**REGULAR MEETING OF THE PLANNING COMMISSION**

**Tuesday, May 24, 2022**

Present: Marty Straub, Chairperson; Bob Nester, Vice-Chair; Tom Lewis, Secretary; Chandra Hurd, Christina Maier, and Maris Metz. Absent with notice: Kimberly Marinelli.

Also present: Barry Lonik, Open Space and Land Preservation Consultant; David Rohr, Director of Planning and Zoning; and Janis Miller, Recording Secretary.

* 1. **Call to Order:**  Chairperson Straub called the meeting to order at 6:01 PM.
  2. **Pledge of Allegiance:** Recited by all.

**3. Conflict of Interest:** No conflicts of interest by Planning Commission members with items

on the agenda tonight.

1. **Approval of Agenda:**

***With no additions or corrections, Chair Straub declared the agenda approved as presented.***

**5. Public Comment:** (non-agenda items) Opened 6:03 PM. No Public Comments.

1. **Action Item:** Public hearing for amendments to **Ordinance 37 – Purchase of Development Rights (PDR).**

**DPZ report:** Ordinance 37 passed by Board of Trustees in 2005. The Open Space and Land Preservation Committee, along with their Consultant Barry Lonik, reviewed and updated the original document. Procedurally this has to come before the Planning Commission for review because it was developed under the Michigan Zoning Enabling Act. The Planning Commission will review and pass it on to the Board of Trustees. The Board of Trustees will make the final determination.

**Chair Straub:** It is a technicality that it [Code Ordinance 37] is before the Planning Commission

as it is not within the Planning Commission purview. Preference would be to procedurally hold the

Public Hearing, stay out of the Township Board’s issues, and then move it to the Board.

**OSLP Consultant Lonik:** The Township Board has approved ballot language to put a millage

proposal on the November 2022 ballot to fund a land preservation project in the township. The

Ordinance was adopted originally as there were State of Michigan funds available to support the

purchase the development rights on farmland. One of the requirements of accessing those funds

was to have an ordinance on the books. The Township Board has allocated $300,000.00 in this

year’s budget for purchase of development rights. An updated ordinance will be useful for

distributing those funds depending on a successful millage campaign. He has compared the Dexter

Township Ordinance with those of others that have been in practice for quite a long time. The most

notable change is the inclusion of criteria to evaluate properties that are of a natural feature as

opposed to a farmland property.

**Planning Commission Discussion:**

How is Section 4: Retained Residential Development Rights, handled in purchasing development

rights? This is part of the State Statute that allows property owners to include a provision to retain

the right to build residential buildings of which the location of the residence [established in an up-

front survey of the property] may be restricted in the negotiated conservation easement in order to

protect other important features of the property and assure the property remain substantially

undeveloped. Future residential buildings in a conservation easement contract are on a case-by-case

basis and existing houses are excluded from the easement as property owners want to continue

living on the property.

When a conservation easement is conveyed, it specifies certain things, like whether a house is

allowed. The easement is the final word [it cannot be amended]. Section 4 is the method of

conveying residential rights before the conservation easement is finalized.

Section 14: Enforcement – does the Preservation Board monitor the easements? Typically, it is the

consultants charge. The consultant has an established relationship with the property owner so a

once-a-year visit to make sure the agreement is upheld is in order.

Public Comment Opened 6:36 PM

Dianne Monier, 13511 Island Lake Road

As a member of the Open Space and Land Preservation Committee and an applicant for a 70 acre

conservation easement, she wanted to hear what the Planning Commission had to say. She agrees

with Ordinance 37.

Public Comment Closed 6:38 PM

Section 1: Findings and Declaration of Purpose - #1 needs to acknowledge the wildlife corridors.

Consultant Lonik agrees and will add corridors in the sentence “The Township Master Plan includes

scenic views, agriculture, open spaces, ~~and~~ wildlife habitat *and corridors*, valuable natural and

aesthetic resources that should be protected”.

Section 11: Purpose – needs to acknowledge *annual* monitoring.

Section 6: Farmland and Open Space Preservation Board - #7 needs to state Preservation *Board.*

Consistency of terms and definitions throughout Ordinance 37:

Section 1: #1 mentions natural features. There is no definition of “natural features” in Section 2:

Definitions.

Section 5: Primary Criteria that all properties must meet – second bullet – mentions agricultural

uses and natural features but not the word *open spaces* as stated in Section 1: #1.

Section 5: Criteria for Selection – the last paragraph, last sentence, states “special natural features”.

What are “special natural features” and how is it defined?

Consistency of terms and how natural features is defined within the open space definition. Suggested tightening up of the definitions. Consultant Lonik said that generally natural features are included in open space land and distinguished from agricultural land.

Section 4: Retained Residential Development Rights - #1 uses the term “substantially”. The word is a subjective word. Consultant Lonik noted there is a definition of “substantially undeveloped land’ in Section 2: Definitions.

***Chair Straub states the motion: To pass on to the Township Board the Dexter Purchase of Development Rights, Ordinance 37, draft that is before us.***

***Nester said he would make that motion. Motion seconded by Metz.***

***Roll Call Vote: Yeas-Metz, Hurd, Maier, Lewis, Nester, Straub; Nays-None;***

***Absent-Marinelli. Motion carried 6-0****.*

**7. Approval of Planning Commission Minutes:**

***Moved by Maier, seconded by Nester, to approve the meeting minutes of April 26, 2022, as***

***amended. All ayes. Motion carried.***

**8. Township Board of Trustees Update:** Handout summary from Board of Trustee member Metz.

Verbal highlights: Board approval of Road Committee members, hiring Stantec for an evaluation

of Multi-Lakes, and Board approval of the November ballot language for OSLP request for millage.

**9. Concerns of Commission Members, Director of Planning and Zoning, Supervisor, and**

**Recording Secretary:** None.

**10. Public Comment:** Opened 6:57 PM. No Public Comments.

**11. Future Agenda Items: No June 2022 Planning Commission meeting.**

**12. Adjournment:**

***Moved by Metz, seconded by Maier, to adjourn. All ayes. Motion carried.***

***Meeting adjourned at 6:68 PM.***

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| Respectfully submitted, |  |  |
| Tom Lewis, Secretary |  | Janis Miller, Recording Secretary |