Commission.

Jarvis Kitley
Township Clerk

JCPC Case #: 13-22
(For JCPC Use Only)

REZONING WORKSHEET FORM



JACKSON COUNTY PLANNING COMMISSION (COORDINATING ZONING)

Return to: Jackson County Planning Commission • c/o Region 2 Planning Commission • 120 W. Michigan Avenue • Jackson, Michigan 49201

Please submit with the "Zoning Amendment Form" for a district boundary change (rezoning), not a text amendment.

Township of: WATERLOO Township Case #: 2023-002

Township official we may contact: JAN KITLEY Phone #: (517) 596-8400

Applicant: RONALD HAMLIN Phone #: (517) 927-3146

Rezoning Request: From: AGRICULTURAL 1 (A1) To: AGRICULTURAL 2 (A2)

Property Location: Section(s): 5 Quarter Section(s): NW NE SW SE

Legal Description and/or Survey Map/Tax Map (please attach) Yes No (Please do not use only the Parcel ID Number)

Parcel Size (if more than one parcel, label "A" - "Z"): 120 ACRES

Please attach location map Yes No

What is the existing use of the site? AGRICULTURAL 1

What is the proposed use of the site? AGRICULTURAL 2

What are the surrounding uses (e.g.: agriculture, single-family residential, highway commercial, etc.)?

North: AGRICULTURE South: AGRICULTURE

East: AGRICULTURE West: AGRICULTURE

What are the surrounding Zoning Districts?

North: () A1 & A2 South: () A1 & A2

East: () A1 West: () A1

What is the suggested use of the site on the Township's Land Use Plan map? AGRICULTURE

Is municipal water currently available? Yes No Will it be made available? Yes No If yes, when? _____

Is municipal sewer currently available? Yes No Will it be made available? Yes No If yes, when? _____

Does the site have access to a public street or road? Yes No If yes, name MT. HOPE ROAD

Are there any known environmental constraints on the site? Yes No

Wetland(s) Floodplain(s) Brownfield(s) Soil(s) Other (please specify) _____

Please attach the minutes of the Planning Commission.

Yes, the minutes are attached. No, the minutes are not attached.

Please attach copies of any reports, exhibits or other documented provided to the Planning Commission.

Yes, copies of documentation are attached. No, copies of documentation are not attached.

Please attach any public comments, letters, or petitions.

Yes, public comments are attached. No, public comments are not attached.

IN PLANNING COMMISSION MINUTES

Please include any additional information or comments as an attachment.

Waterloo Township

Jackson County, Michigan
9773 Mt. Hope Rd., Munith, MI 49259 (517-596-8200)

RECEIVED
SEP 06 2023
BY: *[Signature]*

PETITION for ZONING ORDINANCE AMENDMENT

NOTE: This application is to be used for **both** amendments to the provisions of the Zoning Ordinance **text** ("Text Amendment"), and amendments to the Zoning Ordinance's **Zoning Map** ("Map Amendment/Rezoning").

(All references to "Section" and "Article" refer to the Waterloo Township Zoning Ordinance)

Important Notice to Applicants: 15 copies of this petition must be completed in full and submitted to the Township Clerk. All questions must be answered completely. If additional space is needed, number and attach additional sheets.

1) **APPLICANT:** *Hamlin Farm LLC* *SIDN. DIETZ RD* *WEBBERVILLE MI 48892*
Name Street Address City / State / Zip Code Telephone # *517-927-3144*

2) **PETITION FOR:** ZONING MAP Amendment/Parcel Rezoning TEXT Amendment

Zoning Ordinance / Map Amendment / Parcel Rezoning

Questions #3 - #12

3) Tax Parcel #: *000-05-05-400-001-00*
4) Legal Description (attach sheet if necessary)

12) Explain why the present zoning classification of the property is not adequate:
Presently all farm

5) Existing Zoning: *A-1*
6) Proposed Zoning: *A-2*
7) Existing Use: *AG*
8) Anticipated Use: *Split of*
9) Parcel Acreage: *3A*

whole farm (ok per phone call to Hamlin) From A1 to A2 9/11/23 m Hess

10) Deed restrictions on parcel:
 Yes (attach) No

Text Amendment Questions #13 - #14

11) Names, addresses, phone #s of all other persons or entities having legal or equitable interest in the land:

13) This petition is to amend Art./Sec. _____ of the Ordinance to make the following changes:

a) *Ronald Hamlin*
SIDN. DIETZ RD WEBBERVILLE MI
b) *48892*

14) Explain why the present zoning text is not adequate:
need less than 5 Acres

want to preserve farm land

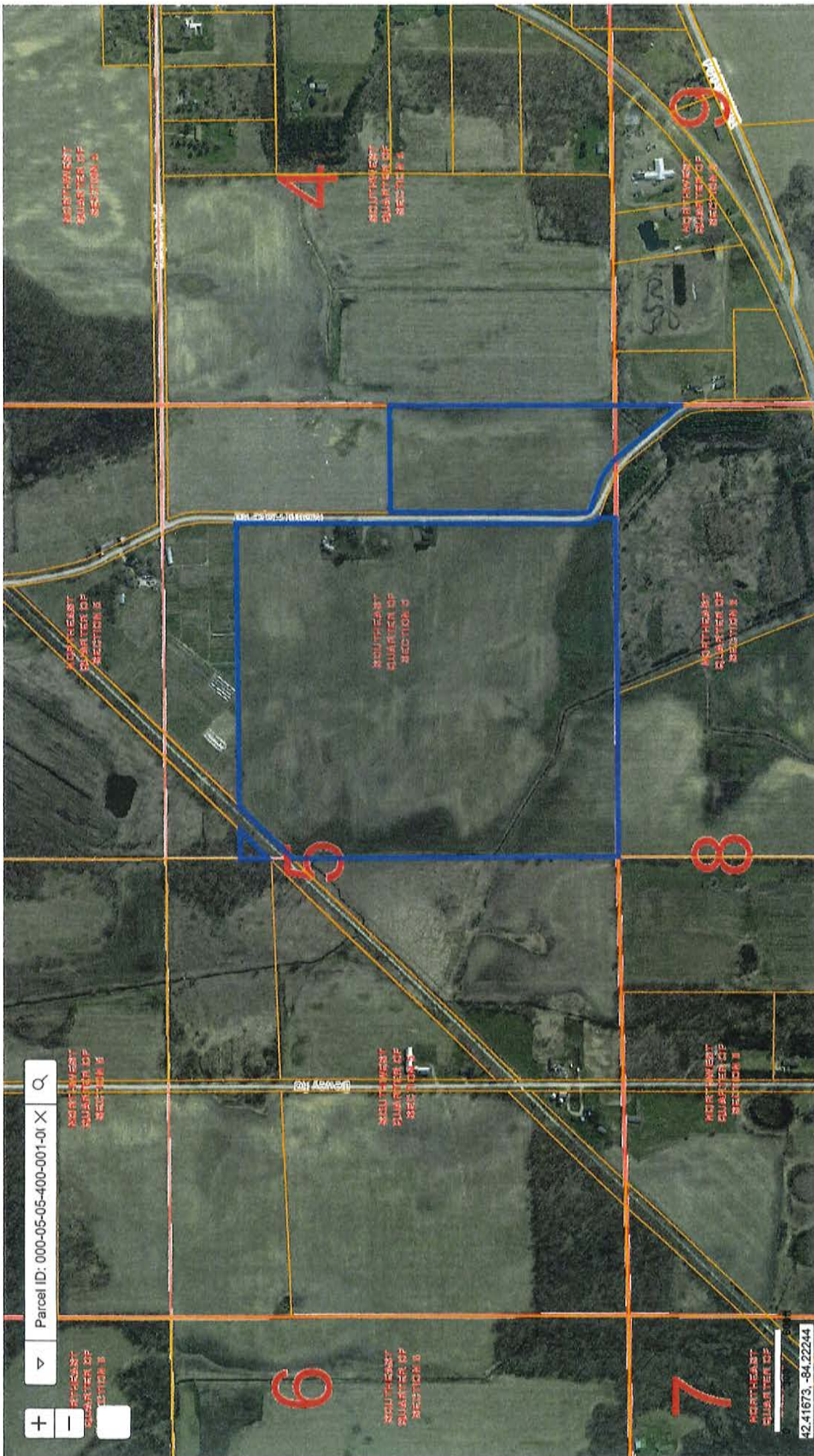
FOR TOWNSHIP USE ONLY

Petition Number:		
Date Received:		
Fee Paid	Date	Receipt #

Tax Parcel Number:
Date of Final Action: - -
Final Action Taken: (circle as appropriate)
Approved /Adopted

Notes:

Parcel ID: 000-05-05-400-001-01 X



!! Not OFFICIAL USE!!

D. Planning Commission Review: In reviewing any application for an amendment to this Ordinance, the Planning Commission shall identify and evaluate all factors relevant to the application. Findings of fact shall be gathered and shall be made a part of the public records of the meetings of the Planning Commission.

1. If the petition involves an amendment to the official zoning map, matters to be considered by the Planning Commission shall include, but shall not be limited to, the following:
 - a) What, if any, identifiable conditions related to the application have changed which justify the proposed amendment? *PROPERTY OWNER WANTS TO SELL RESIDENTS AND ARBITRARY*
 - b) What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition? *NONE*
 - c) What is the impact of the amendment on the ability of the Township and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted? *NONE*
 - d) Does the petitioned district change adversely affect environmental conditions, or the value of the surrounding property? *NO ENVIRONMENTAL IMPACT AND CAN'T CONSIDER*
 - e) Is the site's physical, geological, hydrological and other environmental features compatible with the host of uses permitted in the proposed district? *VALUE IMPACT*
 - f) Is the subject property able to be put to a reasonable economic use in the zoning district in which it is presently located? *YES*
 - g) Does the petitioned district change generally comply with the Township's Land Use Plan? *YES - PRESERVES A PIECE OF FARMLAND*
 - h) Is the proposed rezoning consistent with the zoning classification of surrounding land? *YES*
 - i) Can all requirements in the proposed zoning classification be complied with on the subject parcel? *YES*
2. If the petition involves an amendment to the text of the Ordinance, matters to be considered by the Planning Commission shall include, but shall not be limited to, the following:
 - a) Is the proposed amendment supported by documentation, such as from the Zoning Board of Appeals, that the proposed amendment would minimize problems or conflicts with specific sections of the Ordinance?
 - b) Is the proposed amendment supported by reference materials, planning and zoning publications, information gained at seminars or experiences of other communities to more effectively deal with certain zoning issues?
 - c) Is the proposed amendment supported by significant case law?
3. In determining the above mentioned findings of fact, the Planning Commission may solicit information and testimony from officials of, but not limited to, the County Health Department, County Road Commission, County Drain Commission, County Sheriff Department, any school district affected, and the County Planning Commission.

E. Planning Commission Action / Recommendation: The Planning Commission shall transmit its findings of fact and a summary of comments received at the public hearing to the Township Board, along with its recommended action on the amendment request. The Planning Commission shall transmit its findings of fact to the County Planning Commission. The Planning Commission shall report its findings in full along with its recommendations for disposition of the application, to the Township Board and County Planning Commission within a period of sixty (60) days following the required public hearing in subsection (C) above.

F. Township Board Actions

1. After receiving the findings and recommendations of the Planning Commission, and after receiving the findings and recommendations of the County Planning Commission, the Township Board at any regular meeting or at any special meeting called for that purpose, shall consider said findings and recommendations. The Township Board may refer any proposed amendment back to the Planning Commission for further consideration and comment within a time specified by the Township Board. Thereafter, the Township Board may adopt the amendment with or without changes. Such action shall be by Ordinance, requiring a majority vote of the Township Board. The Township Board may hold additional public hearings if the Township Board considers it necessary. The Township Board shall grant a hearing on the proposed amendment to any property owner who has filed a written request to

MESSAGE TO TAXPAYER

1% INTEREST ADDED SEPT 15, 2023 & 1% PER MONTH ON THE 1ST THEREAFTER, ADDITIONAL 3% PENALTY ADDED ON FEB 15, 2024 (UNLESS WAIVED)

HOURS: MON, TUE, THUR 9AM-1PM, WED 1PM-5PM

TREASURER'S OFFICE WILL BE OPEN SEPT 14, 2023 FROM 8 AM - 4 PM. THIS IS THE LAST DAY TO PAY SUMMER TAXES WITHOUT INTEREST!**

PAYMENT INFORMATION

This tax is due by: 09/14/2023

Pay by mail to: WATERLOO TOWNSHIP WENDY WALZ, TREASURER 9773 MT HOPE RD MUNITH MI 49259 PHONE 1-517-596-8300

PROPERTY INFORMATION

Property Assessed To: HAMLIN FARMS LLC 810 DIETZ WEBBERVILLE, MI 48892

STOCKBRIDGE COMM SC

Prop #: 000-05-05-400-001-00 School: 33200

Prop Addr: 12230 MT HOPE RD

QUALIFIED AGRICULTURAL PROPERTY EXEMPTION

Legal Description:

THE W 3/4 OF SE 1/4 OF SEC 5 EXC THEREFROM N 20A THEREOF ALSO EXC THEREFROM R/W OF GRAND TRUNK RAILWAY RUNNING IN A NELY AND SWLY DIRECTION ACROSS NW PART THEREOF ALSO E 1/2 OF SE 1/4 OF SE 1/4 OF SEC 5 EXC THEREFROM THAT PART THEREOF LYING S AND W OF CEN OF ANGLING HWY ALSO THAT PART OF NE 1/4 OF NE 1/4 OF SEC 8 LYING N AND E OF CEN OF ANGLING HWY SECS 5 AND 8 T1S R2E

BALANCE OF DESCRIPTION ON FILE

TAX DETAIL

Taxable Value: 228,959 AGRICULTURAL-IMPRO State Equalized Value: 416,850 Class: 101 PRE/MBT %: 75.0000

Mort Code: 00959

Taxes are based upon Taxable Value. 1 mill equals \$1.00 per \$1000 of Taxable Value. Amounts with no millage are either Special Assessments or other charges added to this bill.

Table with 3 columns: DESCRIPTION, MILLAGE, AMOUNT. Rows include STATE ED (6.00000, 1,373.75) and COUNTY (5.06600, 1,159.90)

OPERATING FISCAL YEARS

The taxes on bill will be used for governmental operations for the following fiscal year(s):

County: 1/1/2023 - 12/31/2023 Twn/Cty: 7/01/2023 - 6/30/2024 School: 7/01/2023 - 6/30/2024 State: 10/01/2022 - 9/30/2023

Does NOT affect when the tax is due or its amount

Table with 3 columns: Description, Millage, Amount. Rows include Total Tax (11.06600, 2,533.65), Administration Fee (25.33), and TOTAL AMOUNT DUE (2,558.98)

Please detach along perforation. Keep the top portion.

Mort Code 00959

Bill #

Pay this tax to:

WATERLOO TOWNSHIP WENDY WALZ, TREASURER 9773 MT HOPE RD MUNITH MI 49259 PHONE 1-517-596-8300

PLEASE RETURN THIS PORTION WITH PAYMENT. THANK YOU.

This tax is due by: 09/14/2023

After 09/14/2023 additional interest and fees apply

2023 Summer Tax for Prop #: 000-05-05-400-001-00

TAXPAYER NOTE: Is your name & mailing address correct? If not, please make corrections below. Thank You.

Make Check Payable To: WATERLOO TOWNSHIP

Property Addr: 12230 MT HOPE RD

TOTAL AMOUNT DUE: 2,558.98

Amount Remitted: _____

To: HAMLIN FARMS LLC 810 DIETZ WEBBERVILLE MI 48892



Receipt: 110004874

Cashier: MISSY

Entry Date Sep/12/2023

Post Date 09/12/2023

WATERLOO TOWNSHIP

9773 MT HOPE ROAD

MUNITH, MI 49259
MON. TUE. THUR 9AM - 1PM W
517-596-8200

WATERLOOTWPMI.GOV

Received Of:

Ronald Hamlin

810 N. Dietz rd
Webberville, MI

The sum of: \$300.00

MISC	MISCELLANEOUS- ZONE CHANGE	300.00
------	----------------------------	--------

Total 300.00

TENDERED:	CHECKS	1896	300.00
-----------	--------	------	--------

Balance:

RONALD E HAMLIN
KRISTINE HAMLIN
 810 N DIETZ RD
 WEBBERVILLE, MI 48892-9206

Date 9-12-23

Pay to the Order of *Three Hundred and 00/100* \$ 300.00

 **Huntington**

Dollars



Photo
Safe
Deposit
Card

Memo

⑆072403473⑆ 02156526083⑆01896

Ronald Hamlin

Signed:

1896
7A-387724

Receipt: 110004869

Cashier: MISSY

Entry Date Sep/06/2023

Post Date 09/06/2023

WATERLOO TOWNSHIP

9773 MT HOPE ROAD

MUNITH, MI 49259
MON. TUE. THUR 9AM - 1PM W
517-596-8200

WATERLOOTWPMI.GOV

Received Of:

RONALD HAMLIN
810 N. DIETZ RD
WEBBERVILLE MI

The sum of: \$150.00

MISC	ZONING CHANGE		150.00
Total			150.00
TENDERED:		CHECKS	1895
			150.00

Balance:

RONALD E HAMLIN
KRISTINE HAMLIN
 810 N DIETZ RD
 WEBBERVILLE, MI 48892-9206

Pay to the Order of Waterloo Township \$ 150.00
One Hundred Fifty and 00/100 Dollars

Date 9-11-23

Memo Young Ordinance Change

⑆0724034731⑆ 02158526083⑆01895

Signed: Ronald Hamlin

HUNTINGTON

1895
 74-34/724

Waterloo Township Planning Commission Meeting Minutes October 17, 2023

Meeting called to order at 7:00 pm.

Pledge of Allegiance

Roll Call: R. Schumacher, W. Schulz, C. Richardson, B. Steere, J. Beck and M. Zweifler All Present.
Absent: G. Siegrist

Acceptance of October 17, 2023 meeting agenda: Moved by B. Steere and supported by J. Beck to accept agenda as modified. (added discussion of Planning Commission Procedures). **Motion carried.**

Public Comment: B. Richardson gave an update on wind and solar energy bills being considered by the state legislature. Also discussed and distributed The Grass Lake Emergency Moratorium Ordinance on new large solar systems.

Acceptance of September 19, 2023 Planning Commission Meeting Minutes: Moved by J. Beck, supported by C. Richardson to accept minutes as presented. **Motion carried.**

(1) New Business: Public Hearing for Hamlin Farms LLC

- Moved by R. Schumacher, supported by M. Zweifler to close regular meeting and open Public Hearing at 7:08pm. **Motion Carried.**
- M. McClure, 12750 Mt. Hope Rd inquired about the proposed change and was concerned the parcel was going to be split.
- G. Hannewald, 12821 Leeke Rd, commented on proposed agricultural zoning changes.
- Moved by R. Schumacher, supported by C. Richardson to close Public Hearing and Reopen regular meeting at 7:17pm. **Motion Carried.**

(2) New Business: Planning Commission Review and Discussion of Proposed Hamlin Farms Zoning Change Request.

- Reviewed all the elements of the zoning ordinance 7.04 D1 and found no deficiencies in the application of Hamlin Farms LLC's request to rezone parcel 000-05-05-400-001-00 from A1 to A2. Legal has advised that the surrounding property value impact should not be considered.
- Moved by R. Schumacher, supported by B. Steere to recommend that the Township Board approve the zoning change request by Hamlin Farms LLC on parcel 000-05-05-400-001-00 located at 12230 Mt. Hope Rd, Stockbridge, MI 49285 from A1 to A2 having satisfied all the requirements of the Zoning Ordinance 7.04 D1. J. Beck, B. Steere, C. Richardson, R. Schumacher, M. Zweifler and W. Schulz all vote YES. Absent: G. Siegrist. **Motion Carried.**

(3) New Business: Planning Commission Procedures Review

- Reviewed and added items to draft document for Planning Commission procedures for Zoning Amendment changes.
- Reviewed and recommended changes to Petition for Zoning Ordinance Amendment document.
- Documents for Public Comments during Public Hearings, Planning Commission by Laws and making proper decisions will be reviewed at November meeting.

Waterloo Township Board Meeting Minutes

24 October 2023 7:00 P.M.

9773 Mt. Hope Road

Munith, MI 49259

Call to Order and Pledge: 7:00 p.m.

Present: Lance, Walz, Kitley, McAlister, Beck. Also present: 7 residents, Margie Walz (Jackson Planning Commission) Deputy Desnoyer.

Supervisor Lance discussed additions to the agenda under new business:

1. Zoning change request recommendation from the planning commission
2. Discussion of an outdoor gathering ordinance
3. Discussion of our solar ordinance and some actions that Grass Lake has taken recently regarding solar farms.

Public Comment: Cathy Upton announced that Green Road is open. B. Richardson said he is now on the Region 2 WellWise Area Agency on Aging board, and has information to share in brochures. There will be some pamphlets to share in the entry way to the offices. Commissioner Walz talked of working with the Sheriff's Office on expansion plans, early election days, gave some updates on recent board appointments and reported that the fairgrounds is expanding services regarding barn space. November 21st at 7:00 p.m. is the next Jackson County Planning Commission meeting.

Consent Agenda: Kitley motioned with support from Walz to accept the consent agenda as presented. Aye/all; no/none. Motion carried. Kitley motioned with support from Walz to pay the Post Audit checks is the amount of \$800.00. Roll call vote: Yes/Lance, Beck, McAlister, Walz, Kitley. No/none. Motion carried.

Police Report: Deputy Desnoyer's report for September 2023 was as follows: Deputies put in 184 hours, drove 1970 miles, answered 41 calls for service, made 20 traffic stops and issued 3 citations. Sheriff's office responded to 26 calls and Michigan State Police took 12 calls for service.

Correspondence: Discussion on Representative Conlin's response to the Waterloo resolution to keep control of Waterloo Township land use.

Old Business: None

New Business:

Parks & Recreation: Walz spoke of the Munith Halloween Parade plans. They are working on the Munith Park getting quotes on what needs to be replaced/removed from grounds. The park has been inspected and evaluated by Rohn Tripp as to what needs to be done. Grants will be submitted for funds to help with repairs and replacements. Henrietta Township will help with grants and financing. Motion by Lance to approve the demolition of the chimney at Munith Park at a cost not to exceed \$5500, supported by Beck. Roll call vote: Yes/Lance, Beck, McAlister, Walz, Kitley. No/none. Motion carried.

Planning Commission: There is currently some discussion in the planning commission about making updates to the zoning change request process, based upon some learnings from recent MTA training and also their own observations. Need to look at the Hamlin Farms rezoning tonight.

Purchasing Policy: Brief discussion on the purchase policy update as presented. Changes are minimal from the last update. Discussed conflict of interest section. Need to discuss things openly in every case. Motion by Lance to adopt the amended Waterloo Twp purchasing policy as presented (resolution #23-10-24-01). Support by Walz. Roll call vote: Yes/Lance, Beck, McAlister, Walz, Kitley. No/none. Motion carried.

Snow Plowing bids: Only bid received was from Green Shades Lawn Mowing, who is the current service provider. Some discussion of new pad area in front of the fire barn. The quote does not include this space. Motion by Lance, support by McAlister to accept the Green Shades Lawn Mowing quote as presented. Roll call vote: Yes/Lance, Beck, McAlister, Walz, Kitley. No/none. Motion carried.

Employee Handbook: Discussed a proposed employee handbook. Was shared with the board for the first time tonight. Will discuss further at next month's meeting after there has been time for review.

New Auditing Firm Quotes: Only 2 quotes received. Need action tonight since the current provider resigned suddenly. Beck spoke on behalf of PHP. He has worked with them and they are very responsive. Also, Stockbridge township uses them as well. Markowski is the firm that works with Henrietta and they seem happy as well with that firm. Motion by Beck, support by Kitley to accept the bid from PHP as presented, which is for \$13,500, which includes next year and the completion of this year. Roll call vote: Yes/Lance, Beck, McAlister, Walz, Kitley. No/none. Motion carried.

Election Workers for November 7, 2023 election: Motion by Lance, support by McAlister to approve the election worker list. Motion approved unanimously.

Zoning change request: Request to change a 120 acre parcel at 12230 Mt. Hope Road from Agg 1 to Agg 2 zoning. Recommendation from the Planning Commission was to approve the change request. Motion by Lance, support by McAlister to approve the Planning Commission's recommendation to approve the zoning change request of parcel #000-05-05-400-001-00 located at 12230 Mt. Hope Road, Stockbridge, MI from Agg 1 to Agg 2, having satisfied all of the zoning ordinance requirements of 7.04.D.1.

Discussion of an outdoor gathering ordinance: An example ordinance was provided from Gibson Township. Lance mentioned some shortcomings of the ordinance, but is passing it on the planning commission as an example that could be used. Waterloo is considering such an ordinance, mainly to be aware of when gatherings occur (such as EPIC races), so that the residents can be informed of such events. Planning Commission can do with the ordinance what they think is right.

Discussion of Waterloo's existing solar ordinance: Waterloo's attorney reviewed the ordinance and offered some suggested edits. Planning Commission is asked to review it as time permits and consider any necessary updates. Also, regarding solar ordinances, Grass Lake has recently adopted a moratorium ordinance on any new solar requests. Lance is suggesting that Waterloo takes the same approach, using very similar language, and take no action on any new solar applications, so that Waterloo has had time to review its own ordinance to ensure that it aligns with the current state of affairs. Waterloo has no current applications for solar operations. After some discussion about language, Lance made a motion to adopt resolution #23-10-24-02, "Solar Energy System Emergency Moratorium Ordinance", supported by Walz. Roll call vote: Yes/Walz, Kitley, Lance, Beck, McAlister. No/none. Motion carried.

Any Other Business That Comes to the Board: None

Public Comment: T. Patrick inquired about the state of the Waterloo store. The deputy is keeping an eye on it and our Zoning Enforcement Officer is working with the owners to try to get it cleaned up.

Adjournment: Walz motioned with support from McAlister to adjourn at 8:06 p.m. Aye/all; no/none. Motion carried.

The next Planning Commission meeting will be Tuesday, November 21, 2023, at 7:00 p.m. The next regular board meeting will be on November 28, 2023, at 7:00 p.m. Minutes will be published in the Stockbridge Community News at the end of each month, on our website waterlootwpmi.gov, on our Facebook page at: [waterlootownshipmichigan](https://www.facebook.com/waterlootownshipmichigan), and The Grass Lake Exponent.

Submitted by: Janice Kitley, Clerk



Jackson County Planning Commission

Staffed by the Region 2 Planning Commission (R2PC)
120 W. Michigan Avenue • Jackson, MI 49201
Phone (517) 788-4426 • Fax (517) 788-4635

Coordinated Zoning Report | #23-23

To: County Planning Commissioners
From: Zack Smith, R2PC Planner
Date: December 6, 2023

Proposal: **Rezoning 4.7 acre parcel, at 5364 York Dr., Clarklake from Agricultural (AG) to Residential Suburban (RS)**

Request

The subject property is proposed for rezoning to Residential Suburban (RS) from Agricultural (AG).

Purpose

The Rezoning Worksheet Form states that the purpose of the proposed change is to create a lot where the owner's daughter can build a house.

Location and Size of the Property

The parcel (000-19-16-152-007-02) proposed for rezoning is located in Section 16 NW Quarter of Columbia Township on the east side of York Drive. The subject parcel has an area of approximately 4.7 acres which are currently zoned for Agriculture (AG).

Land Use and Zoning

Current Land Use – The property is currently used for residential dwelling. The parcels to the north, south, east, and west are all residential.

Future Land Use Plan – The suggested future land use of the subject parcels, as depicted on the Township's Future Land Use Map, is residential.

Current Zoning – The subject parcel is currently zoned Agricultural (AG). The properties to the north and west are currently zoned Agricultural (AG). The properties to the east and south are currently zoned Residential Suburban (RS).

Public Facilities and Environmental Constraints

Water and Sewer Availability – Municipal sewer services are currently available to the subject parcel, but municipal water services are not available at the subject parcel.

Public Road/Street Access – York Drive provides direct access to the subject parcel.

Environmental Constraints – The parcel has no known environmental constraints, according to the Township.

Analysis and Recommendation

Township Planning Commission Recommendation – The Columbia Township Planning Commission approved the rezoning unanimously at their November 16, 2023 meeting.

JCPC Staff Analysis and Advisement – The proposed rezoning is compatible with other zones and uses in the surrounding area. Based upon this analysis, staff advises the Planning Commission to recommend **APPROVAL** to the Columbia Township Board of the proposed rezoning to ‘Residential Suburban (RS)’.

Staff Report Attachment(s):

- *Background information provided by Columbia Township*

Suggested Actions:

- (1) Recommend **APPROVAL**
- (2) Recommend **DISAPPROVAL**
- (3) Recommend **APPROVAL WITH COMMENTS**
- (4) Take **NO ACTION**

REZONING WORKSHEET FORM



JACKSON COUNTY PLANNING COMMISSION (COORDINATING ZONING)

Return to: Jackson County Planning Commission • c/o Region 2 Planning Commission • 120 W. Michigan Avenue • Jackson, Michigan 49201

Please submit with the "Zoning Amendment Form" for a district boundary change (rezoning), not a text amendment.

Township of: Adumbia Township Case #: Parcel # 38000-19-16-152-007-02
 Township official we may contact: Rick Church (Zoning Administrator) Phone #: (517) 592 - 2000
 Applicant: Tim Vinson 5364 York Clarklake MI 49234 Phone #: (517) 812 - 2388
 Rezoning Request: From: Agricultural (AG) To: Residential (RS)
 Property Location: Section(s): 16 Quarter Section(s): NW NE SW SE
 Legal Description and/or Survey Map/Tax Map (please attach) Yes No (Please do not use only the Parcel ID Number)
 Parcel Size (if more than one parcel, label "A" - "Z"): 4.71 ACREAGE

Please attach location map Yes No
 What is the existing use of the site? Residential Dwelling

What is the proposed use of the site? Residential Dwellings

What are the surrounding uses (e.g.: agriculture, single-family residential, highway commercial, etc.)?
 North: Residential (Single Family) South: Residential (Single Family)
 East: Residential (Single Family) West: Residential (Single Family)

What are the surrounding Zoning Districts?
 North: (AG) Agricultural South: (RS) Residential Suburban
 East: (RS) Residential Suburban West: (AG) Agricultural

What is the suggested use of the site on the Township's Land Use Plan map? AG Agricultural
 Is municipal water currently available? Yes No Will it be made available? Yes No If yes, when? _____
 Is municipal sewer currently available? Yes No Will it be made available? Yes No If yes, when? _____
 Does the site have access to a public street or road? Yes No If yes, name _____
 Are there any known environmental constraints on the site? Yes No
 Wetland(s) Floodplain(s) Brownfield(s) Soil(s) Other (please specify) _____

Please attach the minutes of the Planning Commission.
 Yes, the minutes are attached. No, the minutes are not attached.
 Please attach copies of any reports, exhibits or other documented provided to the Planning Commission.
 Yes, copies of documentation are attached. No, copies of documentation are not attached.
 Please attach any public comments, letters, or petitions.
 Yes, public comments are attached. No, public comments are not attached.

Please include any additional information or comments as an attachment.

ZONING AMENDMENT FORM



JACKSON COUNTY PLANNING COMMISSION (COORDINATING ZONING)

Return to: Jackson County Planning Commission • c/o Region 2 Planning Commission • 120 W. Michigan Avenue • Jackson, Michigan 49201

Please submit the Planning Commission meeting minutes and any reports/exhibits the Commission used to make its recommendation with this form. Use a separate form for each proposed zoning change. Please include a legal description/survey with rezoning requests in addition to the Parcel ID Number.

A copy of this form with the JCPC recommendation will be mailed back to the Clerk, who will return a copy to the Township Board Action.

THE Columbia TOWNSHIP PLANNING COMMISSION submits the following proposed zoning change to the Jackson County Planning Commission for its review, comment, and recommendation:

(ANSWER EITHER A or B)

A. DISTRICT BOUNDARY CHANGE (REZONING):

(Provide the legal and popular property descriptions, the Parcel ID Number(s), the number of acres, and the section(s) in which the property is located. Attach additional sheets if more space is needed. Attach a map showing all changes and additions.)

Parcel # 38000-19-16-152-007-02

1. The above described property has a proposed zoning change FROM AGRICULTURAL (AG) ZONE TO RESIDENTIAL SUBURBAN (RS) ZONE.

2. PURPOSE OF PROPOSED CHANGE: USE AS RESIDENTIAL PROPERTY

B. ZONING ORDINANCE TEXT AMENDMENT:

The following Article(s) and Section(s) is amended or altered: ARTICLE _____ SECTION _____
The NEW SECTION reads as follows: (Attach additional sheets if more space is needed.) _____

C. PUBLIC HEARING on the above amendment was held on: month 11 day 16 year 2023

D. NOTICE OF PUBLIC HEARING was published/mailed on the following date: month 10 day 30 year 2023
(Notice must be provided at least fifteen days prior to the public hearing.)

E. THE NEWSPAPER (having general circulation in Township) carrying the NOTICE: BROOKLYN EXPONENT

The PROPOSED ZONING AMENDMENT described herein was duly considered by the Township Planning Commission and will be forwarded to the Township Board with a recommendation to APPROVE or DISAPPROVE.

John Wang Chair or Secretary 12 / 05 / 2023 (enter date)

JACKSON COUNTY PLANNING COMMISSION (JCPC) ACTION:

1. Date of Meeting: month _____ day _____ year _____

2. The JCPC herewith certifies receipt of the proposed amendment on the above date and:
- Recommends APPROVAL of the zoning change
 - Recommends DISAPPROVAL of the zoning change for the reasons stated in the attached letter.
 - Recommends APPROVAL of the zoning change with comments, as stated in the attached letter.
 - Takes NO ACTION.

_____, Recording Secretary _____ / _____ / _____ (enter date)

TOWNSHIP BOARD ACTION:

1. Date of Meeting: month _____ day _____ year _____

2. The _____ Township Board herewith certifies that a legally constituted meeting held on the above date and that the proposed amendment PASSED, DID NOT PASS, or was REFERRED ANEW to the Township Planning Commission.

Township Clerk

COLUMBIA TOWNSHIP PLANNING COMMISSION

Columbia Township Hall
8500 Jefferson Rd. Brooklyn MI 49230

Thursday, November 16, 2023

7:00 PM

Public Hearing

Minutes

Call to order, Pledge of Allegiance: Chairperson Wanty called the meeting to order at 7:00 p.m. and the pledge of allegiance was recited.

Roll Call: Mr. Trout called the roll: Present: Chairperson Todd Wanty, Vice-Chair Bob Jenson, Secretary Mike Trout, Mike McKay, Hollis Jeffreys; Absent: Krissie Barnes; Recognized Guests: Rick Church

Note: There is a vacant seat.

Approval of Agenda: *Motion by Mr. McKay, supported by Mr. Jenson to approve the agenda. Ayes all. Motion Carried.*

Approval of Minutes from Tuesday September 20, 2023: *Motion by Mr. McKay, supported by Mr. Jeffreys, to approve the minutes as presented. Ayes all. Motion Carried*

Purpose of meeting: Chair Wanty presented the purpose of the meeting.

- a. Public hearing for Re-Zoning of 5364 York Dr. Clarklake, MI. – Parcel # ADP-000-19-16-152-007-02

Public Comment: Chair Wanty opened the public comment period at 7:04 p.m. There were no comments, and the Chair closed the public comment period at 7:04 p.m.

Old Business:

Community Survey – No update.

Master Plan Update – No update.

New Business:

- a. Public hearing for Re-Zoning of 5364 York Dr. Clarklake, MI. Mr. Wanty opened the public hearing at 7:07 p.m. Ann Vinson explained the purpose of the request was to create a single lot for their daughter to build a home. The existing lot has an out building that would need to be incorporated into the proposed new parcel in order to meet the frontage requirement for AG. This request is to create a lot 117' x 381' at the northerly portion of the property and leaves the out building as

part of the original home site. Mr. Church noted the letter dated September 20, 2023 from LandPlan concluding that the petition is reasonably consistent with the Master Plan, zoning and the surrounding area and recommend approval. Commissioners briefly discussed the proposal. The Chair closed the public hearing at 7:14 p.m.

Mr. Trout made the motion, supported by Mr. McKay to recommend approval of the re-zoning request for 5364 York Dr. Clarklake, MI. from AG to RS1– Parcel # ADP-000-19-16-152-007-02, in accordance with the correspondence from LandPlan dated September 20, 2023. Ayes all. Motion Carried.

Mr. Church explained to the applicant the review and approval process as noted in Part One Section D of the LandPlan letter.

Public Comment: Chair Wanty opened the public comment period at 7:15 p.m. There were no comments, and the Chair closed the public comment period at 7:16 p.m.

Commissioner Comments: Chair Wanty noted the upcoming Public Hearing for zoning amendments and the final required meeting of the year will be held on December 5, 2023. In addition to the public hearing the election of officers for 2024 will be on the agenda. Mr. Jensen noted the state legislation recently passed that will take away local control for certain wind and solar energy projects. Commissioners expressed concern regarding those bills and the potential for similar action related to aggregate extraction. Mr. Jefferys noted some negative impacts from the dam removal.

Adjournment: *Chair Wanty made the motion supported by Mr. Jenson to adjourn at 7:30 p.m. Ayes all. Motion Carried.*

RESPECTFULLY SUBMITTED
Mike Trout, Secretary



Columbia Charter Township

www.twp.columbia.mi.us

8500 Jefferson Road
Brooklyn, MI 49230

Phone: (517) 592-2000
Fax: (517) 592-8115

TO: Columbia Charter Township Planning Commission
RE: Request for Zoning Map Amendment/ Re-zoning on Parcel known as:
ADP# 000-19-16-152-007-02 (5364 York Dr. Clarklake, MI 49234)
Current Parcel Zoning: AG (Agricultural)
Proposed Parcel Zoning: RS (Residential)

DATE: October 30, 2023

NOTICE OF PLANNING COMMISSION OF COLUMBIA CHARTER TOWNSHIP MEETING
TO BE HELD IN PERSON AT COLUMBIA CHARTER TOWNSHIP 8500 JEFFERSON RD BROOKLYN, MI 49230
Please take notice that a public hearing has been scheduled by the Planning Commission for Columbia Charter Township to be held in person on Thursday, November 16, 2023, at 7:00 P.M to review the following request:

RE: Request for Zoning Map Amendment/ Re-zoning on Parcel known as:
ADP# 000-19-16-152-007-02 (5364 York Dr. Clarklake, MI 49234)
Current Parcel Zoning: AG (Agricultural)
Proposed Parcel Zoning: RS (Residential)

Members of the public will only be able to speak during the public comment portion of the meeting. To provide for orderly public participation, a person wishing to speak must state their name and request to be recognized by the Chair of the Planning Commission. The Chair will recognize all persons wishing to speak during public comment. If, prior to the hearing, members of the public have certain questions or wish to provide input on any business that will be addressed at the meeting, then such persons may contact the Township Planning Commission by mail at 8500 Jefferson Road, Brooklyn, MI 49230 or by contacting Zoning Administrator Rick Church at (517) 592-2000, ext. 251 or by email at rchurch@twp.columbia.mi.us (The Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities for the meeting upon advance notice by contacting Clerk Hulburt at (517) 592-2000, ext. 231 or by email at chulburt@twp.columbia.mi.us)

Sincerely,

Rick Church, Zoning Administrator
8500 Jefferson Road, Brooklyn, MI 49230
Phone (517) 592-2000
Email: rchurch@twp.columbia.mi.us

Supervisor, Barry Marsh

Clerk, Cathy Hulburt

Treasurer, John Calhoun

Trustees: Brent Beamish, Rick Church, Cathy Hulburt, John Calhoun, John Tackett, Michael Trout 1 / 16

Columbia Township

Jackson County, Michigan

3500 Jefferson Road, Brooklyn, MI 49230 • Phone (517) 592-2000 • Fax (517) 592-8115

ZONING ORDINANCE AMENDMENT PETITION

This petition is for amendments to the
Zoning Ordinance Text ("Text Amendment") and Zoning Map ("Map Amendment/Rezoning").

(All references to 'Section' and 'Article' refer to the Columbia Township Zoning Ordinance)

Important Notice to Applicants: This petition must be completed in full and 15 copies (including attachments) submitted to the Zoning Administrator. If additional space is needed, number and attach additional sheets.

- 1) Petitioner: Jim Vinson 5364 York CLACKLAKI 517-812-2788
Name Street Address City/State/Zip Telephone
- 2) Petition For: Zoning Map Amendment or Text Amendment (Check One)
- 3) Petitioner's Interest in Property: Owner Lessee Buy Option Other/Specify: _____

Zoning Map Amendment / Rezoning Questions #4 - #11, and #14

- 4) Property Tax #: 000-19-16-152-007-02 Property Address: 5364 York
- 5) Existing Zoning: AG (AGRICULTURAL) Proposed Zoning: RS (RESIDENTIAL)
- 6) Existing Use: RESIDENTIAL Anticipated Use: RESIDENTIAL
- 7) Deed restrictions on property: Yes No Property Acreage: 4.77
- 8) Is property in a platted subd. or condominium. If 'yes' to either, what is name: _____
- 9) Legal Description: _____

10) Names, addresses, phone #s of all other persons/entities having legal or equitable interest in the land: _____

11) Explain why the present zoning classification of the property is not adequate:
want to have smaller lots, and able to build

Text Amendment Questions #12 - #14

12) This petition is to amend Section _____ of the Ordinance to make the following changes:

13) Explain why the present text is not adequate:

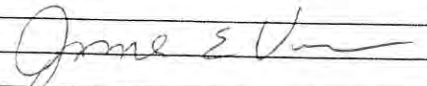
For TOWNSHIP USE Only

Petition Number: _____			Property Tax Number: _____		
Date Received: _____			Date of Final Action: _____		
Fee Paid	Date	Receipt #	Final Action Taken: (circle as appropriate) <div style="display: flex; justify-content: space-around; margin-top: 10px;"> Approved / Adopted Denied </div>		
1) _____	_____	_____			
2) _____	_____	_____			
Notes: _____					

14) **SUPPORTING DOCUMENTS:**

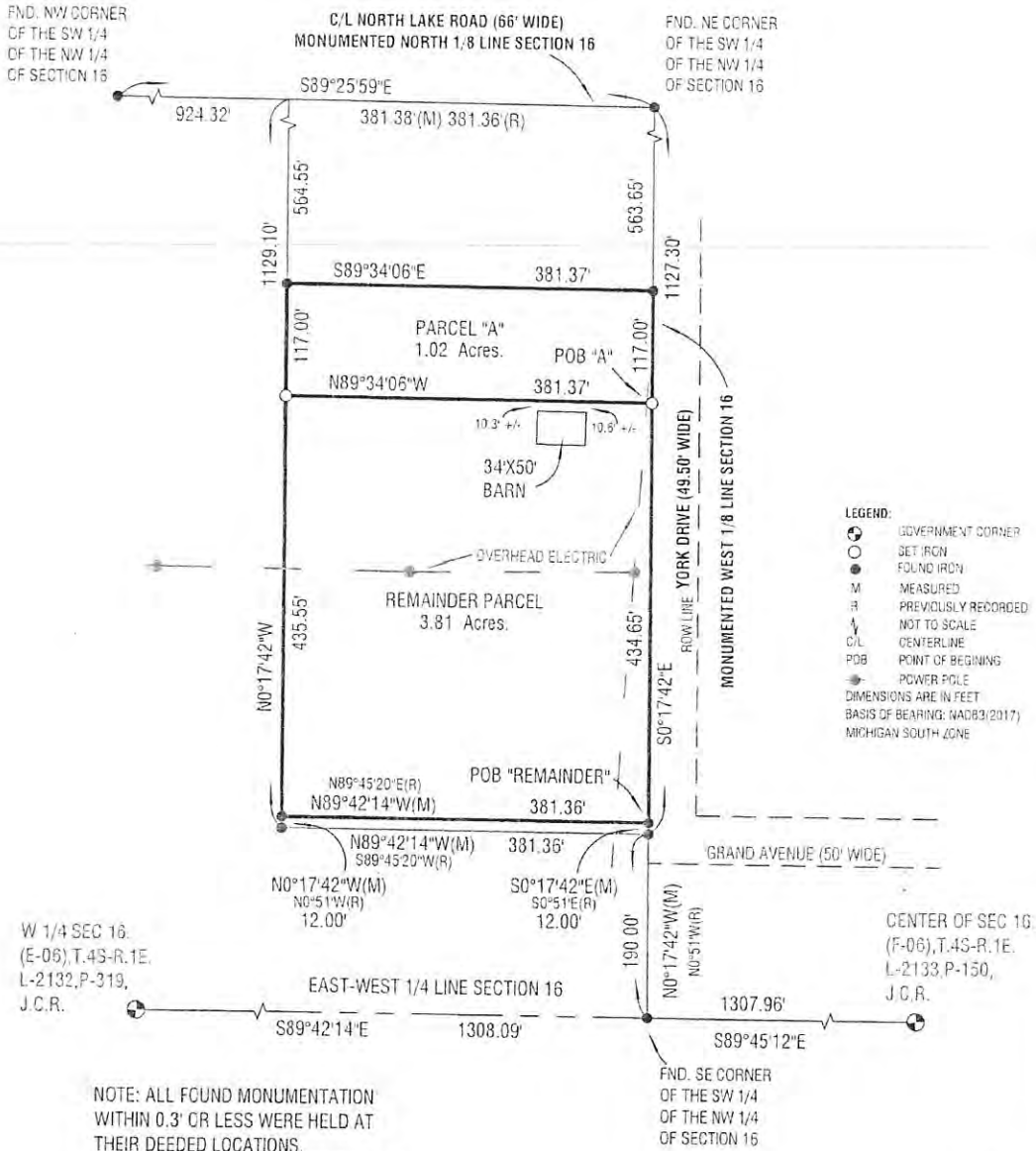
- A. **ZONING MAP AMENDMENT / REZONING:** The petitioner shall submit 15 copies of a scaled drawing of the property correlated with the legal description, at a scale of not less than 1" = 200', clearly showing the location, shape, area and dimensions of the parcel(s)/lot(s) subject to the proposed rezoning, sealed by a professional engineer or licensed land surveyor.
- B. **OPTIONAL SUBMITTAL for ZONING MAP AMENDMENT / REZONING:** The applicant is not required to, but is encouraged to submit 15 copies of a written justification for the proposed Zoning Map amendment. Factors to be considered by the Planning Commission and Township Board in evaluating a Zoning Map amendment petition are presented in Section 17.3(B)(2)(a).
- C. **OPTIONAL SUBMITTAL for TEXT AMENDMENT:** The applicant is not required to, but is encouraged to submit 15 copies of a written justification for the proposed text amendment. Factors to be considered by the Planning Commission and Township Board in evaluating a text amendment petition are presented in Section 17.3(B)(2)(b).

15) **AFFIDAVIT:** I (we) the undersigned affirm that the foregoing answers, statements, and information are in all respects true and correct to the best of my (our) knowledge and belief.

_____	_____		6-29-23
Applicant Signature(s)	Date	Property Owner's(s) Signature(s) <small>(if different than applicant)</small>	Date

CERTIFICATE OF SURVEY

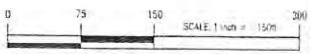
PART OF THE NW 1/4
SECTION 16, T.04 S -R.01 E
JACKSON COUNTY, MICHIGAN



- LEGEND:**
- ⊙ GOVERNMENT CORNER
 - SET IRON
 - FOUND IRON
 - M MEASURED
 - R PREVIOUSLY RECORDED
 - ↗ NOT TO SCALE
 - C/L CENTERLINE
 - POB POINT OF BEGINNING
 - ⚡ POWER POLE
 - DIMENSIONS ARE IN FEET
 - BASIS OF BEARING: NAD83(2011)
 - MICHIGAN SOUTH ZONE

NOTE: ALL FOUND MONUMENTATION
WITHIN 0.3' OR LESS WERE HELD AT
THEIR DEEDED LOCATIONS.
BRG. AND DISTANCE BETWEEN E-06 AND
F-06: S89°43'43"E 2616.05'

I HERBY CERTIFY THAT I HAVE SURVEYED THE ABOVE
DESCRIBED LANDS ON MAY 2023.



BRIAN D. FISH, P.S.
517-937-6451

Brian D. Fish
4 / 16

PARCEL SPLIT

CERTIFIED TO:
JAMES AND ANN VINSON
5364 YORK DRIVE,
CLARK LAKE, MI 49234

MAY 2023

CERTIFICATE OF SURVEY

PART OF THE NW 1/4
SECTION 16, T.04 S -R.01 E
JACKSON COUNTY, MICHIGAN

Property description of parent parcel as recorded in Liber 1510, Page 1109, Jackson County Records.
The South 1/2 of the following described land: Commencing at the Northeast corner of the Northwest 1/4 of the Southwest fractional 1/4 of Section 16, Town 4 South, Range 1 East, Columbia Township, Jackson County, Michigan, thence North along the West 1/8 line of said Section, 190.0 feet to a point for the place of beginning of this description, thence West parallel with the East and West 1/4 line of said Section 16, 381.36 feet, thence North parallel with the West 1/8 line to the North 1/8 line of said Section, thence East along said North 1/8 line 381.36 feet to the West 1/8 line of said Section, and thence South along said West 1/8 line to the place of beginning.

EXCEPTING THEREFROM: A parcel of land in the Southwest 1/4 of the Northwest 1/4 of Section 16, Town 4 South, Range 1 East, Columbia Township, Jackson County, Michigan, being more specifically described as commencing at the Northeast corner of the Northwest 1/4 of the Southwest fractional 1/4 of said Section 16; thence North 00 degrees 51' West 190.00 feet along the West 1/8 line of said Section 16 for the point of beginning of this description; thence South 89 degrees 45' 20" West 381.36 feet parallel with the East and West 1/4 line of said Section 16; thence North 00 degrees 51' West 12.00 feet parallel with the West 1/8 line of said Section 16; thence North 89 degrees 45' 20" East 381.36 feet parallel with the East and West 1/4 line of said Section 16 to the West 1/8 line of said Section 16; thence South 00 degrees 51' East 12.00 feet along the West 1/8 line of said Section 16 to the point of beginning.

PARCEL "A"

A parcel of land in the Southwest 1/4 of the Northwest 1/4 of Section 16, Town 4 South, Range 1 East, Columbia Township, Jackson County, Michigan, being more specifically described as commencing at the West 1/4 corner of Section 16; thence South 89°42'14" East 1308.09 feet along the East and West 1/4 line of said Section 16 to a monumented 1/8 corner of said Section 16, said 1/8 corner also being North 89°45'12" West 1307.96 feet from the Center of said Section 16; thence North 00 degrees 17' 42" West 636.65 feet along the monumented West 1/8 line of said Section 16 to the point of beginning of this description; thence North 89 degrees 34' 06" West 381.37 feet; thence North 00 degrees 17' 42" West 117.00 feet parallel with said monumented West 1/8 line of said Section 16 to a found iron; thence South 89 degrees 34' 06" East 381.37 feet to said monumented West 1/8 line of said Section 16 to a found iron; thence South 00 degrees 17' 42" East 117.00 feet along said monumented West 1/8 line of said Section 16 to the point of beginning. Containing 1.02 acres, subject to all easements and restrictions of record.

Remainder Parcel:

A parcel of land in the Southwest 1/4 of the Northwest 1/4 of Section 16, Town 4 South, Range 1 East, Columbia Township, Jackson County, Michigan, being more specifically described as commencing at the West 1/4 corner of Section 16; thence South 89°42'14" East 1308.09 feet along the East and West 1/4 line of said Section 16 to a monumented 1/8 corner of said Section 16, said 1/8 corner also being North 89°45'12" West 1307.96 feet from the Center of said Section 16; thence North 00 degrees 17' 42" West 202.00 feet along the monumented West 1/8 line of said Section 16 to the point of beginning of this description; thence North 89 degrees 42' 14" West 381.36 feet, parallel with the East and West 1/4 line of said Section 16 to a found iron; thence North 00 degrees 17' 42" West 435.55 feet parallel with said monumented West 1/8 line of said Section 16; thence South 89 degrees 34' 06" East 381.37 feet to said monumented West 1/8 line of said Section 16; thence South 00 degrees 17' 42" East 434.65 feet along said monumented West 1/8 line of said Section 16 to the point of beginning. Containing 3.81 acres, subject to all easements and restrictions of record.

	BRIAN D. FISH, P.S. 517-937-6451	PARCEL SPLIT
		CERTIFIED TO: JAMES AND ANN VINSON 5364 YORK DRIVE, CLARK LAKE, MI 49234
		MAY 2023
5 / 16		SHEET 2 OF 2

Date: September 20, 2023

To: Columbia Township Planning Commission Eric White, Township Attorney
 Columbia Township Board Jim Vinson, Applicant
 Rick Church, Zoning Administrator

From: Mark A. Eidelson, AICP

Re: *Jim Vinson Rezoning Petition – 5364 York Drive – AG District to RS District*

Part One OVERVIEW

A. Purpose of Report / Material Reviewed: This report presents my findings regarding the rezoning petition submitted by Jim Vinson. Part Two of this report (page 2) identifies minimum factors to be considered as part of an evaluation of a rezoning petition and includes information relevant to each along with my conclusions. Part Three (page 5) presents summary comments. The principal application materials I reviewed were limited to: 1) a completed amendment application form dated 6-29-23; and 2) a two-page certificate of survey drawing of the subject property prepared by Brian Fish, P.S. and dated May 2023.

The survey is not specific to the subject property only, but also presents survey information regarding the applicant's desired land split should the rezoning be approved. This is inappropriate as the survey must be specific to the subject property only, the intended land split should not be a relevant consideration when evaluating the petition, and the drawing can be expected to generate confusion among officials and/or the public. I recommend no public hearing be scheduled prior to the applicant submitting survey documents specific to the subject property only.

B. Petition Overview: The applicant has submitted a rezoning petition to rezone the approximately 4.7-acre property from the current AG Agricultural District to the RS Residential Suburban District. The basic site development features of the AG and RS Districts are as follows:

Zoning District	Minimum Lot Area	Minimum Lot Width and Frontage	Maximum Building Heights	Maximum Lot Coverage	Minimum Yard Setback ⁴		
					Front ⁴	Side ⁴ (each)	Rear ⁴
AG Agricultural	1 acre	200 ft.	35 ft. and 2.5 stories	10%	35 ft.	20 ft.	50 ft.
RS Residential Suburban	10,000 sq. ft.; 15,000 sq. ft. without sewer	80 ft.; 110 ft. for TFD	35 ft. and 2.5 stories	30%	25 ft.	10 ft.	25 ft.

Note: Table footnotes are not included and are not pertinent to this petition review.

While it is my understanding that the applicant is only interested in dividing the property just once if the rezoning is approved, approval of the rezoning petition to the RS District will likely enable the applicant or a future owner of the parcel to create 8 to 13 additional home sites/lots on the property. *A rezoning petition should be evaluated based on the provisions of the respective district – not the "intention" of the applicant submitting the petition.*

page 1 of 5

According to Table 3-1 (Art. 3) of the Zoning Ordinance, the AG District is principally intended to encourage and provide opportunities for the continuation of farming and provide opportunities for comparatively low-density residential development. The RS District is principally intended to provide opportunities for single and two-family residential lifestyles of a more suburban character.

- C. Site Overview / Surrounding Conditions:** The subject property proposed for rezoning is an approximately 4.7 acres parcel on the west side of York Drive at the "L" intersection of York Drive and Grand Avenue, about 400' north of Clark Lake in the northwest quarter of Section 16 (Parcel #000-19-16-152-007-02). The parcel is of an overall open wooded character along with a dwelling and multiple accessory buildings. A small 0.23-acre pocket of wetlands is present to the south and may extend north to minimally cross the south lot line (U.S. Fish & Wildlife Service). Grades on the site are comparatively limited, ranging from 0% to 6%, and on-site soils are principally of a loam character including sandy and clay loam (Natural Resource Conservation Service).

The immediately surrounding area is comprised principally of wooded open space along with residences, with lot sizes typically between 1/2 and 10 acres except to the with south along North Shore Drive where urban waterfront development is present and where lots are typically 1/4-acre or less.

The subject property is zoned AG Agricultural. The property is in the Master Plan's designated "Agricultural Preservation" area.

- D. Review / Approval Process:** Rezoning petitions are subject to Planning Commission review including a public hearing, and the forwarding of a Planning Commission recommendation to the Township Board for final action. Township Board action may not be taken prior to the state-mandated County/Regional Planning Commission advisory review or the passing of the 30-day review period following receipt of the petition and the Planning Commission's recommendation, whichever occurs first.

Part Two Relevant Factors

Section 17.3(B) of the Zoning Ordinance identifies minimum factors to be considered as part of an evaluation of a rezoning petition. These factors are noted below in italics and are followed by information relevant to each along with my conclusions.

- 1) *What, if any, identifiable conditions related to the petition have changed which justify the proposed zoning district change?*

- The current zoning ordinance adopted in February 2019 and the previous ordinance adopted in 2005 (as amended) place the subject property in the Agricultural District, with both ordinances requiring a minimum lot area of one acre.
- Between 2010 and 2020, the township's population reflected no growth (slight decline) according to the U.S. Census Bureau.
- Township records show that while only 7 new dwellings have been constructed within approximately 1/2-mile of the subject property during the past 10 years, 6 of these dwellings have been constructed since 2022.
- The past 10 years have witnessed no significant improvements to the immediate area of the subject property in regard to public water/sewer services or police/fire protection.

Conclusion: There have been no conditions that have changed in the past 10 years that substantially support the proposed rezoning except that the last several years have witnessed increased residential growth in this area.

2) *What is the impact of the zoning district change on the ability of the Township and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed zoning district change is adopted?*

- Access to the subject property is provided by York Drive, a public road under the jurisdiction of the County Road Commission.
- The approximately 5 to 9 additional dwellings that may be achieved on the property under the proposed RS rezoning, over and above the 3 or 4 dwellings currently permitted on the subject property (AG District, 1-acre minimum), would account for a 0.2% increase in the 3,863 dwellings recorded in 2020 by the U.S. Census (American Community Survey).

Conclusion: I am aware of no data that suggests that the potentially 5 to 9 additional dwellings that may be achieved on the subject property by an RS rezoning would unreasonably impact the ability of the township and other governmental agencies to provide the same level of public services, facilities, and programs to the subject parcel and the community as a whole.

3) *Will the petitioned district change adversely affect the value of the surrounding property?*

- Immediately surrounding area is comprised principally of open space and comparatively dispersed dwellings except high-density lakefront development to the south.
- Predominant parcel sizes in the immediate area range from less than ¼ acre to approximately 10 acres.
- There are frequently opposing arguments regarding this matter, with some claiming that new residences will undermine the existing character of the area and thereby negatively impact nearby residential properties, and others claiming that new home sites of reasonable quality can stabilize and/or enhance the value of surrounding properties.

Conclusion: I am familiar with no data that suggests that in the scenario presented by this rezoning petition, surrounding property values will be adversely affected by approval of the rezoning petition.

4) *Is the site's environmental features compatible with the host of uses permitted in the proposed district, and will development under the petitioned district change be likely to adversely affect environmental conditions?*

- Site topography reflects limited grades and no significant wetlands are present.
- No water courses are present on the site and site soils are reasonably well drained.
- The southern portion of the property is within 300' of sanitary sewer service and in the absence of sewer, properly designed septic systems can be reasonably expected to adequately address on-site sewage disposal.

Conclusion: The environmental features of the subject acreage do not raise special concerns for the accommodation of home sites on minimum 10,000 to 15,000 sq. ft. lots (depending on the availability of sanitary sewer) assuming construction activities comply with county, state and federal rules and regulations including those pertaining to soil erosion and sedimentation control, sewage disposal, and potable water.

5) *Can the subject parcel comply with all requirements of the proposed zoning classification?*

- Basic site development requirements for the RS District are specified in Table 3-4 of Article 3 of the Zoning Ordinance and include, in part, minimum 10,000 to 15,000 sq. ft. lots (depending on sanitary sewer service availability) and minimum lot widths of 80' to 110'.
- Creation of more than 3 or 4 lots may require new interior road construction to afford the necessary frontage.

Conclusion: The subject property complies with the standards of the RS District and the property can be further divided in compliance with the District's standards.

6) *Is the subject property able to be put to reasonable economic use in the zoning district in which it is presently located?*

- The principal intended uses in the AG District according to Table 3-2 of the Zoning Ordinance are agriculture and single and two-family dwellings.
- The physical character of the subject property does not lend itself to long-term commercial farming. The subject property can be used in its current condition as a single residential lot or divided into a total of 3 or 4 home sites of a minimum 1- acre area.
- Case law has long established that “reasonable economic use” does not equate to the most profitable use.

Conclusion: Conditions suggest that the subject property can be put to reasonable economic use under the present AG District zoning.

7) *Is the petitioned district change consistent with the zoning classification of surrounding land?*

- The subject property is adjacent to similar AG zoning to the north and west.
- The subject property is adjacent to RS zoning to the south and east.

Conclusion: An RS rezoning of the subject property is reasonably consistent with the surrounding area.

8) *Does the petitioned district change generally comply with the Master Plan?*

The current Columbia Township Master Plan was adopted in 2009 and embodies the planning initiatives of the township, most particularly the goals, objectives and policies presented in Chapters 1 and 2 of Part 1 of the Plan.

- The subject property is in the planned Agricultural Preservation area.
- The Chapter 1 goals, objectives, and strategies that support the proposed RS rezoning, recognizing the limited agricultural value of the subject property, include:
 - Preserve agricultural lands more distant from existing urbanized neighborhoods.
 - Encourage higher density development to areas where adequate services and utilities are available or could be feasibly extended.
 - Encourage residential areas away from incompatible land uses.
 - Encourage higher-density residential developments adjacent to similar sewered developments.
- The Chapter Two criteria used for determining which lands should be included in the Agricultural Preservation area are not readily applicable to the subject property (page 16 of Plan).

Conclusion: The proposed RS rezoning is reasonably consistent with the Master Plan.

9) *What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?*

The precedents that may be set by action on this petition may be largely a function of the stated basis for the township’s decision. Approval of the petition would likely set a precedent for future approvals where conditions are very similar and the basis for the approval equally applies. The same can be said in the case of a denial of the rezoning.

Setting of a precedent is particularly relevant regarding the Master Plan, which should play a particularly fundamental role in evaluating a rezoning petition. Disregarding the Master Plan without a rational basis may well set a precedent that will jeopardize the ability of the township to defend future decisions that are allegedly based on the Plan. Similarly, giving careful consideration to the Master Plan in making a decision will strengthen the significance of the Plan when considering future petitions and the management of growth and development.

In this instance, the Master Plan places the subject property in the Agricultural Preservation area but the Plan's stated criteria for including parcels in the Agricultural Preservation area are not readily applicable to the subject property. This condition, along with surrounding factors including adjacent zoning districts and development patterns, opens the door for greater discretion in concluding that the proposed rezoning is reasonably compatible with the Master Plan.

The basis for the approval or denial should be documented to minimize unintended precedents including within the context of the Master Plan.

Part Three Summary

Based on the review considerations presented in the previous pages, there are factors that both support approval and denial of the petition.

Factors that do support the petition include:

- a) This area of the township has witnessed residential growth at a comparatively high rate in recent years.
- b) I am aware of no data that suggests that the potentially 5 to 9 additional dwellings that may be achieved on the subject property by the rezoning (above and beyond the number permitted under the current AG District) would unreasonably impact the ability of the township and other governmental agencies to provide the same level of public services, facilities, and programs to the subject parcel and the community as a whole.
- c) I am familiar with no data that suggests that in the scenario presented by this rezoning petition, surrounding property values will be adversely affected by the rezoning petition.
- d) The environmental features of the subject acreage do not raise special concerns for the accommodation of home sites on minimum 10,000 to 15,000 sq. ft. lots assuming construction activities are to comply with applicable county and state requirements.
- e) The subject property complies with the site development standards of the RS District and the property can be further divided in compliance with the RS District.
- f) An RS rezoning of the subject property is reasonably consistent with the zoning of the surrounding area.
- g) The proposed rezoning is reasonably consistent with the Master Plan, recognizing the physical aspects of the subject property do not lend itself to long-term commercial farming, the immediate area is characterized by suburban/urban development, and the property does not substantially meet the criteria of the Plan for placing the parcel in the Agricultural Preservation area.

Factors that do not support the petition include:

- a) Conditions suggest that the subject property can be put to reasonable economic use under the current AG District as a single home site or several minimum one-acre home sites.

Considering all the above factors, I find it reasonable for this petition to be approved.

Please contact me if there are any questions about my comments.

NOTICE OF PLANNING COMMISSION
OF COLUMBIA TOWNSHIP MEETING
COLUMBIA TOWNSHIP

8500 Jefferson Road, Brooklyn, MI 49230
JACKSON COUNTY, MICHIGAN

To: The residents and property owners of Columbia Township, Jackson County, Michigan, and any other interested parties.

Please take notice that a meeting of the Planning Commission of Columbia Township will be held on Thursday, November 16, 2023 at 7 p.m. This meeting will be conducted at 8500 Jefferson Road, Brooklyn, MI 49230.

Topic: **Planning Commission Meeting**

Time: November 16, 2023, at 7:00 PM Eastern Time (US and Canada)

Re: **Request for Zoning Map Amendment/ Re-zoning on Parcel known as:**
ADP# 000-19-16-152-007-02 (5364 York Dr. Clarklake, MI 49234)
Current Parcel Zoning: AG (Agricultural)
Proposed Parcel Zoning: RS (Residential)

The Columbia Township Zoning Ordinance and Zoning Map, and the Special Land Use application(s), may be examined by contacting the Zoning Administrator at the address and phone number stated below, during regular business hours on regular business days maintained by the Township offices.

Written comments regarding the above-referenced matters may be submitted at the Township Hall prior to the hearing/meeting at 8500 Jefferson Road, Brooklyn, MI 49230 or by **contacting Zoning Administrator Rick Church at (517) 592-2000, ext. 251 or by email at rchurch@twp.columbia.mi.us**.

Members of the public will only be able to speak during the public comment portion of the meeting. To provide for orderly public participation, a person wishing to speak must state their name and request to be recognized by the Chair of the Planning Commission. The Chair will recognize all persons wishing to speak during public comment. The Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities for the meeting upon advance notice by contacting Clerk Hulburt at (517) 592-2000, ext. 231 or by email at (chulburt@twp.columbia.mi.us)



Columbia Charter Township

www.twp.columbia.mi.us

8500 Jefferson Road
Brooklyn, MI 49230

Phone: (517) 592-2000
Fax: (517) 592-8115

October 30, 2023

NOTICE TO ADJOINING PROPERTY OWNERS

Please take notice that a meeting of the Planning Commission for Columbia Charter Township will be held in person at Columbia Charter Township on Thursday, November 16, 2022 at 7:00 P.M.

The Planning Commission has scheduled a public hearing to review the following request:
Request for Zoning Map Amendment/ Re-Zoning

Re: Request for Zoning Map Amendment/ Re-zoning on Parcel known as:
ADP# 000-19-16-152-007-02 (5364 York Dr. Clarklake, MI 49234)
Current Parcel Zoning: AG (Agricultural)
Proposed Parcel Zoning: RS (Residential)

Members of the public will only be able to speak during the public comment portion of the meeting. To provide for orderly public participation, a person wishing to speak must state their name and request to be recognized by the Chair of the Planning Commission. The Chair will recognize all persons wishing to speak during public comment. If, prior to the hearing, members of the public have certain questions or wish to provide input on any business that will be addressed at the meeting, then such persons may contact the Township Planning Commission by mail at 8500 Jefferson Road, Brooklyn, MI 49230 or by contacting Zoning Administrator Rick Church at (517) 592-2000, ext. 251 or by email at rchurch@twp.columbia.mi.us (The Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities for the meeting upon advance notice by contacting Clerk Hulburt at (517) 592-2000, ext. 231 or by email at chulburt@twp.columbia.mi.us)

Sincerely,

Rick Church, Zoning Administrator
8500 Jefferson Road, Brooklyn, MI 49230
Phone (517) 592-2000
Email: rchurch@twp.columbia.mi.us

Supervisor, Barry Marsh

Clerk, Cathy Hulburt

Treasurer, John Calhoun

12 / 16
Trustees: Brent Beamish, Rick Church, Robin Tackett, Michael Trout



Columbia Charter Township

www.twp.columbia.mi.us

8500 Jefferson Road
Brooklyn, MI 49230

Phone: (517) 592-2000
Fax: (517) 592-8115

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

October 30, 2023

Jim Vinson
5364 York Dr.
Clarklake, MI 49234

RE: Public Hearing for Request for Zoning Map Amendment/ Re-Zoning

Dear Mr. Vinson,

Please take notice that a meeting of the Planning Commission for Columbia Charter Township will be held on Thursday, November 16, 2023, at 7:00 p.m. This meeting is scheduled to be conducted in person at Columbia Charter Township 8500 Jefferson Rd Brooklyn, MI 49230

Topic: Planning Commission

Time: November 16, 2023, 07:00 PM Eastern Time (US and Canada)

Re: Request for Zoning Map Amendment/ Re-zoning on Parcel known as:
ADP# 000-19-16-152-007-02 (5364 York Dr. Clarklake, MI 49234)
Current Parcel Zoning: AG (Agricultural)
Proposed Parcel Zoning: RS (Residential)

The Board strongly urges you or a representative to attend and present your case and answer any questions.

Members of the public will only be able to speak during the public comment portion of the meeting. To provide for orderly public participation, a person wishing to speak must state their name and request to be recognized by the Chair of the Planning Commission. The Chair will recognize all persons wishing to speak during public comment. If, prior to the hearing, members of the public have certain questions or wish to provide input on any business that will be addressed at the meeting, then such persons may contact the Township Planning Commission by mail at 8500 Jefferson Road, Brooklyn, MI 49230 or by contacting Zoning Administrator Rick Church at (517) 592-2000, ext. 251 or by email at rchurch@twp.columbia.mi.us (The Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities for the meeting upon advance notice by contacting Clerk Hulburt at (517) 592-2000, ext. 231 or by email at chulburt@twp.columbia.mi.us)

Sincerely,



Rick Church, Zoning Administrator

8500 Jefferson Road, Brooklyn, MI 49230 Phone (517) 592-2000 Email: rchurch@twp.columbia.mi.us

Supervisor, Barry Marsh

Clerk, Cathy Hulburt

Treasurer, John Calhoun

Trustees: Brent Beamish, F 13 / 16 John Tackett, Michael Trout

~~000-19-16-302-007-00
HOYT TODD MARIE
PO BOX 38
CLARKLAKE, MI 49234~~

000-19-16-302-008-00
GRACE JAMES LORI
3403 STONEWALL RD
JACKSON, MI 49203

000-19-16-302-009-00
DERTOUZOS JEAN TRUST
5789 PAINT VALLEY
ROCHESTER, MI 48306

~~000-19-16-302-010-00
BURJ CLARKLAKE LLC
1709 PROBERT RD
JACKSON, MI 49203~~

000-19-16-302-011-00
VINSON GEORGE S
5570 N SHORE DR
CLARKLAKE, MI 49234

000-19-16-302-012-00
MELLING MARK S LEANNE M
6251 PINE HOLLOW DR.
EAST LANSING, MI 48823

~~000-19-16-302-006-00
GULLIVER CHARLES BETTY REV TRUST
5662 N SHORE DR
CLARKLAKE, MI 49234~~

000-19-16-302-005-00
HOLCOMB JAMES/LISA/NATHANIEL
5678 N SHORE DR
BROOKLYN, MI 49230

~~000-19-16-152-012-01
MUNRO DAVID LOREEN
5350 N SHORE DR
CLARKLAKE, MI 49234~~

000-19-16-302-001-01
GIDEON WELLINGTON T/LINDA M
505 W WASHINGTON ST
JACKSON, MI 49201

000-19-16-152-007-03
VINSON GEORGE S
5570 N SHORE DR
CLARKLAKE, MI 49234

000-19-16-152-009-00
VINSON GEORGE S ETAL
5570 N SHORE RD
CLARKLAKE, MI 49234

000-19-16-152-010-00
MELLING MARK S LEANNE M
6251 PINE HOLLOW DR.
EAST LANSING, MI 48823

000-19-16-301-011-01
SHOOBEE'S LAKE INVESTMENTS LLC
538 WOODLAND DR
CLARKLAKE, MI 49234

000-19-16-301-014-00
GULLIVER CHARLES/BETTY REV TRUST
5662 N SHORE DR
CLARKLAKE, MI 49234

000-19-16-301-015-01
GULLIVER CHARLES/BETTY REV TRUST
5662 N SHORE
CLARKLAKE, MI 49234

000-19-16-301-017-00
GRACE JAMES/ LORI
3403 STONEWALL RD
JACKSON, MI 49203

~~000-19-16-301-021-00
BURJ CLARKLAKE LLC
1709 PROBERT RD
JACKSON, MI 49203~~

000-19-16-301-009-01
HOYT TODD A/LINDA M ANGELA N
PO BOX 38
CLARKLAKE, MI 49234

~~000-19-16-301-013-02
HOYT TODD A/LINDA M ANGELA N
PO BOX 38
CLARKLAKE, MI 49234~~

~~000-19-16-326-001-00
MUNRO DAVID LOREEN
5350 N SHORE DR
CLARKLAKE, MI 49234-9717~~

000-19-16-326-002-00
DEMPZ CHARLES JULIA
5276 N SHORE DR
CLARKLAKE, MI 49234

000-19-16-302-013-00
FINAN, SHEILA M. TRUST
103 S STOUGH
HINSDALE, IL 60521

000-19-16-301-022-02
BACON CHARLES RICHARD
5718 N SHORE DR
CLARKLAKE, MI 49234

000-19-16-302-004-01
5698 NORTH SHORE LLC
560 VINEYARD BLUFF LN
CINCINNATI, OH 45226

000-19-16-152-012-04
VINSON GEORGE S
5570 N SHORE DR
CLARKLAKE, MI 49234

~~000-19-16-301-019-00
VINSON WILLIAM J
5651 N SHORE DR
CLARKLAKE, MI 49234~~

000-19-16-301-016-01
VINSON WILLIAM J BRENDA C
5651 N SHORE DR
CLARKLAKE, MI 49234

000-19-16-152-007-07
MILLICAN CHRISTOPHER/TERRY TRUST
5151 N LAKE RD
CLARKLAKE, MI 49234

000-19-16-152-007-05
DUFEK WILLIAM CHRISTINE
5260 YORK DR
CLARKLAKE, MI 49234

homeowner

000-19-16-152-007-06
GALARDI CHRISTOPHER
5278 YORK DR
CLARKLAKE, MI 49234

~~000-19-16-152-007-02
VINSON JAMES ANN
5364 YORK DR
CLARKLAKE, MI 49234~~

000-19-16-176-005-06
PLUMMER JON T
5225 GRAND BLVD
CLARKLAKE, MI 49234

000-19-16-152-006-00
RUSSELL DAVID R RUSSELL HEATHER
16989 KERNWOOD RD
EAST LANSING, MI 48823

000-19-16-152-002-00
STEELE AARON G/JENNIFER
5893 PLEASANT VIEW DR
CLARKLAKE, MI 49234

~~000-19-16-176-005-04
MUNRO NATHAN CASEY
5213 GRAND BLVD
CLARKLAKE, MI 49234~~

000-19-16-176-005-05
MUNRO DAVID LOREEN
5350 N SHORE DR
CLARKLAKE, MI 49234

000-19-16-152-001-01
VINSON GEORGE S II WILLIAM
5651 N SHORE DR
CLARKLAKE, MI 49234

000-19-16-152-005-01
VANDUSEN WILLIAM J III
4375 YORK AVE
CLARKLAKE, MI 49234

000-19-16-176-001-07
MICKELS SHAYNE II
5251 N LAKE
CLARKLAKE, MI 49234

000-19-16-176-001-06
MUNRO NATHAN/ CASEY
5213 GRAND BLVD
CLARKLAKE, MI 49234

000-19-16-152-004-02
CHMIEL PAMELA D TRUST
5889 PLEASANT VIEW DR
CLARKLAKE, MI 49234

000-19-16-152-003-01
BILLS DONALD P & KIMBERLY J
5738 NORTH SHORE DR
CLARKLAKE, MI 49234



Parcel Report - Parcel ID: 000-19-16-152-007-02

10/30/2023



Owner Name VINSON JAMES/ANN
Owner Address 5364 YORK DR
 CLARKLAKE, MI 49234
Homestead 100
Parcel Address 5364 YORK DR
 CLARKLAKE, MI 49234
Property Class 401 - RESIDENTIAL
Status Active
Acreage 4.71
Gov't Unit Columbia
Tax Unit Columbia
School District COLUMBIA SCHOOL
Liber/Page 1510/1108

	2021	2022	2023
Taxable Value	\$92,416	\$95,465	\$100,238
Assessed Value	\$137,000	\$148,000	\$168,300

Tax Description:

THE S 1/2 OF THE FOLLOWING DESCD PCL OF LD--BEG AT SE COR OF SW 1/4 OF NW 1/4 OF SEC 16 TH N ALG W 1/8 LN 190 FT TO A PT FOR PL OF BEG OF THIS DESCN TH W PAR WITH E&W 1/4 LN 381.36 FT TH N PAR WITH W 1/8 LN TO N 1/8 LN TH E ALG N 1/8 LN 381.36 FT TO W 1/8 LN TH S ALG W 1/8 LN TO BEG EXC THE S 12 FT THEROF. SEC 16 T4S R1E



WARNING: Displayed boundaries are NOT SURVEYED. The intent of this map is to allow easy access to 16 / 16 of government information and services. Every reasonable effort is made to ensure the accuracy of this map and data, nevertheless, errors may occur.





Jackson County Planning Commission

Staffed by the Region 2 Planning Commission (R2PC)
120 W. Michigan Avenue • Jackson, MI 49201
Phone (517) 788-4426 • Fax (517) 788-4635

COORDINATED ZONING REPORT | #23-24

To: County Planning Commissioners
From: Zack Smith, R2PC Planner
Date: December 7, 2023

Proposal: **An Amendment to the Columbia Township Zoning Regulations Request**

The Columbia Township Planning Commission requests approval for amendments to their zoning regulations.

Background Information

The Columbia Township Planning Commission submitted amendments to its Zoning Regulations for Marihuana Establishments to the JCPC for review. The Columbia Township Planning Commission seeks to add a number of changes to the definitions, authorization of selected types of marihuana establishments in specified districts, and site development and related requirements for marihuana establishments:

- **See Attached**

These area reasonable additions to the Columbia Township zoning ordinances on marihuana establishments.

Analysis and Recommendation

Township Planning Commission Recommendation – The Columbia Township Planning Commission approved the amendment at their September 7, 2023 meeting.

JCPC Staff Analysis and Advisement – Based upon this analysis, staff advises the Planning Commission to recommend **APPROVAL** to the Columbia Township Board of the amendments.

Staff Report Attachment(s):

- *Background information provided by Columbia Township, including minutes and updated ordinance.*

Suggested Actions:

- (1) Recommend **APPROVAL**
- (2) Recommend **DISAPPROVAL**
- (3) Recommend **APPROVAL WITH COMMENTS**
- (4) Take **NO ACTION**

ZONING AMENDMENT FORM



JACKSON COUNTY PLANNING COMMISSION (COORDINATING ZONING)

Return to: Jackson County Planning Commission • c/o Region 2 Planning Commission • 120 W. Michigan Avenue • Jackson, Michigan 49201

Please submit the Planning Commission meeting minutes and any reports/exhibits the Commission used to make its recommendation with this form. Use a separate form for each proposed zoning change. Please include a legal description/survey with rezoning requests in addition to the Parcel ID Number.

A copy of this form with the JCPC recommendation will be mailed back to the Clerk, who will return a copy to the JCPC with the Township Board Action.

THE Columbia TOWNSHIP PLANNING COMMISSION submits the following proposed zoning change to the Jackson County Planning Commission for its review, comment, and recommendation:

(ANSWER EITHER A or B)

A. DISTRICT BOUNDARY CHANGE (REZONING):

(Provide the legal and popular property descriptions, the Parcel ID Number(s), the number of acres, and the section(s) in which the property is located. Attach additional sheets if more space is needed. Attach a map showing all changes and additions.)

1. The above described property has a proposed zoning change FROM _____ (_____) ZONE TO _____ (_____) ZONE.

2. PURPOSE OF PROPOSED CHANGE: _____

B. ZONING ORDINANCE TEXT AMENDMENT:

The following Article(s) and Section(s) is amended or altered: ARTICLE _____ SECTION _____
The NEW SECTION reads as follows: (Attach additional sheets if more space is needed.) _____

ZONING Ordinance Amendments - MARIJUANA Establishments

C. PUBLIC HEARING on the above amendment was held on: month 9 day 7 year 2023

D. NOTICE OF PUBLIC HEARING was published/mailed on the following date: month 8 day 22 year 2023
(Notice must be provided at least fifteen days prior to the public hearing.)

E. THE NEWSPAPER (having general circulation in Township) carrying the NOTICE: BROOKLYN EXPONENT

The PROPOSED ZONING AMENDMENT described herein was duly considered by the Township Planning Commission and will be forwarded to the Township Board with a recommendation to APPROVE or DISAPPROVE.

Jul Wray Chair or Secretary 12/07/2023 (enter date)

JACKSON COUNTY PLANNING COMMISSION (JCPC) ACTION:

1. Date of Meeting: month _____ day _____ year _____

2. The JCPC herewith certifies receipt of the proposed amendment on the above date and:

- Recommends APPROVAL of the zoning change
- Recommends DISAPPROVAL of the zoning change for the reasons stated in the attached letter.
- Recommends APPROVAL of the zoning change with comments, as stated in the attached letter.
- Takes NO ACTION.

_____, Recording Secretary ____ / ____ / ____ (enter date)

TOWNSHIP BOARD ACTION:

1. Date of Meeting: month _____ day _____ year _____

2. The _____ Township Board herewith certifies that a legally constituted meeting held on the above date and that the proposed amendment PASSED, DID NOT PASS, or was REFERRED ANEW to the Township Planning Commission.

Township Clerk

July 26, 2023

Columbia Township Planning Commission
Columbia Township
8500 Jefferson Road
Brooklyn, MI 49230

RE: Zoning Ordinance Amendments – Marihuana Establishments

Dear Columbia Township Planning Commission:

This correspondence presents updated draft amendments to the Zoning Ordinance addressing the authorization and regulation of various marihuana establishments. These draft amendments replace my previous amendments dated June 26, which focused only on microbusinesses. The updated amendments address the authorization and regulation of a wider scope of marihuana establishments based on the Planning Commission's meeting minutes of June 27. The amendments consist of three elements:

- **Amendment #1** addresses definitions. (Article 21)
- **Amendments #2 – #7** address the authorization of selected types of marihuana establishments in specified districts. (Table 3-2 and Table 3-3 of Article 3).
- **Amendment #8** presents site development and related requirements for marihuana establishments. (Sec. 7.28 of Article 7)

These draft amendments are to work in conjunction with a separate police power ordinance that township attorney Eric White has prepared, which addresses the same matter but focuses on licensing and related matters.

The amendments follow.

Amendment #1: Definitions (Article 21)

Insert the following into Article 21 of the Zoning Ordinance:

Marihuana-Related Terms and Phrases: All terms and phrases related to the authorization and regulation of marihuana under this Ordinance shall be as defined according to the Michigan Medical Marihuana Facilities Licensing Act ("MMFLA"), MCL 333.2701 et seq., the Michigan Medical Marihuana Act ("MMMA"), MCL 333.26421 et seq., or the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq. ("MRTMA"), including such terms and phrases as marihuana, marihuana establishment, marihuana grower, marihuana microbusiness, marihuana retailer, marihuana processor, marihuana secure transporter, and marihuana safety compliance facility. If a definition of one Act conflicts with another, the definition in the most applicable State act shall apply.

**Amendment #2: Authorization of Microbusinesses
(Article 3, Table 3-2)**

Insert Line 18 under “Uses of a Primarily Commercial, Business, or Industrial Character” of Table 10-2, to authorize “marihuana microbusinesses” by Special Land Use (“S”) approval in the AG District and prohibit (“-”) such uses in all other districts of the Table.

**Amendment #3: Authorization of Marihuana Retailers
(Article 3, Table 3-3)**

Insert Line 38 under “Uses of a Primarily Commercial or Business Character” of Table 3-3, to authorize “marihuana retailers” by Special Land Use (“S”) approval in the C-1, C-2, and C-3 Districts and prohibit (“-”) such uses in all other districts of the Table.

**Amendment #4: Authorization of Marihuana Growers
(Article 3, Table 3-3)**

Insert Line 19 under “Uses of a Primarily Industrial Character” of Table 3-3, to authorize “marihuana growers” by Special Land Use (“S”) approval in the I-1 and I-2 Districts and prohibit (“-”) such uses in all other districts of the Table.

**Amendment #5: Authorization of Marihuana Processors
(Article 3, Table 3-3)**

Insert Line 20 under “Uses of a Primarily Commercial or Business Character” of Table 3-3, to authorize “marihuana processors” by Special Land Use (“S”) approval in the I-1 and I-2 Districts and prohibit (“-”) such uses in all other districts of the Table.

**Amendment #6: Authorization of Marihuana Secure Transporter
(Article 3, Table 3-3)**

Insert Line 21 under “Uses of a Primarily Industrial Character” of Table 3-3, to authorize “marihuana secure transporter” by Special Land Use (“S”) approval in the I-1 and I-2 Districts and prohibit (“-”) such uses in all other districts of the Table.

**Amendment #7: Authorization of Marihuana Safety Compliance Facilities
(Article 3, Table 3-3)**

Insert Line 22 under “Uses of a Primarily Industrial Character” of Table 3-3, to authorize “marihuana safety compliance facilities” by Special Land Use (“S”) approval in the R&D District and prohibit (“-”) such uses in all other districts of the Table.

**Amendment #8: Site Development Requirements
(Article 7, Section 7.28)**

Insert the following Section 7.28 into Article 7, addressing site development and related requirements for marihuana establishments.

Section 7.28 Marihuana Establishments

A. Compliance with Table 3-4: See Table 3-4 for standards pertaining to minimum lot area, width, frontage, and yard setbacks, and maximum building height and lot coverage, except as may be otherwise regulated by this Section.

B. Standards and Requirements Applicable to All Marihuana Establishments

1. Compliance with Township Ordinances. No approvals shall be granted under this Ordinance for any marihuana establishment in excess of any limits on permits for such establishments in the Township as may be established by the Columbia Charter Township Recreational (Adult Use) Marihuana Establishment and Medical Marihuana Facilities Ordinance, or if the establishment is to be noncompliant with all other Township ordinances.
2. Residing Within Prohibited. No person shall reside in or permit any person to reside in a marihuana establishment.
3. Use of Marihuana Prohibited. No smoking, inhalation, or consumption of marihuana shall take place on the premises of any marihuana establishment.
4. Outdoor Operations Prohibited. All activities of a marihuana establishment shall be conducted indoors except that curbside pickup may be provided for any marihuana retailer or marihuana microbusiness.
5. Nuisances. No equipment or process shall be used in any marihuana establishment that creates noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses beyond the lot on which it is located.
6. Frontage/Access. A marihuana establishment shall have frontage on U.S.-127, M-50, or M-124, and take their access from such thoroughfare. The restriction shall not prohibit a marihuana establishment with frontage on U.S.-127, M-50, or M-124 but which gains access from a service drive or road that intersects with such thoroughfare.
7. Security: A marihuana establishment shall continually comply with all security requirements and pass inspections as required under Township ordinances, state statues, codes and the rules and regulations of the Michigan Department of Licensing and Regulatory Affairs and the Marihuana Regulatory Agency.
8. Additional Application Requirements. Along with the application submittal requirements for a marihuana establishment according to Article 14 and 15 of this Ordinance, a zoning permit application for a marihuana establishment shall include the following additional information.
 - a. A description of how deliveries are handled, methods of storage, a business floor plan, and other pertinent operational information.
 - b. A detailed safety and security plan that addresses marihuana, customers, employees, and neighboring residents, businesses, and other nearby land uses.
 - c. A description of methods used to contain all odors within the establishment.
 - d. A description of the expected volume of water to be used daily.
 - e. A description of the volume of and treatment of waste including wastewater and any permits required for wastewater, and a waste disposal plan specific to marihuana, marihuana plant waste, and marihuana-infused products.
 - f. Days and hours of operation.

C. Additional Standards and Requirements for Marihuana Microbusinesses

1. Separation Distances: All state-licensed marihuana microbusiness with an approved marihuana microbusiness license pursuant to the Township's Code of Ordinances shall be subject to the following separation distances, as measured as a straight horizontal line between the nearest lot lines:
 - a. No lot used for a marihuana microbusiness shall be located within seven hundred fifty (750) feet of a lot used as a licensed child care facility, public or private elementary school, or a vocational or secondary school.
 - b. No lot used for a marihuana microbusiness shall be located within five hundred fifty (500) feet of a lot used as a public park or place of religious worship.
 - c. No marihuana microbusiness shall be located within seven hundred fifty (750) feet of a lot used for any other facility that has received a state license for a marihuana retailer or a marihuana microbusiness.

D. Additional Standards and Requirements for Marihuana Retailers

1. Separation Distances.
 - a. A lot containing a marihuana retailer shall be located at least 600 feet from any lot on which either a marihuana microbusiness or other marihuana retailer is located.
 - b. A Lot containing a marihuana retailer shall be located at least 1,000 feet from a lot on which a pre-existing public school or private school is located, but excluding dance, art, or trade schools.

E. Additional Standards and Requirements for Marihuana Growers

1. Separation Distances: A lot containing a marihuana grower shall be located at least 1,000 feet from any lot on which a pre-existing public school or private school, but excluding dance, art, or trade schools, is located.

Please do not hesitate to contact me if you have any questions.

Sincerely,



Mark A. Eidelson, AICP
President

cc: Todd Wanty, Planning Commission Chairperson
Rick Church, Zoning Administrator
Barry Marsh, Supervisor
Eric White, Township Attorney

**COLUMBIA CHARTER TOWNSHIP PLANNING COMMISSION
PUBLIC HEARING NOTICE for ZONING ORDINANCE AMENDMENTS**

The Columbia Charter Township Planning Commission will hold a public hearing on September 7, 2023 at 7:00 p.m. for the purpose of receiving public comment on proposed amendments to the Columbia Charter Township Zoning Ordinance (No. 2019-0218) adopted on February 18, 2019 as amended, pursuant to the Zoning Enabling Act, Public Act 110 of 2006 as amended. The public hearing will be held at the Columbia Charter Township Hall at 8500 Jefferson Road, Brooklyn, MI 49230. A copy of the proposed amendments and the Columbia Township Zoning Ordinance can be viewed at the Township Hall during the hours of 7:30 a.m. to 5:00 p.m., Mondays through Thursdays. Written comments should be received by 12:00 p.m. (noon), September 7, 2023 and addressed to the Columbia Charter Township Planning Commission, 8500 Jefferson Road, Brooklyn, MI 49230. In summary, the proposed amendments provide for: a) the insertion of marihuana terms and definitions into Article 21; b) the authorization of certain marihuana establishments in specified districts by special land use approval, under Tables 3-2 and 3-3 of Article 3; and c) the insertion of Sec. 7.28 addressing site development standards and requirements for marihuana establishments. Columbia Township will provide necessary reasonable auxiliary aids and services at the public hearing to individuals with disabilities upon five (5) days' notice to the Township Clerk (517-592-2000).

Cathy Hulburt, Columbia Charter Township Clerk

COLUMBIA TOWNSHIP PLANNING COMMISSION

September 7, 2023
7:00 PM
Columbia Township Hall

Public Hearing

Minutes

Call to order, Pledge of Allegiance: Chairperson Wanty called the meeting to order at 7:00 p.m. and the pledge of allegiance was recited.

Roll Call: Mr. Trout called the roll: Present: Chairperson Todd Wanty, Vice-Chair Bob Jenson, Secretary Mike Trout, Hollis Jeffreys, Krissie Barnes; Mike McKay; Absent: Walter Reed; Recognized Guests: Rick Church, Mark Eidelson, Eric White.

Approval of Agenda: *Motion by Mr. McKay, supported by Chair Wanty to approve the agenda. Ayes all. Motion Carried.*

Approval of Minutes from Tuesday August 8, 2023: *Motion by Mr. Jenson, supported by Mr. McKay, to approve the minutes as presented. Ayes all. Motion Carried*

Purpose of meeting: Chair Wanty presented the purpose of the meeting.

- a. Public Hearing in Conjunction with Columbia Township Zoning Ordinance 2.11, A, B, C

Public Comment: Chair Wanty opened the public comment period at 7:03 p.m. There were no comments, and the Chair closed the public comment period at 7:04 p.m.

Old Business:

Community Survey – No update.

Master Plan Update – No update.

New Business:

- a. Public Hearing in Conjunction with Columbia Township Zoning Ordinance 2.11, A, B, C – Chair Wanty opened the public hearing at 7:05 p.m. and read the various amendments (#1-#8) as presented in the letter from Mr. Eidelson dated July 26, 2023, and the Section 7.28 provisions. He then asked those in attendance for comments on the proposed changes. There were no comments from the public and Chair Wanty closed the public hearing at 7:20.

Mr. McKay made the motion supported by Mr. Jensen to recommend approval to the Township Board of the proposed ordinance amendments as noted above with the change to clarify distance requirements. Ayes all. Motion Carried

Public Comment: Chair Wanty opened the public comment period at 7:21 p.m. There were no further comments, and the Chair closed the public comment period at 7:22 p.m.

Commissioner Comments: Chair Wanty noted the next meeting will be a public hearing on September 20, 2023 for the purpose of reviewing a site plan for a storage facility and consideration of the proposed general ordinance amendments. Mr. Trout commented about the survey results noting that while there are residents opposed they are generally supportive of the township having control of regulating these activities in lieu of a potential referendum. It was noted there will be a public hearing by the Township Board on the police powers ordinance. There were no further commissioner comments.

Adjournment: *Mr. Jenson made the motion supported by Mr. McKay to adjourn at 7:25 p.m. Ayes all. Motion Carried.*

RESPECTFULLY SUBMITTED
Mike Trout, Secretary



Jackson County Planning Commission

Staffed by the Region 2 Planning Commission (R2PC)
120 W. Michigan Avenue • Jackson, MI 49201
Phone (517) 788-4426 • Fax (517) 788-4635

COORDINATED ZONING REPORT | #23-25

To: County Planning Commissioners
From: Zack Smith, R2PC Planner
Date: December 7, 2023

Proposal: **Amendments to the Columbia Township Zoning Regulations Request**

The Columbia Township Planning Commission requests approval for amendments to their zoning regulations.

Background Information

The Columbia Township Planning Commission submitted amendments to its Zoning Ordinances on a variety of topics:

- **See Attached**

These are reasonable additions to the Columbia Township zoning ordinances.

Analysis and Recommendation

Township Planning Commission Recommendation – The Columbia Township Planning Commission approved the amendment at their December 5, 2023 meeting.

JCPC Staff Analysis and Advisement – Based upon this analysis, staff advises the Planning Commission to recommend **APPROVAL** to the Columbia Township Board of the amendments.

Staff Report Attachment(s):

- *Background information provided by Columbia Township, including minutes and updated ordinance.*

Suggested Actions:

- (1) Recommend **APPROVAL**
- (2) Recommend **DISAPPROVAL**
- (3) Recommend **APPROVAL WITH COMMENTS**
- (4) Take **NO ACTION**

ZONING AMENDMENT FORM



JACKSON COUNTY PLANNING COMMISSION (COORDINATING ZONING)

Return to: Jackson County Planning Commission • c/o Region 2 Planning Commission • 120 W. Michigan Avenue • Jackson, Michigan 49201

Please submit the Planning Commission meeting minutes and any reports/exhibits the Commission used to make its recommendation with this form. Use a separate form for each proposed zoning change. Please include a legal description/survey with rezoning requests in addition to the Parcel ID Number.

A copy of this form with the JCPC recommendation will be mailed back to the Clerk, who will return a copy to the JCPC with the Township Board Action.

THE Columbia TOWNSHIP PLANNING COMMISSION submits the following proposed zoning change to the Jackson County Planning Commission for its review, comment, and recommendation:

(ANSWER EITHER A or B)

A. DISTRICT BOUNDARY CHANGE (REZONING):

(Provide the legal and popular property descriptions, the Parcel ID Number(s), the number of acres, and the section(s) in which the property is located. Attach additional sheets if more space is needed. Attach a map showing all changes and additions.)

1. The above described property has a proposed zoning change FROM _____ (_____) ZONE TO _____ (_____) ZONE.
2. PURPOSE OF PROPOSED CHANGE: _____

B. ZONING ORDINANCE TEXT AMENDMENT:

The following Article(s) and Section(s) is amended or altered: ARTICLE _____ SECTION _____
The NEW SECTION reads as follows: (Attach additional sheets if more space is needed.) (Multiple Amendments)

SEE ATTACHMENTS

- C. PUBLIC HEARING** on the above amendment was held on: month 12 day 5 year 2023
- D. NOTICE OF PUBLIC HEARING** was published/mailed on the following date: month 10 day 31 year 2023
(Notice must be provided at least fifteen days prior to the public hearing.)
- E. THE NEWSPAPER** (having general circulation in Township) carrying the NOTICE: BROOKLYN EXPONENT
The PROPOSED ZONING AMENDMENT described herein was duly considered by the Township Planning Commission and will be forwarded to the Township Board with a recommendation to APPROVE or DISAPPROVE.
Tom W... Chair or Secretary 12 / 07 / 2023 (enter date)

JACKSON COUNTY PLANNING COMMISSION (JCPC) ACTION:

1. Date of Meeting: month _____ day _____ year _____
2. The JCPC herewith certifies receipt of the proposed amendment on the above date and:
 - Recommends APPROVAL of the zoning change
 - Recommends DISAPPROVAL of the zoning change for the reasons stated in the attached letter.
 - Recommends APPROVAL of the zoning change with comments, as stated in the attached letter.
 - Takes NO ACTION.

_____, Recording Secretary _____ / _____ / _____ (enter date)

TOWNSHIP BOARD ACTION:

1. Date of Meeting: month _____ day _____ year _____
2. The _____ Township Board herewith certifies that a legally constituted meeting held on the above date and that the proposed amendment PASSED, DID NOT PASS, or was REFERRED ANEW to the Township Planning Commission.

Township Clerk

Columbia Charter Township Planning Commission

8500 Jefferson Rd, Brooklyn, MI 49230
517-592-2000

AGENDA

Tuesday December 5, 2023 7:00 PM

Public Hearing

Meeting held live at Township Office

1. Call to Order, Pledge of Allegiance
2. Roll Call attendance
3. Approval of Agenda
4. Approval of Minutes from Thursday November 16,2023
5. Purpose of meeting.
 - a. Public Hearing for proposed Zoning Amendments and final 2023 Planning Commission Meeting for 2023 December 5, 2023.
6. Public Comment*
7. Old Business- Community Survey, Master Plan update.
8. New Business:
 - a. Public Hearing for proposed Zoning Amendments and final 2023 Planning Commission Meeting for 2023 December 5, 2023.
 - b. Election of Officers for 2024
9. Public Comment*
10. Commissioner Comments
11. Adjournment

* Each individual will state his or her name and address, you will have 3 minutes to address the Commission.

You may only address the Commission once under each Public Comment opportunity and may not yield time to others,

Commission Members will not debate or answer questions at this time.

October 25, 2023

Columbia Township Planning Commission
Columbia Township
8500 Jefferson Road
Brooklyn, MI 49230

Re: Zoning Ordinance – Draft Amendments

Dear Columbia Charter Township Planning Commission:

Below are further updated draft zoning amendments addressing a variety of Zoning Ordinance matters. These amendments replace my previous submittal dated April 28, 2023. The Planning Commission had reviewed the previous submittal and identified several revisions. I subsequently raised an additional new issue – to permit boat storage, sales and repair in the I-1 District. Accordingly, the amendments presented within are identical to the previous April 28 draft amendments except for the following:

- Amendment #2 was revised to clarify that the waiving of a certified survey applies to fences irrespective of the proposed fence setback.
- Amendment #7 was divided into two separate amendments – Amendments #7(A) and #7(B). Amendment #7(A) was revised to grant approval authority to the Zoning Administrator for Small Solar Energy Systems (SES). Amendment #7(B) corrects the improper reference to the “Township Board” (replaced with “Zoning Administrator”) in regard to granting screening waivers.
- Amendment #10 was revised to insert the word “gross” in front of “floor area” under Section 20.8(G)(2)(c). “Floor Area, Gross” is a defined term in Article 21.
- A new Amendment #12 was added, providing for the authorization of watercraft storage and sales in the I-1 District as a Special Land Use.

If the Planning Commission finds these updated amendments to be satisfactory, the next step is the holding of a public hearing. I have provided the township with a draft hearing notice that can be completed once a hearing date is selected. If the Planning Commission would like me to be present for the hearing, please contact me as far in advance as reasonably possible to identify a mutually agreeable date.

Please contact me if any questions arise or if additional revisions are desired prior to a hearing.

Sincerely,



Mark A. Eidelson, AICP
President

cc: Todd Wanty, Planning Commission Chairperson
Rick Church, Zoning Administrator
Barry Marsh, Supervisor
Eric White, Township Attorney

COLUMBIA CHARTER TOWNSHIP PLANNING COMMISSION

DRAFT ZONING ORDINANCE AMENDMENTS

(Various Unrelated Amendment Matters)

Scheduled Public Hearing: 12/5/2023, 2023

AMENDMENT #1 Section 2.2(C), Zoning Permit Exceptions

Section 2.2(C) identifies instances when a zoning permit is not necessary. Subsection (C)(2) permits the alteration of any wall of any building without a zoning permit provided "no change is made to the location, height, or square footage of an exterior wall." Amendment #1 provides for further clarification to ensure this exception is not construed to permit a change in land use or a change in off-street parking requirements, with proposed new text in *italics* and proposed text deletions with a ~~strikethrough~~.

Section 2.2(C):

C. Zoning Permit Exemption: A Zoning Permit shall not be required for the following, but the following shall be subject to the standards and other requirements of this Ordinance:

1. The erection, enlargement, alteration, movement or demolition of any building or structure that does not have a foundation, footings or similar permanent anchoring system, and is two-hundred (200) square feet or less in area as measured according to exterior dimensions. See Section 20.8(G).
2. The alteration of any wall of any building, when such building is greater than two-hundred (200) square feet in area according to exterior dimensions, provided no change is made to the location, height, or square footage of an exterior wall ~~and~~, such alterations are in compliance with all requirements and standards of this Ordinance *including off-street parking requirements, and the alteration does not include the establishment of a new use such as the conversion of office space to retail space.* A Building Permit may be necessary for such an alteration pursuant to the Construction Code.
3. Fences for farm operations.

AMENDMENT #2: Section 2.4(B)(1)(b)(2) / Zoning Permit Application

Section 2.4(B)(1)(b)(2) requires a certified property line survey in all circumstances in association with a residential zoning permit, including in the case of the erection of fence (vacant lot or built lot) or a building addition more than 100' from a lot line (by example). The Ordinance does not grant the Zoning Administrator any discretion in waiving this requirement in instances. Amendment #2 grants the Zoning Administrator the discretion to waive the required survey with restrictions, with proposed new text in *italics* and proposed text deletions with a ~~strikethrough~~.

Section 2.4(B)(1)(b)(2):

- 2) A certified property line survey prepared by a Michigan-licensed surveyor, and the delineation of existing structures on the property as part of such survey, including the delineation of property line dimensions and bearings, lot area, legal description, parcel or lot number, and an arrow pointing north. *The Zoning Administrator may waive the requirement for the survey to be prepared by a Michigan-licensed surveyor upon finding that no modifications to the subject lot are within seventy-five (75) feet of a lot line, the nature of the modifications do not involve the erection of a building or wall but may include the erection of a fence irrespective of the proposed fence setback, and/or there are conditions present that make the Michigan-licensed surveyor requirement unnecessary. In no case shall a waiver be granted that could be reasonably expected to undermine the Township's ability to satisfactorily administer and enforce the Ordinance as applied to such lot. The waiving of the Michigan-licensed surveyor requirement shall not relieve the applicant from compliance with all other requirements of this Ordinance.*

AMENDMENT #3: Table 3-3 (Article 3) / Dwellings on 2nd and 3rd Floors

Table 3-3 permits dwellings in the C-1, C-2, and C-3 Districts provided they are on a 2nd or 3rd floor above a business. Dwellings above first floors in a commercial district have several benefits including 24-hour security, close proximity consumers, and minimized reliance on fossil fuel consumption. Expanding opportunities for dwellings in the C-1, C-2, and C-3 Districts that do not undermine the availability of the first floor for business purposes and other uses permitted in the commercial districts is considered beneficial. To this end, Amendment #3 increases opportunities for dwellings on upper floors and is limited to Line 1 of Table 3-3 under Uses of a Primarily Residential Character, with proposed new text in *italics* and proposed text deletions with a ~~strikethrough~~.

Table 3-3
(Portion addressing "Uses of a Primarily Residential Character")

PRINCIPAL USES		ZONING DISTRICTS						
		C-1	C-2	C-3	GO	I-1	I-2	R&D
Uses of a Primarily Residential Character								
1	Dwellings when located on a second or third story above a business. <i>located on a second or higher story only.</i>	S	S	S	-	-	-	-

AMENDMENT #4: Footnote 2 of Table 3-4 / Flag Lots

The township’s intent with the adoption of the 2019 Zoning Ordinance was to prohibit flag lots (see Figure 21-1 at end of Article 21). The Ordinance addresses this matter in multiple places but does not include a single clear provision stating this restriction. Amendment #4 provides for revisions to Footnote 2 of Table 3-4 as presented below, with proposed new text in *italics* (subsection (d)).

Table 3-4, Footnote (2):

2. Configuration of Lots: All lots shall conform to the following configuration requirements:
 - a. The depth of a lot shall not exceed four (4) times its width.
 - b. The minimum frontage/lot width standard of Table 3-4 shall extend from the front lot line to the required building setback line and continue over at least seventy percent (70%) of the lot area. In the case of a waterfront lot, the minimum frontage/lot width standard shall apply to both the front and rear lot line.
 - c. Lesser frontage and width standards than those of Table 3-4 may be approved where the front lot line abuts a curvilinear road segment, such as a cul-de-sac, where without such reduction, such lots would be unnecessarily excessive in overall width or area, or otherwise result in irregular or impractical configurations. However, such reduction shall not exceed fifty percent (50%), and the minimum front yard setback shall be increased to the line at which there is compliance with the lot width standard of Table 3-4.
 - d. *Flag lots as defined in Article 21 are prohibited.*

AMENDMENT #5: Footnote 4(c) of Table 3-4 / Waterfront Setbacks

Footnote 4(c) addresses waterfront setbacks and provides that while a minimum 50’ waterfront setback is normally required, the setback may be modified if there are one or more existing dwellings with a lesser setback and located within 100’ of the subject property. The existing wording can be construed as requiring that a new dwelling be set back more than 50’ based on the above referenced setback averaging and this was not the intent of officials when the Ordinance was in development. In addition, subsection 4(c)(1)(c) of the footnote is contrary to 4(c)4(c) of the same footnote because subsection 4(c)(1)(c) does not recognize the setback averaging that 4(c)4(c) permits. Amendment #5 provides for revisions to Footnote 4(c) as presented below, to clarify that a waterfront setback need not be greater than 50’ and to correct the contradictory wording of subsection 4(c)(1)(c) of the footnote, with proposed new text in *italics* and proposed text deletions with a ~~strikethrough~~.

Footnote 4(c):

- c. *Special Waterfront Setbacks*: In no case shall a structure be located closer than fifty (50) feet from the water’s edge of a waterfront lot, or the rear lot line of such lot, whichever is closer to the proposed structure, except that where there exists one (1) or more dwellings on waterfront lots located on one (1) or

both sides of a lot, and where such dwellings are within one hundred (100) feet of such lot and such dwellings are less than fifty (50) feet from the water's edge, the required setback shall be the average setback of such existing dwellings measured from the water's edge *but in no case shall the required setback exceed fifty (50) feet.*

- 1) In the case of Lake Columbia, along those portions of the lake where a lot's rear lot line abuts land under separate ownership than that of the lot, and without such land the lot would be a waterfront lot, the rear yard setback shall be measured from the rear lot line. Such setback measuring shall be subject to the same *water's edge* setback averaging provision specified in subsection (c) above except as follows:
 - (a) In no case shall a structure in excess of three (3) feet in height be erected so as to extend more than five (5) feet beyond the building wall closest to the lake on an adjacent lot.
 - (b) In no case shall a structure be located closer than twenty-five (25) feet to the rear lot line.
 - ~~(c) In no case shall a structure be located closer than fifty (50) feet to the water's edge.~~
- 2) Where sedimentation or changes in a lake's level has caused the water's edge to recede, a lot ...

(no revisions to balance of footnote 4(c))

AMENDMENT #6: Section 6.4(A)(2) / Nonconforming Structures

Section 6.4 addresses nonconforming structures and subsection (A)(2) permits the rebuilding of a nonconforming structure if certain conditions are met including that the replacement nonconforming structure relies on the same foundation. In fact, the existing foundation may be structurally flawed and may not comply with code requirements, and assessing the integrity of the foundation may well not be practical. Amendment #6 revises subsection (A)(2)(a) to require that the replacement structure may not exceed the horizontal limits of the previous foundation (footprint) and may not exceed the height of the previous structure, with proposed new text in *italics* and proposed text deletions with a ~~strikethrough~~.

Section 6.4(A)(2):

2. Should a nonconforming structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement value, exclusive of foundations, it shall not be reconstructed except in conformity with the provisions of this Ordinance, including the site development standards for the respective District. In identifying the extent of destruction and the cost to replace the damaged structure, the Zoning Administrator may seek a written opinion from a qualified building appraiser and the opinion shall include the basis for the opinion. The limitations of this subsection (2) shall not apply when all of the following conditions are met:
 - a. The replacement structure ~~is to be erected on the same foundation as the previous structure~~ *shall not extend horizontally beyond the footprint of the previous structure within the setback encroachment area and shall not extend vertically beyond the height of the previous portion of the structure within the setback encroachment area.*
 - b. A building permit for the erection of the replacement structure is issued within one (1) year of the previous structure's destruction, and the replacement structure is completed to an extent equal to fifty percent (50%) or more of its construction cost within two (2) years of such destruction.
 - c. The replacement structure is no more nonconforming than the previous structure.

AMENDMENT #7A: Section 7.23(B)(1) / Small Solar Energy Systems (SES)

Section 7.23(B) provides for the Planning Commission to be the approving body for ground-mounted Small SES. Given the comparatively simple nature of a Small SES, the Zoning Administrator is the most appropriate approving body. Amendment #7A changes the designated approving body from the Planning Commission to the Zoning Administrator, with proposed new text in *italics* and proposed text deletions with a ~~strikethrough~~.

Section 7.23(B)(1):

B. Small Solar Energy Systems (Small SES)

1. Small SES Authorization, Review and Approval Procedures: A Small SES is an authorized accessory structure in all districts. Small SES mounted on the ground by way of posts or other support structure mounted on or in the ground shall be subject to ~~Planning Commission~~ *Zoning Administrator* approval. Roof-mounted systems shall be subject to Zoning Administrator approval. An application for

a Small SES need not include a site plan prepared according to Article 14 but the application shall include all information required for a plot plan according to Section 2.4(B)(1), in addition to the delineation of all SES structures and facilities and all structures on adjacent properties within one hundred (100) feet of a shared lot line.

AMENDMENT #7B: Section 7.23(B)(4)(b)(1) / Small Solar Energy Systems (SES)

Section 7.23(B) incorrectly references the Township Board as the approving body for screening waivers. Per Amendment #7A above, Amendment #7B vests this authority with the Zoning Administrator, with proposed new text in *italics* and proposed text deletions with a ~~strikethrough~~.

Section 7.23(B)(4)(b):

- b. In the case of a ground mounted solar panel(s) located on a lot that is adjacent to a lot in an Agricultural or Residential District, where the panels are to be located within one hundred fifty (150) feet of a shared lot line with such lot, the panels shall be screened from view from such lot. The screening shall consist of one (1) evergreen tree per twenty (20) linear feet of panel length and such trees shall be spaced no less than fifteen (15) feet and no greater than twenty-five (25) feet apart. Trees shall be a minimum height equal to fifty percent (50%) of the height of the panel(s). Required screening need not be in the immediate area of the panels that the plantings are intended to screen if the planting locations provide for the intended screening effect. No tree shall be located within five (5) feet of a lot line. All plants material shall be maintained in a healthy condition to provide the necessary screening and replaced upon death or disease.
 - 1. The ~~Township Board~~ *Zoning Administrator* may permit a maximum fifty percent (50%) reduction in the number and size of tree plantings where the adjacent property is vacant and not likely to be developed within the next five (5) years based on nearby development trends during the preceding five (5) years, where natural features are present that serve to assist in the screening of the panel(s) such as existing topographic or vegetative conditions, where existing structures will assist in the screening of the panel(s), and/or where other conditions may be present that make typical screening requirements ineffective or otherwise unnecessary.

AMENDMENT #8: Section 9.9(A)(1) / Off-Premises Signs

Section 9.9 addresses off-premises signs (billboards). Section 9.9(A)(1) incorrectly references the "A-1" District, with the "AG" District being the correct reference. Amendment #8 corrects this error, with proposed new text in *italics* and proposed text deletions with a ~~strikethrough~~.

Section 9.9(A)(1):

- 1. Such signs are permitted only on an undeveloped lot in an ~~A-1,~~ *AG*, C-3, I-1 or I-2 District, and such lot has frontage along U.S.-127, M-50 or M-124. For the purposes of this Section 9.9, "undeveloped lot" shall be defined as a lot upon which there are no buildings or structures except the sign.

AMENDMENT #9: Section 20.7(A) / Temporary Dwellings

Section 20.7(A) authorizes temporary dwellings in certain specific situations. The provisions incorrectly reference Section 3.4(B) in subsections (A)(1) and (A)(2), with the correct reference being Section 2.4(B). Amendment #9 corrects these errors, with proposed new text in *italics* and proposed text deletions with a ~~strikethrough~~.

Subsections 20.7(A)(1) and (2):

- 1. Emergency Housing: A temporary dwelling may be authorized by the Zoning Administrator to allow a recreational vehicle or mobile home to be placed on the lot while the existing permanent dwelling on the same lot is under repair due to destruction by fire, collapse, explosion, Acts of God, or acts of a public enemy, to the extent that it is no longer safe for human occupancy, and for which repairs a zoning permit and building permit have been issued. Application for and authorization of such a temporary dwelling shall require the submittal of a zoning permit application available from the Zoning Administrator including a plot plan prepared according to ~~Section 3.4(B)~~ *Section 2.4*.
- 2. New Home Under Construction: A temporary dwelling may be authorized by the Zoning Administrator to allow a recreational vehicle or mobile home to be placed on the lot while a permanent dwelling on the same lot is under new construction and for which a zoning permit and building permit have been issued. Application for and authorization of such a temporary dwelling shall require the submittal of a zoning

permit application available from the Zoning Administrator including a plot plan prepared according to ~~Section 3.4(B)~~ *Section 2.4*.

AMENDMENT #10: Section 20.8(G) / Accessory Structures Prior to the Principal Structure

Section 20.8(G) prohibits accessory structures prior to a principal structure except under certain restrictions including that such accessory structures do not exceed 200 sq. ft. (Subs. (G)(1)). The wording leaves open as to whether multiple 200 sq. ft. structures can be erected, or whether multiple structures can be erected that are less than 200 sq. ft. each but cumulatively are no greater than 200 sq. ft. The Ordinance has been consistently enforced to prohibit no more than one structure and not to exceed 200 sq. ft., as was the intent at the time of Ordinance adoption.

In addition, subsection (G)(2) permits in the RLS District an accessory garage to be established on a separate vacant lot adjacent to a lot occupied by a dwelling that is to be served by such garage, or on a separate vacant lot on the opposite side of the road. The wording does not adequately clarify, in the case of a vacant lot across a road, whether the vacant lot must also be zoned RLS. This is significant as there are no vacant lots on the other side of the road from a waterfront lot that are zoned RLS, thereby making this option unavailable if the vacant lot must be zoned RLS.

Amendment #10 addresses these matters, with proposed new text in *italics* and proposed text deletions with a ~~strikethrough~~.

Section 20.8(G):

G. Prior to a Principal Structure: Buildings and structures typically accessory in nature to a principal use authorized in the district, according to Tables 3-2 and 3-3, shall not be erected on a lot in such district prior to the establishment of the approved principal use except according to the following conditions. Nothing in this subsection (G) shall be interpreted as authorizing a use, building or structure not otherwise in compliance with this Ordinance.

1. ~~General: Such buildings and structures~~ *No more than one (1) such building or structure shall be erected and the accessory building or structure* shall not exceed two-hundred (200) square feet in area and twelve (12) feet in height ~~and~~. *The accessory building or structure* shall be subject to plot plan approval by the Zoning Administrator pursuant to Section 2.4(B) and the Zoning Administrator finds that such building or structure complies with setback standards and shall not hinder the future erection of a principal building in conformance with all setback and other site development requirements of this Ordinance. The Zoning Administrator may require such structures to be landscaped or otherwise screened to be harmonious in appearance and character with surrounding properties.
2. ~~RLS Districts: In the RLS District, an~~ *An* accessory garage may be established on a separate *vacant* lot adjacent to a lot *in the RLS District that is* occupied by a dwelling that is to be served by such garage, or on a separate *vacant* lot on the opposite side of the road where any portion of the frontage of such *vacant* lot would be adjacent to the frontage of the lot on which the dwelling is located if the road right-of-way or easement was not present, *irrespective of the zoning district classification of the vacant lot,* provided the following conditions are met:
 - a. A deed restriction or similar legally binding tool is executed and filed in the county register of deeds office providing:
 - 1) The structure shall be used principally as a garage and may also include accessory bedroom and bathroom facilities but shall not include refrigerator, freezer, stove, oven or other kitchen facilities.
 - 2) The two lots may be sold but shall remain under one (1) ownership unless each individual lot complies with all provisions of this Ordinance including minimum standards for lot area, width and frontage.
 - b. A plot plan for the garage is submitted and approved by the Zoning Administrator, with such approval being subject to the conditions specified in (a)(1) and (2) above. The Zoning Administrator may require the garage to be landscaped or otherwise screened to be harmonious in appearance and character with surrounding properties.
 - c. The garage shall not exceed one thousand (1,000) square feet in *gross* floor area for each floor.

AMENDMENT #11: Section 20.14 / Fences and Walls

Section 20.14 addresses fences and walls and is silent on several scenarios such as the erection of fencing on vacant property and the erection of construction and snow fencing. Amendment #11 addresses these matters by the creation of a subsection (C), with proposed new text in *italics* and proposed text deletions with a ~~strikethrough~~.

Section 20.14(C):

C. Exceptions and Clarifications:

1. Construction Fences: *This Section shall not apply to temporary construction fences in association with construction for which a building permit has been issued.*
2. Snow Fences: *This Section shall not apply to temporary fencing intended to direct wind-blown drifting snow to a preferred location, provided such fencing does not exceed four (4) feet in height and shall not be put in place prior to October 15 and shall be removed by March 31.*
3. Vacant Lots: *The erection of fencing is permitted on a vacant lot provided such fencing complies with the requirements of this Section. The front, side and rear yards on the vacant lot shall be presumed to extend from the respective lot line to the minimum required setback of the respective district. If the vacant lot is subsequently developed or used for a specific use that results in the fencing to become nonconforming, the fencing shall be removed or otherwise modified to conform to this Section.*
4. Public Welfare: *The designated site plan approving body may permit and/or require fence or wall heights greater than otherwise provided in this Section upon finding that such height modification shall have a substantial impact in more effectively protecting the public safety or welfare.*

AMENDMENT #13: Table 3-3 (Article 3) / Boat Sales, Service, and Storage

Line 36 of Table 3-3 permits watercraft storage and sales in the C-2 and C-3 Districts, under "Uses of a Primarily Commercial or Business Character." There is a growing demand for additional acreage available for watercraft storage particularly. To address this matter, Amendment #13, authorizes watercraft storage and sales in the I-1 District as a special land use, as follows (addition in *italics*).

Table 3-3
(Portion addressing "Uses of a Primarily Commercial or Business Character")

BR = Use Permitted By Right S= Special Land Use¹ - = Prohibited Use

	PRINCIPAL USES	ZONING DISTRICTS						
		C-1	C-2	C-3	GO	I-1	I-2	R&D
	Uses of a Primarily Commercial or Business Character ¹							
36	Watercraft storage and sales.	-	BR	BR	-	S	-	-

**COLUMBIA CHARTER TOWNSHIP PLANNING COMMISSION
PUBLIC HEARING NOTICE for ZONING ORDINANCE AMENDMENTS**

The Columbia Charter Township Planning Commission will hold a public hearing on December 5, 2023 at 7:00 p.m. for the purpose of receiving public comment on proposed amendments to the Columbia Charter Township Zoning Ordinance (No. 2019-0218) adopted on February 18, 2019 as amended, pursuant to the Zoning Enabling Act, Public Act 110 of 2006 as amended. The public hearing will be held at the Columbia Charter Township Hall at 8500 Jefferson Road, Brooklyn, MI 49230. A copy of the proposed amendments and the Zoning Ordinance can be viewed at the Township Hall during the hours of 7:30 a.m. to 5:00 p.m., Mondays through Thursdays. Written comments should be received by 12:00 p.m. (noon) December 4, 2023 and addressed to the Columbia Charter Township Planning Commission, 8500 Jefferson Road, Brooklyn, MI 49230. Columbia Township will provide necessary reasonable auxiliary aids and services at the public hearing to individuals needing assistance upon five (5) days' notice to the Township Clerk (517-592-2000). In summary, the proposed amendments provide for: a) clarification of zoning permit exemptions (Sec. 2.2); b) exemption from certified property line survey requirement as part of a permit application (Sec. 2.4); c) authorization of dwellings on a second or higher story in C-1, C-2, and C-3 Districts irrespective of the first floor use, and authorization of watercraft sales, service, and storage in the I-1 District (Table 3-3, Article 3); d) prohibition of flag lots (Table 3-4 of Article 3, Footnote 2); e) clarification of setback averaging for waterfront lots (Table 3-4 of Article 3, Footnote 4); f) clarification of restrictions on replacement of nonconforming structures (Sec. 6.4); g) designation of Zoning Administrator as the approving body for Small Solar Energy Systems including for screening waivers (Sec. 7.23); h) limiting the number of accessory structures in a front yard prior to the erection of the principal building to one (Sec. 20.8); i) exceptions from normal fence requirements including clarifications for the erection of certain fences (Sec. 20.14); and j) the correction of typos and section references.

Cathy Hulburt, Columbia Charter Township Clerk

COLUMBIA TOWNSHIP PLANNING COMMISSION

Columbia Township Hall
8500 Jefferson Rd. Brooklyn MI 49230

Tuesday, December 5, 2023

7:00 PM

Public Hearing

Minutes

Call to order, Pledge of Allegiance: Chairperson Wanty called the meeting to order at 7:00 p.m. and the pledge of allegiance was recited.

Roll Call: Mr. Trout called the roll: Present: Chairperson Todd Wanty, Secretary Mike Trout, Mike McKay, Krissie Barnes, Hollis Jeffreys; Absent: Vice-Chair Bob Jenson; Recognized Guests: Rick Church, Mark Eidelson

Note: There is a vacant seat.

Approval of Agenda: *Motion by Mr. Wanty, supported by Mr. Jeffreys to approve the agenda. Ayes all. Motion Carried.*

Approval of Minutes from Thursday November 16, 2023: *Motion by Mr. Jeffreys, supported by Mr. McKay, to approve the minutes as presented. Ayes all. Motion Carried*

Purpose of meeting: Chair Wanty presented the purpose of this final required meeting for 2023.

- a. Public hearing for proposed Zoning Ordinance Amendments
- b. Election of Officers for 2024
- c. Set dates for 2024 required meetings

Public Comment: Chair Wanty opened the public comment period at 7:04 p.m. Diane Smith updated the Commission on the proposed site plan for 9224 Hyde Rd. (former Clarklake Community Church) including a map of the potential road relocation. The Chair closed the public comment period at 7:10 p.m.

Old Business:

Community Survey – No update. Mr. McKay asked how many surveys were completed. Mr. Church indicated he would get the information. It was determined to remove this item from old business in the future.

Master Plan Update – No update.

New Business:

- a. Public hearing for proposed Zoning Ordinance Amendments. Mr. Wanty opened the public hearing at 7:12 p.m., and read the summary of zoning ordinance amendments as described in the public notice and detailed in the correspondence from Mr. Eidelson (LandPlan) dated October 25, 2023. Mr. McKay expressed concern regarding the regulations allowing approval by the zoning administrator without a certified survey in certain instances. Mr. Church indicated that implementing the provisions could potentially require some type of acceptable certification by the property owners. Mr. Eidelson suggested that a disclaimer could be added to the application that would help ensure compliance and protect the Township. The Chair closed the public hearing at 7:29 p.m.

Mr. Wanty made the motion, supported by Mr. McKay to recommend approval of the proposed zoning ordinance amendments to the Township Board as presented, and in accordance with the correspondence from LandPlan dated October 25, 2023; and further to submit the amendments to Region II Planning Commission for comments. Ayes all. Motion Carried

- b. Election of Officers for 2024. Mr. Wanty made the motion supported by Mr. Jeffreys to approve the following as officers for 2024.

- Mr. Wanty – Chairperson
- Mr. Jenson – Vice Chairperson
- Mr. Trout – Secretary

Ayes all. Motion Carried

- c. Set dates for 2024 required meetings. Mr. Wanty made the motion, supported by Mr. Trout to approve the following dates for the four required meetings in 2024.

- January 23
- April 26
- August 13
- December 10

Ayes all. Motion Carried

Public Comment: Chair Wanty opened the public comment period at 7:36 p.m. Mr. Eidelson briefed the Commission on the impacts of Public Act 233 regarding approval of large wind and solar systems. Brad Smith commented with a suggestion to require some sort of provision requiring a performance bond and assurances to maintain the integrity of the systems throughout the useful life. The Chair closed the public comment period at 7:49 p.m.

Commissioner Comments: Mr. McKay noted that the official zoning map should be updated to reflect recent rezoning of property at US127 and Vicary Rd.

Adjournment: Chair Wanty made the motion supported by Mr. Trout to adjourn at 7:51 p.m. Ayes all. Motion Carried.

RESPECTFULLY SUBMITTED

Mike Trout, Secretary



Jackson County Planning Commission

Staffed by the Region 2 Planning Commission (R2PC)
120 W. Michigan Avenue • Jackson, MI 49201
Phone (517) 788-4426 • Fax (517) 788-4635

PA 116 FARMLAND AGREEMENT | #23-03

Applicant: Cody A. Thorne and Robin M. Thorne
10090 Hanover Rd.
Hanover, MI 49241

Date: November 20, 2023

Proposal: **Application for Farmland Agreement in Hanover Township**

Location: An application was filed for the subject properties—Property IDs #000-17-29-126-004-02, #000-17-29-126-001-00, and #000-17-29-126-002-01—situated in Section 29 of Hanover Township. (T4S, R2W). It is located on the South side of Hanover Road (see Map 1).

Description: The subject property has an area of approximately 44.48 acres of which 38 acres (approximately) are cultivated for cash crops, and 6.48 acres are other (swap, woods, etc.). There are five (5) buildings, a residence, two barns, and two tool sheds are located on the subject property.

Term: A term length of 40 years is requested.

Future Land Use: The land use map for Parma Township places the property in an area designated as "Agricultural."

Staff Comments: Based upon this analysis staff advises the Jackson County Planning Commission to recommend **APPROVAL** of the application to the Hanover Township Board.



FARMLAND AND OPEN SPACE PRESERVATION PROGRAM

Application for Farmland Agreement

Part 361 of the Natural Resources and Environmental Protection Act, 1994 Act 451 as amended, more commonly known as PA 116.

Please print or type. Attach additional sheets as needed. **Please read the Eligibility and Instructions document before filling out this form.**

OFFICIAL USE ONLY	
Local Governing Body:	
Date Received	10/1/23
Application No:	2023-01
State:	
Date Received	
Application No:	
Approved:	Rejected

ALL APPLICATIONS MUST BE APPROVED BY LOCAL GOVERNING BODY ON OR BEFORE NOVEMBER 1 IN ORDER TO BE EFFECTIVE FOR THE CURRENT TAX YEAR

I. Personal Information:

1. Name(s) of Applicant: Thorne Cody A
Last First Initial

(If more than two see #15) Thorne Robin M
Last First Initial

Marital status of all individual men listed on application, if more than one, indicate status after each name:

Married Single

2. Mailing Address: 10090 Hammer Rd. Hannover MI 49241
Street City State Zip Code

3. Telephone Number: (Area Code) (517) 745-0878

4. Alternative Telephone Number (cell, work, etc.): (Area Code) () _____

5. E-mail address: cody@thorne-farms.com

II. Property Location (Can be taken from the Deed/Land Contract)

6. County: Jackson 7. Township, City or Village: Hannover

8. Section No. 19 Town No. 4 south Range No. 2 west

III. Legal Information:

9. Attach a clear copy of the deed, land contract or memorandum of land contract. (See #14)

10. Attach a clear copy of the most recent tax assessment or tax bill with complete tax description of property.

11. Is there a tax lien against the land described above? Yes No

If "Yes", please explain circumstances: _____

12. Does the applicant own the mineral rights? Yes No

If owned by the applicant, are the mineral rights leased? Yes No

Indicate who owns or is leasing rights if other than the applicant: _____

Name the types of mineral(s) involved: _____

13. Is land cited in the application subject to a lease agreement (other than for mineral rights) permitting a use for something other than agricultural purposes: Yes No If "Yes", indicate to whom, for what purpose and the number of acres involved: _____

14. Is land being purchased under land contract Yes No: If "Yes", indicate vendor (seller):

Name: _____

Address: _____

Street City State Zip Code

14a. Part 361 of the Natural Resources and Environmental Protection Act, 1994 Act 451 as amended, states that the vendor (seller) must agree to allow the land cited in the application to be enrolled in the program. Please have the land contract sellers sign below. (All sellers must sign).

Land Contract Vendor(s): I, the undersigned, understand and agree to permit the land cited in this application into the Farmland and Open Space Preservation Program.

Date _____

Signature of Land Contract Vendor(s) (Seller) _____

15. If the applicant is one of the following, please check the appropriate box and complete the following information (if the applicant is not one of the following – please leave blank):

- 2 or more persons having a joint or common interest in the land
- Corporation Limited Liability Company Partnership
- Estate Trust Association

If applicable, list the following: Individual Names if more than 2 Persons; or President, Vice President, Secretary, Treasurer; or Trustee(s); or Members; or Partners; or Estate Representative(s):

Name: Robin Thorne Title: Owner

Name: _____ Title: _____

Name: _____ Title: _____

Name: _____ Title: _____

(Additional names may be attached on a separate sheet.)

IV. Land Eligibility Qualifications: Check one and fill out correct section(s)
This application is for:

- a. 40 acres or more ▶ complete only Section 16 (a thru g);
- b. 5 acres or more but less than 40 acres ▶ complete only Sections 16 and 17; or
- c. a specialty farm ▶ complete only Sections 16 and 18.

16. a. Type of agricultural enterprise (e.g. livestock, cash crops, fruit, etc):

Cash Crops

b. Total number of acres on this farm 32.43

c. Total number of acres being applied for (if different than above): 32.43

d. Acreage in cultivation: 26

e. Acreage in cleared, fenced, improved pasture, or harvested grassland: 6

f. All other acres (swamp, woods, etc.) 6.43

g. Indicate any structures on the property: (If more than one building, indicate the number of buildings):

No. of Buildings Residence: _____ Barn: _____ Tool Shed: _____
 Silo: _____ Grain Storage Facility: _____ Grain Drying Facility: _____
 Poultry House: _____ Milking Parlor: _____ Milk House: _____
 Other: (Indicate) _____

17. To qualify as agricultural land of 5 acres or more but less than 40 acres, the land must produce a minimum average gross annual income of \$200.00 per acre from the sale of agricultural products.

Please provide the average gross annual income per acre of cleared and tillable land during 2 of the last 3 years immediately preceding this application **from the sale of agricultural products (not from rental income):**

\$ 21,892.63 : 26 = \$ ~~842.02~~ 842.02 (per acre)
total income total acres of tillable land

18. To qualify as a specialty farm, the land must be designated by MDARD, be 15 acres or more in size, and produce a gross annual income from an agricultural use of \$2,000.00 or more. If a specialty farm, indicate average gross annual income during 2 of the last 3 years immediately preceding application from the sale of agricultural products: \$ _____

Please note: specialty farm designation may require an on-the-farm site visit by an MDARD staff person.

19. What is the number of years you wish the agreement to run? (Minimum 10 years, maximum 90 years); 40

V. Signature(s):

20. The undersigned declare that this application, including any accompanying informational material, has been examined by them and to the best of their knowledge and belief is true and correct.

[Signature]
(Signature of Applicant)
[Signature]
(Co-owner, If Applicable)
10/30/23
(Date)

(Corporate Name, If Applicable)
[Signature]
(Signature of Corporate Officer)

(Title)

ALL APPLICATIONS MUST BE APPROVED BY LOCAL GOVERNING BODY ON OR BEFORE NOVEMBER 1 IN ORDER TO BE EFFECTIVE FOR THE CURRENT TAX YEAR.

RESERVED FOR LOCAL GOVERNMENT USE: CLERK PLEASE COMPLETE SECTIONS I & II

I. Date Application Received: 11/1/2023 (Note: Local Governing Body has 45 days to take action)

Action by Local Governing Body: Jurisdiction: Hanover
 County Township City Village

This application is approved, rejected Date of approval or rejection: _____

(If rejected, please attach statement from Local Governing Body indicating reason(s) for rejection.)

Clerk's Signature: _____

Property Appraisal: \$ _____ is the current fair market value of the real property in this application.

II. Please verify the following:

- Upon filing an application, clerk issues receipt to the landowner indicating date received.
- Clerk notifies reviewing agencies by forwarding a copy of the application and attachments

____ If rejected, applicant is notified in writing within 10 days stating reason for rejection and the original application, attachments, etc. are returned to the applicant. Applicant then has 30 days to appeal to State Agency.

____ If approved, applicant is notified and the original application, all supportive materials/attachments, and letters of review/comment from reviewing agencies (if provided) are sent to:

MDARD-Farmland and Open Space Program, PO Box 30449, Lansing 48909

***Please do not send multiple copies of applications and/or send additional attachments in separate mailings without first contacting the Farmland Preservation office.**

<p>Please verify the following regarding Reviewing Agencies (Sending a copy to reviewing agencies is required):</p> <p>COPY SENT TO:</p> <p>____ County or Regional Planning Commission</p> <p>____ Conservation District</p> <p><input checked="" type="checkbox"/> Township (if county has zoning authority)</p>	<p>Before forwarding to State Agency, FINAL APPLICATION SHOULD INCLUDE:</p> <p><input checked="" type="checkbox"/> Copy of Deed or Land Contract (most recent showing <u>current ownership</u>)</p> <p><input checked="" type="checkbox"/> Copy of most recent Tax Bill (must include <u>tax description</u> of property)</p> <p><input checked="" type="checkbox"/> Map of Farm</p> <p>____ Copy of most recent appraisal record</p> <p>____ Copy of letters from review agencies (if available)</p> <p><input checked="" type="checkbox"/> Any other applicable documents</p>
---	--

Questions? Please call Farmland Preservation at 517-284-5663

Map of Farm with Structures and Natural Features:

- A. Show boundary of land cited in application. (Grid below is designed to represent a 5280 ft² (1 mile²) Section)
- B. Show all buildings (house(s), barn(s), etc.); also label roads and other avenues of travel (i.e. utility access, etc.).
- C. Outline and designate the current uses of the property (crops, pasture, forest, swamp, etc.).
- D. Clear copies of map(s) provided by USDA Farm Service Agency are acceptable, but please label any roads visible on map, structures and their use, etc.

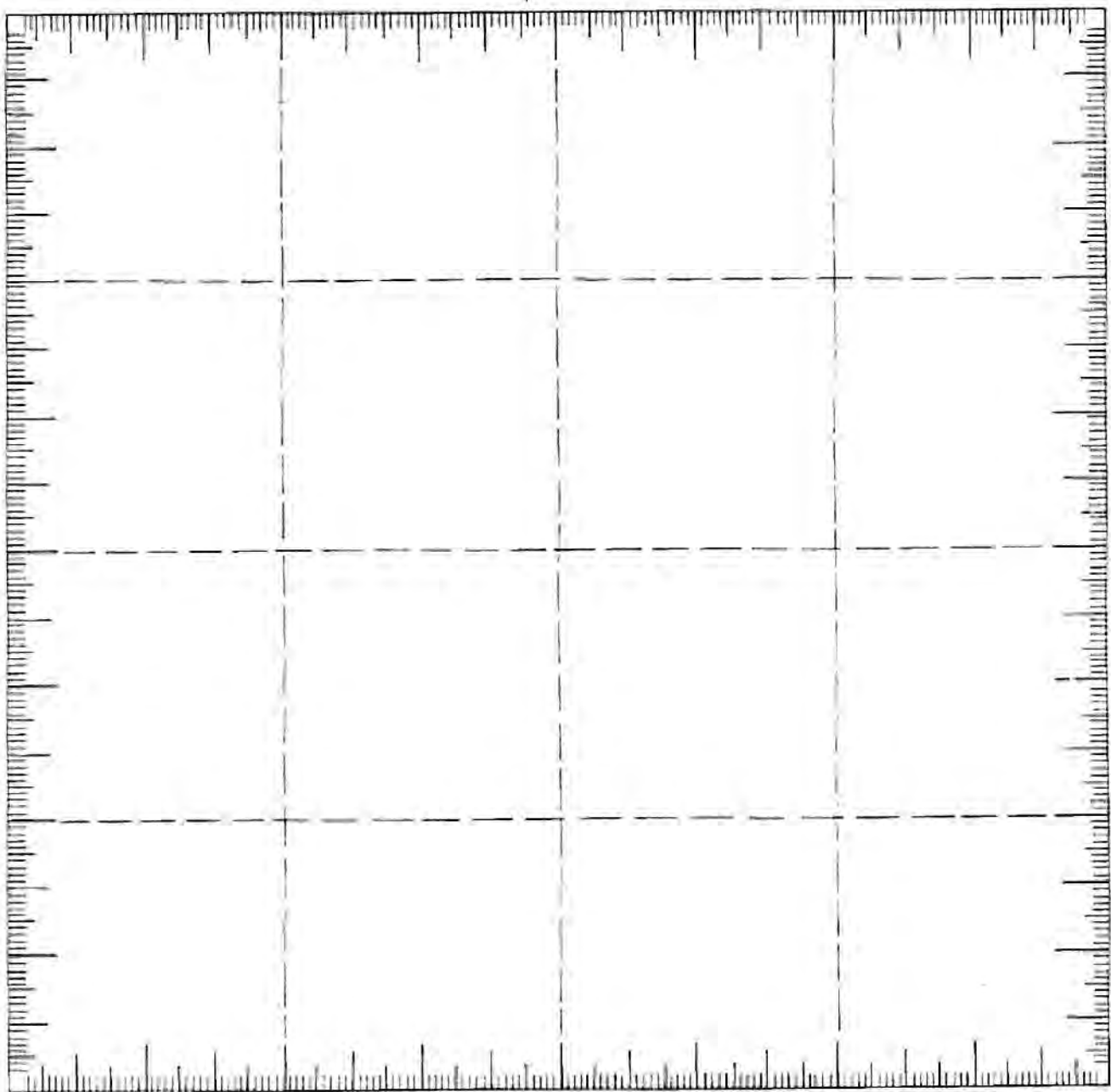
Note: Any residential structures housing persons not directly associated with the farm operation must be excluded from the application. Please indicate if a building falls in this category and provide the appropriate property description for its exclusion. Unless the appropriate description is included, your application cannot be processed.

.....
 County _____

Township _____

T _____ R _____ Section _____

↑ North





Common Land Unit
 Common Land Unit*
 Tract Boundary
 Section Lines
 Cropland vs. Noncropland

Wetland Determination Identifiers
 Restricted Use
 Limited Restrictions
 Exempt from Conservation Compliance Provisions
 Areas of Concern as of 4/1/20

This box is applicable ONLY for certification maps.
 Options only valid if checked.
 Shares - 100% OP
 Certified Organic All Crops - NI
 CORN - YEL/GR WHEAT - GR (SRW or SWW)
 SOYS - COM/GR ALFALFA - FG or GZ
 DRY BEANS - DE MIXFG - FG or GZ

2020 Program Year
 CLU Date: May 5, 2020
 2018 NAIP Imagery

Farm 8881
Tract 12488

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership, rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape or specific determination of the area. Areas of concern represent potential wetland violations (CW, CW+Yr, CWNA, CWTE, MIW, WX) included in the NRCS Certified Wetland Determination dataset. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS). Alternate year NAIP imagery may be displayed for tracts located in other states or along state borders.



Common Land Unit
 Common Land Unit*
 Tract Boundary
 Section Lines

Wetland Determination Identifiers
 ● Restricted Use
 ▼ Limited Restrictions
 ■ Exempt from Conservation Compliance Provisions
 ☁ Areas of Concern as of 4/1/20

This box is applicable ONLY for certification maps. Options only valid if checked.
 Shares - 100% OP
 Certified Organic All Crops - NI
 CORN - YEL/GR WHEAT - GR (SRW or SWW)
 SOYS - COM/GR ALFALFA - FG or GZ
 DRY BEANS - DE MIXFG - FG or GZ

2020 Program Year
 CLU Date: May 5, 2020
 2018 NAIP Imagery

Farm 8163
Tract 11767

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership, rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Areas of concern represent potential wetland violations (CW, CW+Yr, CWNA, CWTE, MIW, WX) included in the NRCS Certified Wetland Determination dataset. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS). Alternate year NAIP imagery may be displayed for tracts located in other states or along state borders.

Checks payable to:
 HANOVER TOWNSHIP
 HANOVER TOWNSHIP
 311 FARVIEW PO BOX 40
 HORTON, MI 49246
 PH: 517-563-2791

2023
 Summer TAX BILL

Prop #: 000-17-19-400-001-10
 DUE DATE: 09/14/2023
 Bill #: 01739
 RECPT NO:

1% INT CHARGED AS OF SEPT 15, 2023 PLUS
 1% INTEREST ADDED THE 1ST OF EACH MONTH
 HOURS MON - THUR 8:30-12 & 1:00-4:00
 TOWNSHIP PHONE 517-563-2791

-----FISCAL YEARS-----

County: JAN 1 2023 - DEC 31 2023
 Twn/City: APR 1 2023 - MAR 31 2024
 School: JUL 1 2023 - JUN 30 2024
 State: OCT 1 2022 - SEP 30 2023

Taxable Value: 56,259
 SEV Value: 65,400
 School: HANOVER HORTON SCHOOLS
 Class: 402

Legal Description:
 THE N 1582.02 FT OF THE W 1/2 OF SE 1/4 OF
 SEC 19 EXC THE W 679.92 FT OF THE SOUTH
 979.27 FT THEREOF 32.43 ACRES +/- SEC 19
 T4S R2W
 SPLIT ON 09/28/2000 INTO 000-17-19-400-001-
 04, 000-17-19-400-001-05, 000-17-19-400-001-
 06, 000-17-19-400-001-07; (001-00 REMAINED
 BALANCE OF DESCRIPTION ON FILE

To: THORNE CODY A & ROBIN M
 8701 HANOVER RD
 HANOVER MI 49241-9782

* * * POST MARKS NOT ACCEPTED * * *

TAXING UNIT	MILLS	TAX
HANOVER OPER	17.21440	EXEMPT
HANOVER DEBT 42	1.00000	56.25
HANOVER S F	0.98310	55.30
JACKSON COLLEGE	1.13270	63.72
JACKSON ISD	4.35390	244.94
STATE ED	6.00000	337.55
COUNTY	5.06600	285.00
Total Tax	35.75010	1,042.76
Admin Fee		10.42
DUE		1,053.18
PREV. PAYMENTS		

AFTER FEB 29, 2024
 REAL PROPERTY TAXES ARE PAYABLE TO JACKSON COUNTY
 120 W. MICHIGAN AVE JACKSON MI 49201
 517-788-4418

% Principal Res. Exempt: 100.0000

Return This Portion with payment. (Complete only if different from above)

Name _____
 Address _____
 City _____ State _____ Zip _____
 Date _____ Amount Enclosed \$ _____

Permanent Parcel Number: 000-17-19-400-001-10 Bill # 01739

2023 Summer Tax 1,042.76
 Admin Fee 10.42
 Due 1,053.18

To: THORNE CODY A & ROBIN M
 8701 HANOVER RD
 HANOVER MI 49241-9782

PREV. PAYMENTS
 BALANCE DUE 1,053.18



17874 04



JACKSON COUNTY TREASURER'S CERTIFICATE
No. 152548 Jackson, MI 4-7, 2015

I HEREBY CERTIFY that there are no TAX LIENS or TITLES held by the State or any individual against the within description, and all TAXES on same are paid for five years previous to the date of this instrument, as appears by the records in this office except as stated.

Karen A. Coffman

KAREN A. COFFMAN, County Treasurer
Sec. 135, Act 206, 1993 As Am.

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS: **TRAVIS R. OWEN**, a single man, and **CHRISTINA L. FRITZ** (Grantors), as joint tenants with full rights of survivorship, whose address is **11702 Hankerd Rd., Pleasant Lake, MI 49272**,

warrants and conveys to: **CODY A. THORNE** and **ROBIN THORNE** (Grantees), husband and wife, whose address is **3020 54th St., Des Moines, IA 50310**,

the following described real property in the Township of Hanover, County of Jackson and State of Michigan:

Land in the Southeast 1/4, Section 19, Town 4 South, Range 2 West, Hanover Township, Jackson County, Michigan, described as follows:

Commencing at the South 1/4 corner of said Section 19; thence North 01 degrees 11' 13" West along the North-South 1/4 line of said Section 19 a distance of 1049.08 feet, to the Northwest corner of property described in deed recorded in Liber 1709, page 954, Jackson County Records, being the POINT OF BEGINNING of this description; thence continuing North 01 degrees 11' 13" West along said 1/4 line, 1582.02 feet to the East-West 1/4 line of said Section 19; thence North 88 degrees 51' 35" East along said East-West 1/4 line, 1317.27 feet to the Easterly North-South 1/8 line of said Section 19 and the centerline of Dew Road; thence South 01 degrees 17' 15" East along said 1/8 line 590.40 feet to the Northeast corner of property described in Liber 1430, page 1230, Jackson County Records; thence South 88 degrees 09' 01" West, along the North line of said Liber 1430, page 1230, 679.92 feet to a found iron and being the Northwest corner of property described in said Liber 1430, page 1230; thence South 01 degrees 11' 12" East, along the West line of said property described in Liber 1430, page 1230, and the West line of property described in Liber 1778, page 989, and Liber 1856, page 627, extended, 979.27 feet; thence South 88 degrees 30' 24" West 638.44 feet, along the extended north line of property described in Liber 1709, page 954, Jackson County Records, to the place of beginning of this description. \

Tax Parcel Code: **000-17-19-400-001-10** \

commonly known as: **Vacant Land, Dew Rd., Hanover, MI 49241** (the Premises)

subject to any easements and building and use restrictions of record, if any, and taxes and assessments that constitute a lien, but are not yet due and payable.

Grantors grant to the Grantees the right to make (11) division(s) under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967, Grantors make no warranties or representations as to the availability of such divisions.

The Premises may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

For the sum of *Ninety Thousand Dollars and 00/100* (\$90,000.00),

Dated this 1 day of April ~~March~~, 2015

Travis R. Owen

Christina L. Fritz

2
HT

154308

STATE OF MICHIGAN)
Jackson COUNTY) ss.

Acknowledged before me in Jackson County, Michigan on the 1 day of ~~March~~ ^{April} 2015 by TRAVIS R. OWEN, Grantor.

/s/ Susan L Brewer

Notary Name:
Notary public, State of Michigan, County of Jackson
My commission expires:
Acting in the County of Jackson, Michigan

SUSAN L. BREWER
NOTARY PUBLIC, Jackson County, MI
My Commission Expires Dec. 8, 2018
Acting in Jackson County

STATE OF MICHIGAN)
Jackson COUNTY) ss.

Acknowledged before me in Jackson County, Michigan on the 1 day of ~~March~~ ^{April} 2015 by CHRISTINA L. FRITZ, Grantor.

/s/ Susan L Brewer

Notary Name:
Notary public, State of Michigan, County of Jackson
My commission expires:
Acting in the County of Jackson, Michigan

SUSAN L. BREWER
NOTARY PUBLIC, Jackson County, MI
My Commission Expires Dec. 8, 2018
Acting in Jackson County

Drafted without opinion by:
Charles J. Artz, Esq. (P69440)
Law Office of Charles J. Artz, PLC
131 N. Lake St., #6
Grass Lake, MI 49240

Send subsequent tax bills to:
Cody A. Thorne and Robin Thorne
3020 54th St.
Des Moines, IA 50310

After recording return to:
Cody A. Thorne and Robin Thorne
3020 54th St.
Des Moines, IA 50310



Jackson County Planning Commission

Staffed by the Region 2 Planning Commission (R2PC)
120 W. Michigan Avenue • Jackson, MI 49201
Phone (517) 788-4426 • Fax (517) 788-4635

PA 116 FARMLAND AGREEMENT | #23-04

Applicant: Cody A. Thorne and Robin M. Thorne
10090 Hanover Rd.
Hanover, MI 49241

Date: November 20, 2023

Proposal: **Application for Farmland Agreement in Hanover Township**

Location: An application was filed for the subject property—Property ID #000-17-19-400-001-10—situated in Section 19 of Hanover Township. (T4S, R2W). It is located on the South side of Hanover Road (see Map 1).

Description: The subject property has an area of approximately 32.43 acres of which 26 acres (approximately) are cultivated for cash crops, and 6.43 acres are other (swap, woods, etc.). There are no (0) buildings located on the subject property.

Term: A term length of 40 years is requested.

Future Land Use: The land use map for Parma Township places the property in an area designated as "Agricultural."

Staff Comments: Based upon this analysis staff advises the Jackson County Planning Commission to recommend **APPROVAL** of the application to the Hanover Township Board.



FARMLAND AND OPEN SPACE PRESERVATION PROGRAM

Application for Farmland Agreement

Part 361 of the Natural Resources and Environmental Protection Act, 1994 Act 451 as amended, more commonly known as PA 116.

Please print or type. Attach additional sheets as needed. Please read the Eligibility and Instructions document before filling out this form.

OFFICIAL USE ONLY
Local Governing Body:
Date Received: 11/1/2023
Application No: 2023-02
State:
Date Received:
Application No:
Approved: Rejected

ALL APPLICATIONS MUST BE APPROVED BY LOCAL GOVERNING BODY ON OR BEFORE NOVEMBER 1 IN ORDER TO BE EFFECTIVE FOR THE CURRENT TAX YEAR

I. Personal Information:

1. Name(s) of Applicant: Thorne Last Cody First A Initial

(If more than two see #15) Thorne Last Robin First M Initial

Marital status of all individual men listed on application, if more than one, indicate status after each name:

[X] Married [] Single

2. Mailing Address: 10090 Hanover Rd. Hanover MI 49241
Street City State Zip Code

3. Telephone Number: (Area Code) (517) 745-0278

4. Alternative Telephone Number (cell, work, etc.): (Area Code) ()

5. E-mail address: cody@thorne-farms.com

II. Property Location (Can be taken from the Deed/Land Contract)

6. County: Jackson 7. Township, City or Village: Hanover

8. Section No. 29 Town No. 17 4.5 Range No. 2W

III. Legal Information:

9. Attach a clear copy of the deed, land contract or memorandum of land contract. (See #14)

10. Attach a clear copy of the most recent tax assessment or tax bill with complete tax description of property.

11. Is there a tax lien against the land described above? [] Yes [X] No

If "Yes", please explain circumstances:

12. Does the applicant own the mineral rights? [] Yes [] No

If owned by the applicant, are the mineral rights leased? [] Yes [] No

Indicate who owns or is leasing rights if other than the applicant:

Name the types of mineral(s) involved:

13. Is land cited in the application subject to a lease agreement (other than for mineral rights) permitting a use for something other than agricultural purposes: [] Yes [X] No If "Yes", indicate to whom, for what purpose and the number of acres involved:

14. Is land being purchased under land contract [] Yes [X] No: If "Yes", indicate vendor (seller):

Name:

Address:

Street City State Zip Code

14a. Part 361 of the Natural Resources and Environmental Protection Act, 1994 Act 451 as amended, states that the vendor (seller) must agree to allow the land cited in the application to be enrolled in the program. Please have the land contract sellers sign below. (All sellers must sign).

Land Contract Vendor(s): I, the undersigned, understand and agree to permit the land cited in this application into the Farmland and Open Space Preservation Program.

Date

Signature of Land Contract Vendor(s) (Seller)

19. What is the number of years you wish the agreement to run? (Minimum 10 years, maximum 90 years); 40

V. Signature(s):

20. The undersigned declare that this application, including any accompanying informational material, has been examined by them and to the best of their knowledge and belief is true and correct.

[Signature]
(Signature of Applicant)
[Signature]
(Co-owner, If Applicable)
10/30/23
(Date)

(Corporate Name, If Applicable)

(Signature of Corporate Officer)

(Title)

ALL APPLICATIONS MUST BE APPROVED BY LOCAL GOVERNING BODY ON OR BEFORE NOVEMBER 1 IN ORDER TO BE EFFECTIVE FOR THE CURRENT TAX YEAR.

RESERVED FOR LOCAL GOVERNMENT USE: CLERK PLEASE COMPLETE SECTIONS I & II

I. Date Application Received: 11/1/2023 (Note: Local Governing Body has 45 days to take action)

Action by Local Governing Body: Jurisdiction: Hanover
 County Township City Village

This application is approved, rejected Date of approval or rejection: _____

(If rejected, please attach statement from Local Governing Body indicating reason(s) for rejection.)

Clerk's Signature: _____

Property Appraisal: \$ _____ is the current fair market value of the real property in this application.

II. Please verify the following:

Upon filing an application, clerk issues receipt to the landowner indicating date received.

Clerk notifies reviewing agencies by forwarding a copy of the application and attachments

____ If rejected, applicant is notified in writing within 10 days stating reason for rejection and the original application, attachments, etc. are returned to the applicant. Applicant then has 30 days to appeal to State Agency.

____ If approved, applicant is notified and the original application, all supportive materials/attachments, and letters of review/comment from reviewing agencies (if provided) are sent to:

MDARD-Farmland and Open Space Program, PO Box 30449, Lansing 48909

***Please do not send multiple copies of applications and/or send additional attachments in separate mailings without first contacting the Farmland Preservation office.**

<p>Please verify the following regarding Reviewing Agencies (Sending a copy to reviewing agencies is required):</p> <p>COPY SENT TO:</p> <p><input checked="" type="checkbox"/> County or Regional Planning Commission</p> <p><input checked="" type="checkbox"/> Conservation District</p> <p><input checked="" type="checkbox"/> Township (if county has zoning authority)</p>	<p>Before forwarding to State Agency, FINAL APPLICATION SHOULD INCLUDE:</p> <p><input checked="" type="checkbox"/> Copy of Deed or Land Contract (most recent showing <u>current ownership</u>)</p> <p><input checked="" type="checkbox"/> Copy of most recent Tax Bill (must include <u>tax description</u> of property)</p> <p><input checked="" type="checkbox"/> Map of Farm</p> <p>____ Copy of most recent appraisal record</p> <p>____ Copy of letters from review agencies (if available)</p> <p><input checked="" type="checkbox"/> Any other applicable documents</p>
---	--

Questions? Please call Farmland Preservation at 517-284-5663

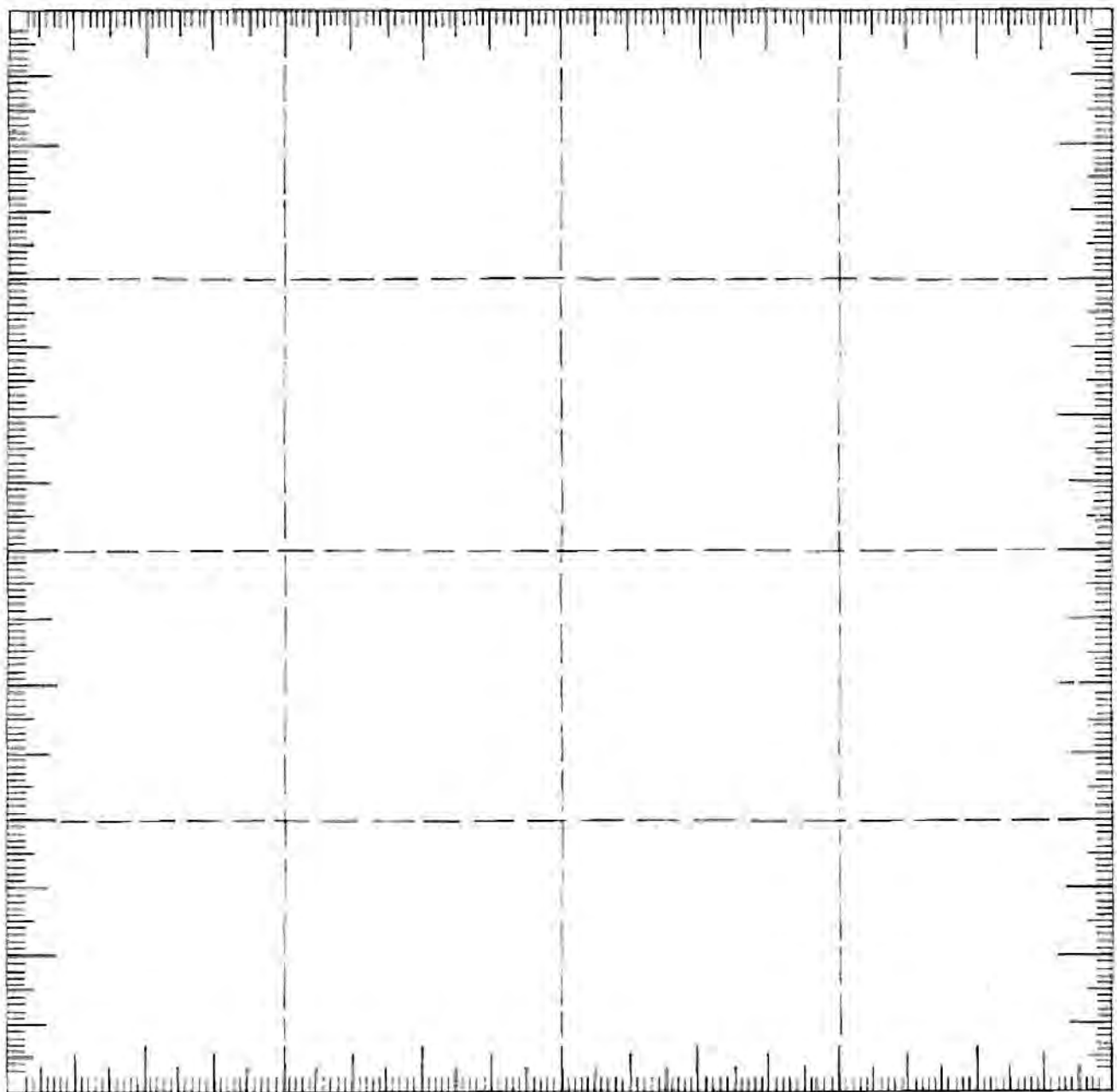
Map of Farm with Structures and Natural Features:

- A. Show boundary of land cited in application. (Grid below is designed to represent a 5280 ft² (1 mile²) Section)
- B. Show all buildings (house(s), barn(s), etc.); also label roads and other avenues of travel (i.e. utility access, etc.).
- C. Outline and designate the current uses of the property (crops, pasture, forest, swamp, etc.).
- D. Clear copies of map(s) provided by USDA Farm Service Agency are acceptable, but please label any roads visible on map, structures and their use, etc.

Note: Any residential structures housing persons not directly associated with the farm operation must be excluded from the application. Please indicate if a building falls in this category and provide the appropriate property description for its exclusion. Unless the appropriate description is included, your application cannot be processed.

.....
County _____
Township _____
T _____ R _____ Section _____

↑ North





Common Land Unit
 Common Land Unit*
 Tract Boundary
 Section Lines
 @cropland vs Noncropland

Wetland Determination Identifiers
 Restricted Use
 Limited Restrictions
 Exempt from Conservation Compliance Provisions
 Areas of Concern as of 4/1/20

This box is applicable ONLY for certification maps.
 Options only valid if checked.
 Shares - 100% OP
 Certified Organic All Crops - NI
 CORN - YEL/GR WHEAT - GR (SRW or SWW)
 SOYS - COM/GR ALFALFA - FG or GZ
 DRY BEANS - DE MIXFG - FG or GZ

2020 Program Year
 CLU Date: May 5, 2020
 2018 NAIP Imagery

Farm 2132
Tract 1669

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Areas of concern represent potential wetland violations (CW, CW+Yr, CWNA, CWTE, MIW, WX) included in the NRCS Certified Wetland Determination dataset. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS). Alternate year NAIP imagery may be displayed for tracts located in other states or along state borders.

Checks payable to:
 HANOVER TOWNSHIP
 HANOVER TOWNSHIP
 311 FARVIEW PO BOX 40
 HORTON, MI 49246
 PH: 517-563-2791

2023
 Summer TAX BILL

Prop #: 000-17-29-126-004-02
 DUE DATE: 09/14/2023
 Bill #: 02659
 RECPT NO:

1% INT CHARGED AS OF SEPT 15, 2023 PLUS
 1% INTEREST ADDED THE 1ST OF EACH MONTH
 HOURS MON - THUR 8:30-12 & 1:00-4:00
 TOWNSHIP PHONE 517-563-2791

-----FISCAL YEARS-----

County: JAN 1 2023 - DEC 31 2023
 Twn/City: APR 1 2023 - MAR 31 2024
 School: JUL 1 2023 - JUN 30 2024
 State: OCT 1 2022 - SEP 30 2023

Taxable Value: 17,593
 SEV Value: 20,800
 School: HANOVER HORTON SCHOOLS
 Class: 402

Legal Description:
 BEG AT NW COR OF SEC 29 TH E 1747 FT ALG N
 SEC LN AND CEN LN OF HANOVER RD TH S 0%
 31'30''E 1306 FT PAR WITH W SEC LN TO A PT
 FOR PL OF BEG OF THIS DESCN TH E 364 FT PAR
 WITH N SEC LN TH S 0%31'30''E 950.79 FT PAR
 WITH W SEC LN TO NLY R/W LN OF LS & MS RR
 TH S 44%28' 11''W 514.77 FT ALG NLY R/W LN
 BALANCE OF DESCRIPTION ON FILE

* * * POST MARKS NOT ACCEPTED * * *

TAXING UNIT	MILLS	TAX
HANOVER OPER	17.21440	EXEMPT
HANOVER DEBT 42	1.00000	17.59
HANOVER S F	0.98310	17.29
JACKSON COLLEGE	1.13270	19.92
JACKSON ISD	4.35390	76.59
STATE ED	6.00000	105.55
COUNTY	5.06600	89.12
Total Tax	35.75010	326.06
Admin Fee		3.26
DUE		329.32
PREV. PAYMENTS		

To: THORNE CODY A & ROBIN M
 8701 HANOVER RD
 HANOVER MI 49241-9782

AFTER FEB 29, 2024
 REAL PROPERTY TAXES ARE PAYABLE TO JACKSON COUNTY
 120 W. MICHIGAN AVE JACKSON MI 49201
 517-788-4418

% Principal Res. Exempt: 100.0000

Return This Portion with payment. (Complete only if different from above)

Name _____
 Address _____
 City _____ State _____ Zip _____
 Date _____ Amount Enclosed \$ _____

Permanent Parcel Number: 000-17-29-126-004-02 Bill # 02659

To: THORNE CODY A & ROBIN M
 8701 HANOVER RD
 HANOVER MI 49241-9782

2023 Summer Tax 326.06
 Admin Fee 3.26
 Due 329.32
 PREV. PAYMENTS
 BALANCE DUE 329.32



335 84
 187

Checks payable to:
 HANOVER TOWNSHIP
 HANOVER TOWNSHIP
 311 FARVIEW PO BOX 40
 HORTON, MI 49246
 PH: 517-563-2791

2023
 Summer TAX BILL

Prop #: 000-17-29-126-001-00
 DUE DATE: 09/14/2023
 Bill #: 02655
 RECPT NO:

1% INT CHARGED AS OF SEPT 15, 2023 PLUS
 1% INTEREST ADDED THE 1ST OF EACH MONTH
 HOURS MON - THUR 8:30-12 & 1:00-4:00
 TOWNSHIP PHONE 517-563-2791

-----FISCAL YEARS-----

County: JAN 1 2023 - DEC 31 2023
 Twn/City: APR 1 2023 - MAR 31 2024
 School: JUL 1 2023 - JUN 30 2024
 State: OCT 1 2022 - SEP 30 2023

Taxable Value: 142,188
 SEV Value: 171,400
 School: HANOVER HORTON SCHOOLS
 Class: 401

Legal Description:
 BEG AT NW COR OF SEC 29 TH E 1322 FT TH S
 0%31'30''E 50 FT TO S R/W LNOF HANOVER RD
 TO A PT FOR PL OF BEG OF THIS DESCN TH E
 425 FT TH S 0% 31'30''E 2570.79 FT TO N R/W
 LN OF RR TH S 44%28'11''W 29.79 FT TO E&W
 1/4 LN TH N 89%42'43''W 403.96 FT TH N 0%
 31'30''W 2590.02 FT TO BEG. SEC 29 T4S R2W
 BALANCE OF DESCRIPTION ON FILE

To: THORNE CODY A & ROBIN M
 8701 HANOVER RD
 HANOVER MI 49241-9782

* * * POST MARKS NOT ACCEPTED * * *

TAXING UNIT	MILLS	TAX
HANOVER OPER	17.21440	EXEMPT
HANOVER DEBT 42	1.00000	142.18
HANOVER S F	0.98310	139.78
JACKSON COLLEGE	1.13270	161.05
JACKSON ISD	4.35390	619.07
STATE ED	6.00000	853.12
COUNTY	5.06600	720.32
Total Tax	35.75010	2,635.52
Admin Fee		26.35
DUE		2,661.87
PREV. PAYMENTS		

AFTER FEB 29, 2024
 REAL PROPERTY TAXES ARE PAYABLE TO JACKSON COUNTY
 120 W. MICHIGAN AVE JACKSON MI 49201
 517-788-4418

% Principal Res. Exempt: 100.0000

Return This Portion with payment. (Complete only if different from above)

Name _____
 Address _____
 City _____ State _____ Zip _____
 Date _____ Amount Enclosed \$ _____

Permanent Parcel Number: 000-17-29-126-001-00

Bill # 02655

2023 Summer Tax 2,635.52
 Admin Fee 26.35
 Due 2,661.87

To: THORNE CODY A & ROBIN M
 8701 HANOVER RD
 HANOVER MI 49241-9782

PREV. PAYMENTS
 BALANCE DUE 2,661.87



2714 58
 188

Checks payable to:
 HANOVER TOWNSHIP
 HANOVER TOWNSHIP
 311 FARVIEW PO BOX 40
 HORTON, MI 49246
 PH: 517-563-2791

2023
 Summer TAX BILL

Prop #: 000-17-29-126-002-01
 DUE DATE: 09/14/2023
 Bill #: 02656
 RECPT NO:

1% INT CHARGED AS OF SEPT 15, 2023 PLUS
 1% INTEREST ADDED THE 1ST OF EACH MONTH
 HOURS MON - THUR 8:30-12 & 1:00-4:00
 TOWNSHIP PHONE 517-563-2791

-----FISCAL YEARS-----

County: JAN 1 2023 - DEC 31 2023
 Twn/City APR 1 2023 - MAR 31 2024
 School: JUL 1 2023 - JUN 30 2024
 State: OCT 1 2022 - SEP 30 2023

Taxable Value: 18,916
 SEV Value: 31,300
 School: HANOVER HORTON SCHOOLS
 Class: 401

Legal Description:
 BEG AT NW COR OF SEC 29 TH E 1747 FT ALG N
 SEC LN TH S 0%31'30''E 50 FT TO A PT FOR PL
 OF BEG OF THIS DESCN TH E 364 FT TH S 0%
 31'30''E 1256 FT TH W 364 FT TH N 0%
 31'30''W 1256 FT TO BEG. EXC THE N 300 FT
 OF THE E 200 FT THEREOF. SEC 29 T4S R2W
 SPLIT ON 08/03/2006 FROM 000-17-29-126-002-
 BALANCE OF DESCRIPTION ON FILE

* * * POST MARKS NOT ACCEPTED * * *

TAXING UNIT	MILLS	TAX
HANOVER OPER	17.21440	EXEMPT
HANOVER DEBT 42	1.00000	18.91
HANOVER S F	0.98310	18.59
JACKSON COLLEGE	1.13270	21.42
JACKSON ISD	4.35390	82.35
STATE ED	6.00000	113.49
COUNTY	5.06600	95.82
Total Tax	35.75010	350.58
Admin Fee		3.50
DUE		354.08
PREV. PAYMENTS		

To: THORNE CODY A & ROBIN M
 10090 HANOVER RD
 HANOVER MI 49241

AFTER FEB 29, 2024
 REAL PROPERTY TAXES ARE PAYABLE TO JACKSON COUNTY
 120 W. MICHIGAN AVE JACKSON MI 49201
 517-788-4418

% Principal Res. Exempt: 100.0000

Return This Portion with payment. (Complete only if different from above)

Name _____
 Address _____
 City _____ State _____ Zip _____
 Date _____ Amount Enclosed \$ _____

Permanent Parcel Number: 000-17-29-126-002-01 Bill # 02656

To: THORNE CODY A & ROBIN M
 10090 HANOVER RD
 HANOVER MI 49241

2023 Summer Tax	350.58
Admin Fee	3.50
Due	354.08
PREV. PAYMENTS	
BALANCE DUE	354.08



3/29/09



JACKSON COUNTY TREASURER'S CERTIFICATE

Jackson, MI 5-23, 2022

I HEREBY CERTIFY that according to our records all taxes returned to this office are paid for five years preceding the date of this instrument. This does not include taxes in the process of local collection, changes due to Board Review, PRE Denial, Michigan Tax Tribunal, State Tax Commission, Uncapping, ETC., and as allowed under Public Act 123 of 1999 (as amended)

Karen A. Coffman, County Treasurer Sec 135/act 296 1893 As Am



STATE OF MICHIGAN - JACKSON COUNTY Received 05/27/2022 10:37 AM 2916083 Processed 05/27/2022 12:01:21 PM DW Amanda L. Kirkpatrick, Clerk/Register of Deeds

Received and Returned For Errors: 05/25/2022 09:25 AM Trans # 3260353 Jackson County, MI

WARRANTY DEED

The Grantor(s) JUDITH H. ROBARDS, a single woman, survivor of herself and her deceased husband, Kenneth W. Robards, whose death certificate is recorded in Liber 2052, Page 130, Jackson County Records,

convey(s) and warrant(s) to CODY THORNE AND ROBIN THORNE, husband and wife, whose address is 10090 Hanover Rd., Hanover, MI 49241, #

the following described premises situated in the Township of Hanover, County of Jackson and State of Michigan:

SEE RIDER "A" ATTACHED commonly known as Vacant Land Hanover Rd., Hanover, MI 49241,

for the sum of Ten Thousand and 00/100 (\$10,000.00) Dollars.

Subject to all existing restrictions, easements, rights-of-way and zoning laws affecting the use of the property, and liens for taxes and special assessments which are not delinquent. Generally accepted agricultural and management practices which may generate noise, dust, odors and other associated conditions may be used and are protected by the Michigan Right to Farm Act. The grantor grants to the grantee the right to make all divisions under Section 108 of the Land Division Act, Act. No. 288 of the Public Acts of 1967. Grantor makes no representations as to the availability of such divisions.

Dated this 12th day of May, 2022.

Signed: Judith H. Robards

000-17-29-126 002 01 EQ

Rider "A"

PROPERTY DESCRIPTION

The land referred to is described as follows:

Land in Township of Hanover, Jackson County, Michigan described as:

Commencing at the Northwest corner of Section 29, Town 4 South, Range 2 West, Hanover Township, Jackson County, Michigan, thence East 1747.00 feet along the North line of Section 29 and the centerline of Hanover Road, thence South 0 degrees 1'30" East 50.0 feet parallel with the West line of Section 29 to the South right of way line of Hanover Road and the place of beginning of this description, thence East 364.0 feet along the South line of Hanover Road, being 50.0 feet South of and parallel with the North line of Section 29, thence South 0 degrees 31'30" East 1256.0 feet parallel with the West line of Section 29, thence West 364.0 feet, and thence North 0 degrees 31'30" West 1256.0 feet to the place of beginning of this description, EXCEPTING therefrom the North 300 feet of the East 200 feet thereof.



JACKSON COUNTY TREASURER'S CERTIFICATE
No. 152559 Jackson, MI 4-8, 2015
I HEREBY CERTIFY that there are no TAX LIENS or
TITLES held by the State or any individual against the
within description, and all TAXES on same are paid for
five years previous to the date of this instrument, as
appears by the records in this office except as stated

Karen A Coffman
KAREN A. COFFMAN County Treasurer
Sec. 135, Act 206, 1893 As Am.

Received and Returned For Errors:
04/09/2015 10:51 am Trans # 2665882
Jackson County, MI

WARRANTY DEED *2*

KNOW ALL PERSONS BY THESE PRESENTS: **JUDITH H. ROBARDS**, survivor of herself and **KENNETH W. ROBARDS**, deceased*(Grantor), whose address is **8701 Hanover Rd., Hanover, MI 49241**,

warrants and conveys to: **CODY A. THORNE** and **ROBIN THORNE** (Grantees), husband and wife, whose address is **3020 54th St., Des Moines, IA 50310**,

the following described real property in the Township of Hanover, County of Jackson and State of Michigan:

See Attached Legal Description(s)

Tax Parcel Code(s); Parcel A - 000-17-29-126-001-00, \\
Parcel C - 000-17-29-126-004-02. \\
AF

commonly known as: **8701 Hanover Rd., Hanover MI 49241**, (the Premises)

subject to any easements and building and use restrictions of record, if any, and taxes and assessments that constitute a lien, but are not yet due and payable.

Grantor grants to the Grantees the right to make ALL division(s) under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967, Grantor makes no warranties or representations as to the availability of such divisions.

The Premises may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

*Death Certificate recorded concurrently herewith, Liber 2052, Page 0130, Jackson County Records.

For the sum of *Two Hundred Thousand Dollars and 00/100* (\$200,000.00),

Dated this 1 day of April, 2015

Judith H Robards
JUDITH H. ROBARDS, Grantor

STATE OF MICHIGAN)
Jackson COUNTY) ss.

Acknowledged before me in Jackson County, Michigan on the 1 day of April 2015 by **JUDITH H. ROBARDS**, Grantor.

/s/ *Susan L Brewer*
Notary Name:
Notary public, State of Michigan, County of Jackson
My commission expires: 12-8-2018
Acting in the County of Jackson, Michigan

SUSAN L. BREWER
NOTARY PUBLIC, Jackson County, MI
My Commission Expires Dec. 8, 2018
Acting in Jackson County

142520

WARRANTY DEED

GRANTOR: JUDITH H. ROBARDS, survivor of herself and KENNETH W. ROBARDS, deceased.

GRANTEE: CODY A. THORNE and ROBIN THORNE, husband and wife.

ATTACHED LEGAL DESCRIPTION(S)

The land referred to is described as follows:

PARCEL A:

The East 425.0 feet of the West 1747.00 feet of the Northwest 1/4 of Section 29, Town 4 South, Range 2 West, Hanover Township, Jackson County, Michigan, lying Northwesterly of L.S. & M.S. Railroad right of way. ✓

PARCEL C:

The East 364.0 feet of the West 2111.0 feet of the Northwest 1/4 of Section 29, Town 4 South, Range 2 West, Hanover Township, Jackson County, Michigan, lying Northwesterly of L.S. & M.S. Railroad right of way, except the North 1306.0 feet thereof, less and except: Commencing at the Northwest corner of Section 29, Town 4 South, Range 2 West, Hanover Township, Jackson County, Michigan, thence East 1747.00 feet along the North line of Section 29 and the centerline of Hanover Road; thence South 0 degrees 1' 30" East 50.0 feet parallel with the West line of Section 29 to the South right of way line of Hanover Road and the place of beginning of this description; thence East 364.0 feet along the South line of Hanover Road, being 50.0 feet South of and parallel with the North line of Section 29, thence South 0 degrees 31' 30" East 1256.0 feet parallel with the West line of section 29, thence West 364.0 feet and thence North 0 degrees 31' 30" West 1256.0 feet to the place of beginning of this description. ✓

Tax Parcel Code(s): Parcel A – 000-17-29-126-001-00 ✓
Parcel C – 000-17-29-126-004-02 ✓

Commonly known as: **8701 Hanover Rd., Hanover MI 49241**