

Conway Township Planning Commission

2013 Annual Summary Report

Date	Overview
January 14, 2013	<ul style="list-style-type: none"> • Discussion by Dennis Sommer of topics learned at Brown Bag luncheon with regard to the demographic of individuals 65 years old which will double by 2030 requiring different housing structures, e.g. wider door openings, stairways, elder housing cottages, etc. • Londa Horton researched local census data pointing out that in 2012 the median household income in Conway Township was \$68,077 with 379 individuals in poverty. • Revisions identified in current Zoning Ordinance with regard to changing the current two acre minimum residential lot size to one acre minimum.
February 11, 2013	<ul style="list-style-type: none"> • Variance for sanitary code with regard to a holding tank for seasonal use applied for by resident at 9490 Kleinway Road. • March 11 public hearing on change for the one acre minimum lot size. Londa Horton notified surrounding townships and County Planning Commission. • Dennis Bowdoin discussed Emergency Plan for the Township previously kept by custodian Bob Burke. Since Bob has moved out of the Township Mike Rife and another Board member should be primary custodians of the resource box key kept at the Hall. Dennis will approach Board to identify new custodians. There are three buildings identified for drive-through disaster recovery. • Dennis Bowdoin requested from the Board the removal of hazardous buildings, junk cars and trash from Zoning Ordinance so they would be more enforceable for civil infractions and tickets could be issued. • Scott Buell asked for clarification on residential tree burning in township. Fire Department issues burn permits currently.
March 11, 2013	<ul style="list-style-type: none"> • Public Hearing regarding change in residential lot size from two acres to one acre. Township's attorney commented previously that the two acre minimum requirement is not defensible in court. • Dennis Sommer reported on pipeline safety workshop, e.g. delivery lines to the house contain natural gas or crude oil and the burying depths vary. Spring Township Newsletter should post Miss Digg number 811 prior to residential digging. • Change to one acre minimum requirement tabled until Dennis Bowdoin can present it to the County Planning Commission. • Mike Rife will set a date for committee to meet to discuss updating Township Emergency Plan.
April 8, 2013	<ul style="list-style-type: none"> • Dennis Bowdoin pointed out Robinson Scholarship made available to local seniors who must outline current important governmental issues. • Motion to send one acre minimum change to Township Board for approval. • Mike Stock inquired about a review process to check past variances against complaints, e.g. definition of a shed versus building. • Larry Parsons noted that personal notes for meetings are not part of the public record according to recent cases filed regarding the Freedom of Information Act. Correspondence such as letters read aloud at meetings however, are part of the public record.

<p>May 13, 2013</p>	<ul style="list-style-type: none"> • Livingston County Planning Commission approved the change in the Conway Township Zoning and Master Plans from two acre minimum to one acre. • Halcyon Resource Inc. representative, Jim Keyes, requested leasing Conway Township land including the cemeteries for gas/oil drilling and fracking rights. Residents including many farmers originally signed lease agreements with Liverpool Production Company and those leases were sold to GeoSouthern Energy Corporation which intends to drill exploratory wells in Section 23, the Jack and Lucille Sherwood property as well as the Maurice and Wilma Kingsley property. Mr. Keyes indicated that the law states that drilling can commence once the company has acquired 16 forty acre plots which is the equivalent of 640 acres of land. They must have 100% of all the acreage leased or spoken for. The problem created with fracking in PA was explained by Mr. Keyes as faulty casings. Mr. Keyes was advised to get on the agenda for the next Conway Township Board meeting since lease agreements are outside the duties of the Planning Commission. • Cindy Denby updated the Commission on current legislature activities: controversy over how to pay for road improvement projects whether through increased taxes or a hike in gasoline tax, and there will be a slight increase in the per pupil educational allotment next year. • Dennis Sommer learned at Brown Bag luncheon that farm electricity is grandfathered-in and does not have to be up to current code.
<p>June 10, 2013</p>	<ul style="list-style-type: none"> • Resident Herm Yost inquired about disposal of fracking chemicals. George Pushies replied that he was told that the company is regulated by the DEQ for the disposal of those chemicals. • Land division of Gary and Nancy Buell approved and sent to Township Board for approval. • Commissioners seeking clarification from Township Board with regard to definitions in Zoning Ordinance. • Township Board did not approve change in Zoning Ordinance from two acre minimum to one acre.
<p>July 8, 2013</p>	<ul style="list-style-type: none"> • Bike and pedestrian pathways public hearing at Green Oak Township. • Tabled further Zoning Ordinance definition work until Commission receives written notification from Township Board with regard to how to proceed. • No response provided by Township Board as to rationale for turning down requested change from two acre residential limit to one acre minimum.
<p>August 12, 2013</p>	<ul style="list-style-type: none"> • Dennis Bowdoin discussed that the Planning Commission does follow the State and Federal guidelines for wind turbine construction. • From January to June 2013, Genoa Township had 3059 Sherriff office calls compared to 148 in Conway Township. • George Pushies commented that he learned that a house cannot be refinanced with a pending oil or gas lease on it. • Dennis Sommer discussed a wind turbine coming down in Genoa Township that will end this three year project. • Londa Horton discussed <i>State Journal</i> article concerning number of meth labs in area.

<p>September 9, 2013</p>	<ul style="list-style-type: none"> • Approved land splits with completed survey and easement in Thomas and Rosa Oliver land division as presented by Paul Harmon. • Verizon Cell Tower resident complaint lodged with regard to landscaping. This is a Township Board issue. • Londa Horton discussed three new wind farms being developed in thumb area by DTE energy. • Report by Paul Harmon that 1400 people served at Dawn Patrol breakfast. • Dennis Bowdoin discussed a garage being erected without a permit on Sherwood Road at the former site of the mother of Lenny Blair.
<p>October 14, 2013</p>	<ul style="list-style-type: none"> • Dennis Bowdoin discussed Michigan Broadband Conference at MSU with regard to the importance of broadband technology for the community and economic development. • Dennis Sommer discussed opening of Livingston County Public Safety Complex on Tooley Road in Howell.
<p>November 11, 2013</p>	<ul style="list-style-type: none"> • Jeff Hodges indicated that Jack Flackne from GeoSouthern Energy Corporation approached him to lease land for gas rights and inquired if Special Use Permits are required. George Pushies commented that GeoSouthern was granted a State license to drill and that there must be documented proof of damage to show harm in order to take GeoSouthern to court to stop the fracking. • Dennis Bowdoin discussed that Livingston County is part of the broadband technology plan. • Dennis Bowdoin requested safety signage on road where trucks are pulling onto property being fracked from site manager. An electronic sign is now active. Scott Buell on behalf of the Road Commission made sure flags are up at the site for safety. Scott Buell will look into having a deceleration lane. Recommendation made to move the gate up the hill to accommodate trucks left waiting on the roadway entrance. • Londa Horton thanked the Board for taking action on basement dwelling left vacant on Gregory Road that is now for sale. • Dennis Sommer attended MSU conference learning that Michigan vending machines are now available to dispense prescription drugs.
<p>December 9, 2013</p>	<ul style="list-style-type: none"> • Dennis Bowdoin discussed <i>Livingston County Argus</i> article indicating that a clause is being considered in federal law to allow each individual State to abide by their standards if they are stricter than federal law with regard to fracking. • Dennis Bowdoin commented that the drill rig on the Sherwood fracking site should be gone by December 20, 2013. • Motion to form an Advisory Committee to advise the Board. • Motion to put a moratorium on fracking for one year following the Cannon Township ordinance so that FLOW will have a chance to assist the Board. • Londa Horton and Mike Stock indicated they are willing to continue on the Planning Commission for their next reappointment. • Londa Horton discussed harassment of Sherwood family with regard to threatening anonymous letters and phone calls to this stellar family who are icons to the community. Dennis Bowdoin commented on criminal incident at Jackie Sherwood's home whereby she was approached by an individual to post an anti-fracking sign and when she declined the alleged individual returned and fired approximately 100 paintballs at her home. Nancy spoke on behalf of Friends of Conway indicating their group only wants the facts and they have not targeted the Sherwood's. • Scott Buell commented that Latson Road is now open after construction.

Conway Township Planning Commission Meeting Minutes

December 9, 2013

Agenda	Items Discussed	Actions to be Taken
Attendees	<ul style="list-style-type: none"> Public: Herman Yost, Kim Jolliff, Jeff Hodge, Nick King, Gwen Ives, plus several other individuals. Board Members present: George Pushies, Dennis Sommer, Dennis Bowdoin, Scott Buell, Mike Stock, Larry Parsons and Londa Horton 	
Call to Order and Pledge to Flag	<p>Chairperson Dennis Bowdoin called the Conway Township Planning Commission meeting to order at 7:30pm and led in the Pledge of Allegiance.</p> <p>Roll call taken. All Commissioners present.</p> <p>Next meeting is January 13, 2014 at 7:30pm</p>	
Minutes from last meeting	<p><i>Dennis Bowdoin countered that permits had already been issued on VanGilder and Kingsley properties to lease gas rights. Larry Parsons made a motion, second George Pushies to amend the previous statement from the November 11, 2013 meeting minutes with the following, "These permits have not yet been confirmed on the DEQ website." Motion passed and amendment made 12/9/13.</i></p> <p>Larry Parsons made a motion to accept the minutes of the November 11 regular meeting and November 19 joint meeting. Second by George Pushies. All in favor. Motion passed.</p>	
Call to the Public	<ul style="list-style-type: none"> Numerous residents made comments about how to proceed with the fracking issue, e.g. hauling hazardous waste, noise control, campers on site, etc. Herm Yost discussed Livingston County CERT program under the direction of Bruce Pollock. The Township does have an emergency plan put together previously by Bob Burke, commented Dennis Bowdoin. 	
Communications	<p>Dennis Bowdoin discussed:</p> <ul style="list-style-type: none"> The next Brown Bag lunch is Dec. 12 at the Howell Township Hall. How to preserve the natural ecosystem will be discussed. An article in the <i>Livingston County Argus</i> indicating that a clause is being considered in the federal law to allow each individual State to abide by their standards if they are stricter than federal law with regard to fracking. Dennis further mentioned that the drill rig should be gone by Friday, December 20, 2013. George Pushies commented that DEQ rules with EPA approval. Police responses made for month of October within the Township. <p>George Pushies made a motion to put together an Advisory Committee made up of residents to advise the Board. Scott Buell second. All in favor. One abstain, motion passed.</p>	<p>Dennis Bowdoin to take Advisory Committee motion to the Board</p>
Land Divisions	-0-	

Conway Township Planning Commission Meeting Minutes

December 9, 2013

Agenda	Items Discussed	Actions to be Taken
Old Business	<ul style="list-style-type: none"> • George Pushies made a motion to recommend to the Board that they put a moratorium on fracking for one year following the Cannon township ordinance so that FLOW will have a chance to assist the Board. Second by Scott Buell. All in favor. One abstain, motion passed. • Larry Parsons updated the Commission on FLOW. • Londa Horton will compile all Commission meeting minute notes for the year to meet requirements for the Enabling Act and develop an annual report. • Londa Horton and Mike Stock indicated they are willing to continue on the Planning Commission as they are up for reappointment. 	Dennis Bowdoin to take moratorium on fracking motion to the Board.
New Business	<ul style="list-style-type: none"> • Londa Horton discussed the harassment of the Sherwood family through the sending of threatening anonymous letters and phone calls to Jack and Lucy who are stellar icons of the community. The Sherwood family donated the land on which the Township Hall now resides as well as the country school and cemetery across the road. They are fearful to even shop in town. Dennis Bowdoin commented on the criminal incident Sunday night at Jackie Sherwood's house in which she was approached by an individual to post an anti-fracking sign. When she declined, it is alleged that the same individual returned and fired approximately 100 paintballs at her home. The family had originally signed the original gas land lease 15 years ago. Nancy spoke on behalf of the Friends of Conway commenting that their group only wants the facts. No actions have been targeted at the Sherwood's. 	
Update from the Board	<ul style="list-style-type: none"> • Larry Parsons gave an update that the Board approved spending some money to get the Township Board and our attorney help from FLOW. 	
Call to Public	<ul style="list-style-type: none"> • Nancy from the Friends of Conway asked the Commission to let the County Planning Commission know the fracking issue is a concern. 	
General Discussion	<ul style="list-style-type: none"> • Dennis Sommer discussed a proposed bill regarding discontinuing land line service. • Scott Buell commented that Latson Road is now open after construction. 	
Adjournment	<p>George Pushies made a motion to adjourn. Scott Buell second. All in favor. Motion passed. Meeting adjourned at 9:03pm.</p>	

Conway Township joint Planning Commission & Board of Trustee's Meeting
Dec. 17,201

Attendees: Dennis Bowdoin, Larry Parsons, Mike Stock, Dennis Sommer, George Pushies

Township Auditor gave his report to the Board of Trustee's and requires that all Commissioner's and Board of Review members sign in for each meeting they expect to get paid for.

Dennis Bowdoin gave the Planning Commission Report

Mike Stock gave the Recreation report

Londa and Mike were re-appointed to the Commission

Submitted by
Dennis Bowdoin Planning Commission Chair
12/17/13

Conway Township joint Planning Commission & Board of Trustee's Meeting
Nov. 19,201

Attendees: Dennis Bowdoin, Larry Parsons, Mike Stock, Scott Buell, George Pushies

George advised the Board that a public hearing should be held on both parcels in Glen Mary Meadows, not just one.

Dennis Bowdoin gave the Planning Commission Report

Mike Stock gave the Recreation report

The Clerk advised that all Commission members must sign in per the Township Auditor.

Submitted by
Dennis Bowdoin Planning Commission Chair
11/19/13

Conway Township Planning Commission Meeting Minutes

November 11, 2013

Agenda	Items Discussed	Actions to be Taken
Attendees	<ul style="list-style-type: none"> Public: Herman Yost, Kim Jolliff, Jeff Hodge, Nick King Board Members present: George Pushies, Dennis Sommer, Dennis Bowdoin, Scott Buell, Mike Stock, Larry Parsons and Londa Horton 	
Call to Order and Pledge to Flag	<p>Chairperson Dennis Bowdoin called the Conway Township Planning Commission meeting to order at 7:30pm and led in the Pledge of Allegiance.</p> <p>Next meeting is December 9, 2013 at 7:30pm</p>	
Minutes from last meeting	<p>George Pushies made a motion to amend the minutes from the October 14, 2013 meeting to include any Township Board members in attendance which included Mike Rife. Motion to approve by George, seconded by Scott Buell. All in favor. Motion passed. Scott Buell made a motion to accept the Joint Meeting minutes from the October 15, 2013 meeting. Londa Horton second. All in favor. Motion passed.</p>	
Call to the Public	<ul style="list-style-type: none"> Jeff Hodge discussed issue of fracking well on Sherwood property. George Pushies remarked that GeoSouthern was granted a State license to drill. Jeff asked if they needed a Special Use Permit similar to one needed for injection wells and day care licenses in our ordinance. He further asked if the fracking encroaches upon the adjoining property owned by the Ives family under the Right to Farm Act. Dennis Bowdoin countered that permits had already been issued on VanGilder and Kingsley properties to lease gas rights. <i>Larry Parsons made a motion, second George Pushies to amend the previous statement with the following, "These permits have not yet been confirmed on the DEQ website." Motion passed and amendment made 12/9/13.</i> Jeff indicated that Jack Flackne from GeoSouthern had approached him to lease land for gas rights. George Pushies remarked that there must be documented proof of damage to show harm in order to take GeoSouthern to court to stop the fracking. Herm Yost commented on recent article in <i>USA Today</i> regarding arsenic in old gold mining areas of San Francisco now polluting the drinking water of the Bay area. 	
Communications	<p>Dennis Bowdoin discussed:</p> <ul style="list-style-type: none"> \$25 for new Platt book available from Cindy Dickerson Livingston County is part of the broadband technology plan 	
Land Divisions	<ul style="list-style-type: none"> -0- 	
Old Business	<ul style="list-style-type: none"> -0- 	

Conway Township Planning Commission Meeting Minutes

November 11, 2013

Agenda	Items Discussed	Actions to be Taken
New Business	<ul style="list-style-type: none"> Dennis Bowdoin approached the Sherwood fracking site manager regarding safety signage at the point where trucks are pulling onto the property. An electronic sign is now active. He mentioned that someone is onsite 24 hours a day and the DEQ is present while drilling is taking place. Scott Buell on behalf of the Road Commission made sure flags are up at the site. If a full-flown well develops, GeoSouthern will have a full set of plans to abide by, which will probably include a deceleration lane. Scott Buell will look into the possibility of having a deceleration lane. Recommendation was made to move the gate up the hill to accommodate trucks left waiting on the roadway for entrance. 	Dennis Bowdoin - Recommendation was made to move the gate up the hill to accommodate trucks left waiting on the roadway for entrance to the fracking site.
Update from the Board	<ul style="list-style-type: none"> Larry Parsons gave an update from the Township Board. Londa Horton thanked the Board for taking action on the basement dwelling never completed and left vacant on Gregory Road as it is now for sale. 	
Call to Public	-0-	
General Discussion	<ul style="list-style-type: none"> Dennis Sommer attended a conference at the MSU Kellogg Center on broadband and medicine. He learned that in Michigan vending machines are now available to dispense prescription drugs. Due to the increase in insurance costs the visiting nurse benefit will be cut back. 	
Adjournment	Larry Parsons made a motion to adjourn. Scott Buell second. All in favor. Motion passed. Meeting adjourned at 8:40pm.	

Conway Township Planning Commission Meeting Minutes

October 14, 2013

Agenda	Items Discussed	Actions to be Taken
Attendees	<ul style="list-style-type: none"> • Public: Herman and Shirley Yost, Bob Carusi • Board Members present: George Pushies, Dennis Sommer, Dennis Bowdoin, Scott Buell and Mike Stock, Mike Rife. Larry Parsons and Londa Horton absent. 	
Call to Order and Pledge to Flag	<p>Chairperson Dennis Bowdoin called the Conway Township Planning Commission meeting to order at 7:30pm and led in the Pledge of Allegiance.</p> <p>Next meeting is November 11, 2013 at 7:30pm</p>	
Minutes from last meeting	<p>Minutes from the September 9, 2013 regular meeting and the September 17, 2013 Joint Planning Commission and Board of Trustee Meeting minutes were reviewed. Scott Buell made a motion to accept the minutes, second by Mike Stock. All in favor, motion passed.</p>	
Call to the Public	<p>Herman Yost discussed the Sierra Club's informational meeting held last week on the fracking/well drilling which is taking place in Conway Twp.</p>	
Communications	<p>Dennis Bowdoin discussed:</p> <ul style="list-style-type: none"> • MTA had an article on U.S. Supreme Court ruling on township land use approvals. • Friends of the Shiawassee River are having a meeting on a Great Lakes Restoration Initiative on 10/17/13 from 3 p.m. to 8 p.m., at Baker College in Owosso. • The 2013 Michigan Broadband Conference will be held on 10/24/13 from 9 a.m. to 5 p.m. at the Kellogg Center in East Lansing. A discussion will be held on the importance of broadband technology for community and economic development. <p>Dennis Sommer discussed:</p> <ul style="list-style-type: none"> • Michigan Bills SB 539 and SB 540, which would create a MISS DIG Underground Facility Damage Prevention and Safety Act, have cleared the Senate and have been sent to the House. • Livingston County Public Safety Complex is holding their Grand Opening on Friday, November 1, 2013, from 2:30 p.m. to 7 p.m., at 1911 Tooley Road, Howell, Michigan. 	
Land Divisions	<ul style="list-style-type: none"> • -0- 	
Old Business	<ul style="list-style-type: none"> • -0- 	

Conway Township Planning Commission Meeting Minutes

October 14, 2013

Agenda	Items Discussed	Actions to be Taken
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New Business	Dennis Sommer reported on the September 25, 2013, County Planning Brown Bag Lunch, on the new <i>Livingston County Permit Guidebook</i> .	
Update from the Board	<ul style="list-style-type: none"> • Dennis Bowdoin gave an update from the Township Board. 	
Call to Public	<ul style="list-style-type: none"> • Herm Yost brought further discussion on fracking/well drilling concerns. 	
General Discussion	<ul style="list-style-type: none"> • Dennis Bowdoin mentioned that the garage being erected, without permits, at the former site of Lenny Blair's mother's property on Sherwood Road, now has a garage door installed. 	
Adjournment	George Pushies made a motion to adjourn. Scott Buell second. All in favor. Motion passed. Meeting adjourned at 8:25pm.	

Conway Township joint Planning Commission & Board of Trustee's Meeting
Oct. 15, 2013

Attendees: Dennis Bowdoin, Larry Parsons, Mike Stock, George Pushies

Fracking issue 29 resident's George Pushies answered a question on the law

Mike Stock gave the recreation report

Dennis Bowdoin gave the planning commission report

Larry Parsons brought up the 1 acre min. and advised the Clerk that animal units the 1 acre minimums were 2 separate issues. No response from the Board.

Submitted by
Dennis Bowdoin Planning Commission Chair
10/15/13

Conway Township Planning Commission Meeting Minutes September 9, 2013

Agenda	Items Discussed	Actions to be Taken
Attendees	<ul style="list-style-type: none"> • Public: Herman and Shirley Yost, Tom and Bob Oliver, Paul Harmon • Board Members present: George Pushies, Larry Parsons, Dennis Sommer, Londa Horton, Dennis Bowdoin, Scott Buell, Mike Stock 	
Call to Order and Pledge to Flag	<p>Chairperson Dennis Bowdoin called the Conway Township Planning Commission meeting to order at 7:30pm and led in the Pledge of Allegiance.</p> <p>Next meeting is October 14, 2013 at 7:30pm</p>	
Minutes from last meeting	<p>Minutes from the August 12, 2013 regular meeting were reviewed. Scott Buell made a motion to accept the minutes, second by Dennis Sommer. All in favor, motion passed.</p>	
Call to the Public	-0-	
Communications	<p>Dennis Bowdoin discussed :</p> <ul style="list-style-type: none"> • MTA Robinson Scholarship is open to Juniors, Seniors or Grads from Michigan schools going to Michigan Colleges • Number of sheriff calls to Conway Township in the last month <p>Dennis Sommer brought up:</p> <ul style="list-style-type: none"> • Miss Dig liability concerns article • Michigan Citizens Planner to be offered in Howell 9/25/13-11/6/13 every week for \$295. Registration deadline is 9/18/13 	<p>Dennis to request Board approval for Larry Parsons and Dennis Sommer to attend Michigan Citizen Planner course</p>
Land Divisions	<p>Thomas and Rosa Oliver parcel #4701-12-200-006 was presented for land division by Paul Harmon. There will be a 66 foot easement on Parcel 1. Paul will secure the legal descriptions to the Township Board. George Pushies and Mike Stock made a motion to approve the splits with the completed survey and easement. All in favor. Motion passed.</p>	
Old Business	<ul style="list-style-type: none"> • George Pushies made a motion to strike zoning definitions from the agenda. Second by Scott Buell. All in favor. Motion passed. 	

Conway Township Planning Commission Meeting Minutes September 9, 2013

Agenda	Items Discussed	Actions to be Taken
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New Business	<ul style="list-style-type: none"> • Verizon Cell Tower complaint issued by a neighbor with regard to no landscaping. This is a Township Board issue. 	
Update from the Board	<ul style="list-style-type: none"> • Larry Parsons gave an update from the Township Board. 	
Call to Public	<ul style="list-style-type: none"> • Paul Harmon requested that the Planning Commission re-entertain the one acre minimum with the verbiage included to exclude large animals and include small animals. He was advised to go directly to the Township Board with this matter. 	
General Discussion	<ul style="list-style-type: none"> • Londa Horton discussed three new wind farms being developed in the thumb area by DTE energy. • Paul Harmon reported out that 1400 people were served at Dawn Patrol. • Dennis Bowdoin mentioned that a garage was being erected without permits on Sherwood Road at the former site of Lenny Blair's mother. It is under new ownership. 	
Adjournment	George Pushies made a motion to adjourn. Scott Buell second. All in favor. Motion passed. Meeting adjourned at 8:02pm.	

LAND DIVISION ASSESSOR'S CHECK LIST

1. Parcel Number 4701-12-200-006
2. Owner of record Thomas Oliver
3. Parent Parcel Number 4701-12-200-006
4. Owner as of 3-31-1997 Rosa Oliver
5. Parent Parcel Acreage 55
6. Current Parcel Acreage 55
7. Divisions available as of 3-31-1997 8 + 2 bonus
8. Previous Divisions Taken 0
9. Divisions Available 8 + 2 bonus
10. Divisions Requested 1
11. Assessor's Plat Showing All Parent Parcel (s) _____
12. All Previous Divisions of Parent Parcel Made After 3-31-1997
0
13. Divisions Approved _____
14. Would this Land Division comply with the attached Split Request Data?
yes

Signed Karen A. Page Date 08-29-2013
Conway Township Assessor

Parcel #2
13 Acres ±

878
Parcel #1 -
42 Acres ±

1265

01-12-200-006

442

758

01-12-200-005

01-12-200-009

1980

666

02-07-100-003

890

1801


02-07-100-004

990

01-12-200-005

610

745

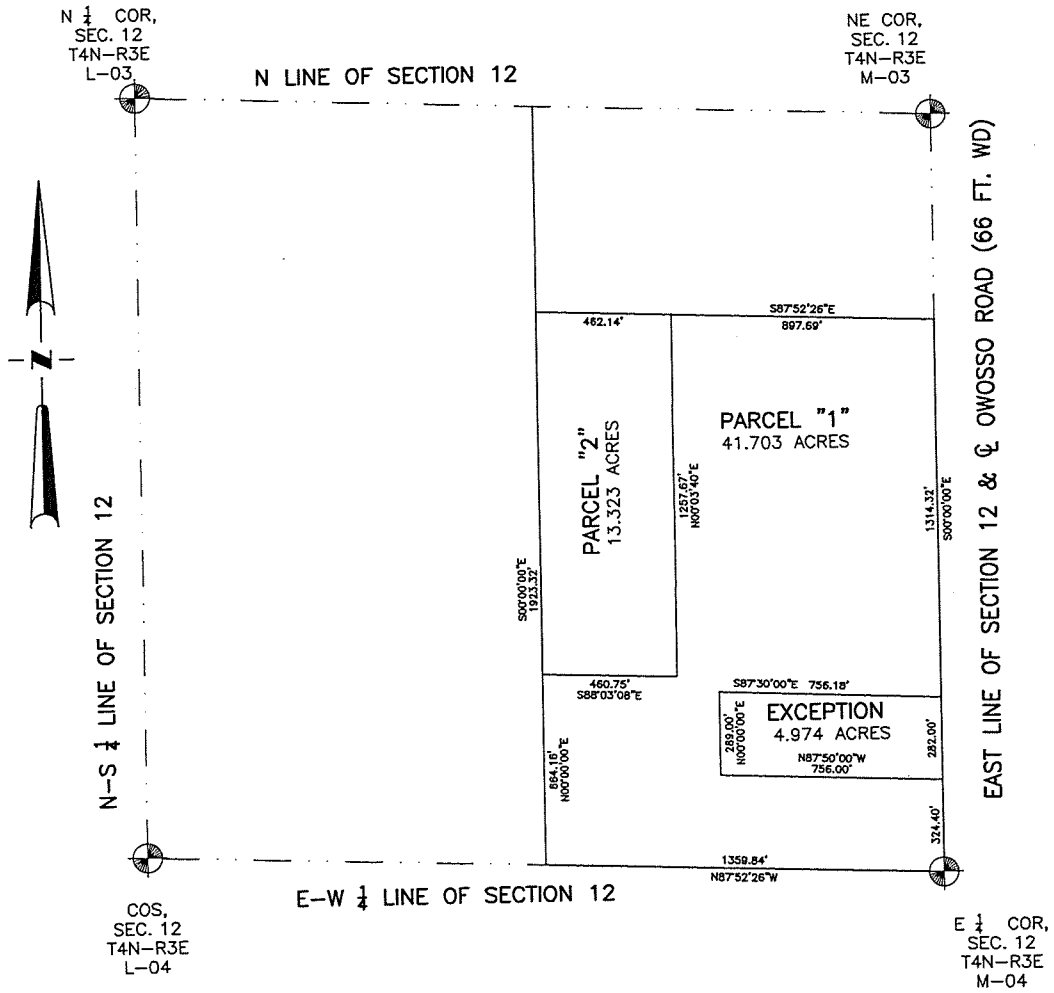
 Livingston County, Michigan
Information Technology Department
G.I.S. Division
304 E. Grand River Ave., Howell, MI 48843
517.548.3250
co.livingston.mi.us or livingstonlive.org

Feet
140 70 0 140 280
Parcel Map with 2010 Aerial Photo

MAP INTERPRETATION NOTICE
Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of Livingston County. Boundary measurements and area calculations are approximate and should not be construed as survey measurements.



PROPOSED PARCEL DIVISION "PRELIMINARY"



I HEREBY CERTIFY that I have surveyed and mapped the land above
 platted and/or described on NA _____, and that all of the
 requirements of P.A. 132, 1970, as amended, have been complied
 with, and that the ratio of closure on the unadjusted field
 observations of such survey was no greater than 1 in 10,000.
 Copyright © M.E.G.A. INC.

REGISTERED LAND SURVEYOR No. 44284

"PRELIMINARY"

ENGINEERS · SURVEYORS · CONSULTANTS · LANDSCAPE
 ARCHITECTS · LAND PLANNERS



638 SOUTH GRAND AVE.
 FOWLERVILLE,
 MICHIGAN 48836
 (OFFICE) 517-223-3512
 (FAX) 517-223-9987

CLIENT:

HARMON

SEC 12 NE 1/4 T4N-R3E, CONWAY TWP

- (M) - Measured Dist. (R) - Recorded Dist.
- MON - Found Concrete Monument
- FIR/P - Found Iron Rod/Pipe
- SIR - Set Iron Rod
- △ MAG - Set Magnetic Nail
- P.O.B./E. - Point of Beginning/Ending
- ⊙ - Soil Evaluation Dig
- * * * - Fence

DATE: TBD

DR. BY: AWP

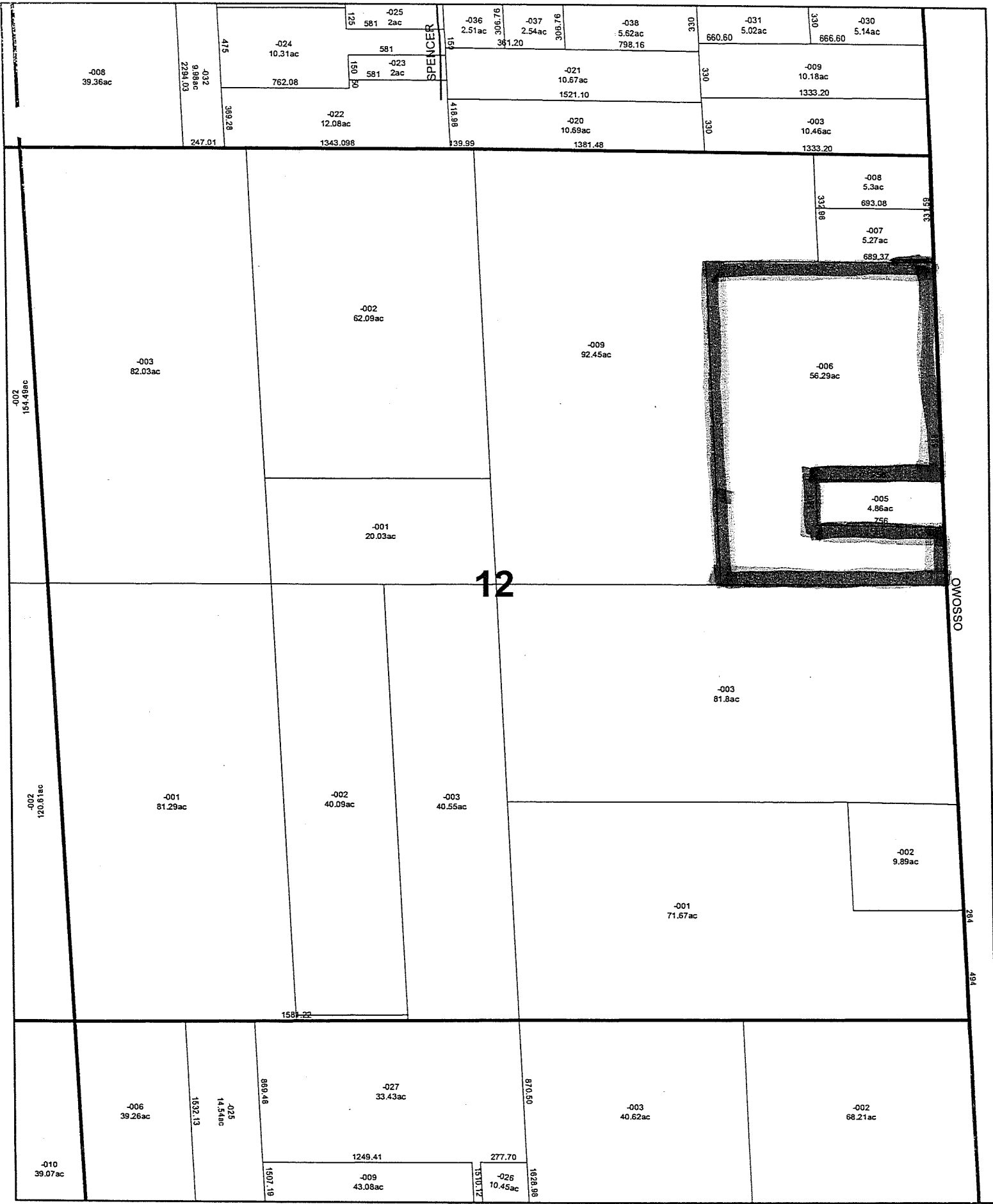
CHK: AP

SCALE: 1" = 500'

SHEET: 1 of 2

FILE: 13-092Bnd

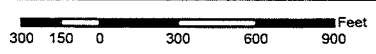
JOB No. 13-092



12



Livingston County, Michigan
 Information Technology Department
 G.I.S. Division 517.548.3230



Section 12 Conway Township



Orthophotos Flown Spring 2010
 Printed July 17, 2013
 Parcel lines are a representation only;
 Not intended for survey purposes.

Conway Township

8015 N. Fowlerville Road
PO Box 1157
Fowlerville MI 48836

Phone 517-223-0358

PARCEL DIVISION APPLICATION

Please answer all questions and include all attachments.
Bring or mail to Conway Township at the above address.

Approval of a division of land is required before it is sold, when a new parcel is less than 40 acres and not just a property line adjustment (Sec 102 e & f)

This form is designed to comply with Sec. 108 and 109 of the Michigan Land Division Act (formerly the subdivision control act P.A. 288 of 1967 as amended particularly by P.A. 591 and P.A. 87 of 1997, MCL 560.101 et. seq.)

(Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.)

1. LOCATION of PARENT to be split: Address: V/L Road Name OWOSSO

PARENT PARCEL IDENTIFICATION NUMBER: 01-12-200-006

Parent Parcel Legal Description (DESCRIBE OR ATTACH) Attached

2. PROPERTY OWNER INFORMATION:

Name: Tom Oliver - Rosa M. Oliver Trust Address: 777 N. Main St.

Phone 517 521-1061 Zipcode: 48892

3. PROPOSED DIVISION(S) TO INCLUDE THE FOLLOWING:

- A. Number of new Parcels 2
- B. Intended use (residential, commercial, etc.) Res.
- C. Each proposed parcel, has depth to width ration of 4 to 1 or _____ to _____ as provided by ordinance.
- D. Each parcel has a width of _____ (not less than required by ordinance)
- E. Each parcel has an area of _____ (not less than required by ordinance)
- F. The division of each parcel provides access as follows: (check one)
 - Each new division has frontage on an existing public road. Road name OWOSSO
 - A new shared driveway with attached maintenance agreement
 - A new private road with attached maintenance agreement. Proposed Road name _____
- G. Describe or attach a legal description of proposed new road, easement, or shared driveway
Parcel 2 will be accessed by a 100 foot easement
- H. Describe or attach a legal description for each proposed new parcel.

4. FUTURE DIVISIONS being transferred from the parent parcel to another parcel.

Indicate number transferred _____ Parcel 1 will have 5 Divisions
Parcel 2 will have 1 ~~more~~ Division

(See section 109(2) of the Statute. Make sure your deed includes both statements as required in 109 (3 & 4) of the Statute.)

5. DEVELOPMENT SITE LIMITS (Check each which represents a condition which exists on the parent parcel:

- Waterfront property (river, lake, pond, etc.) Includes wetlands
- Is within a flood plain Includes a beach
- Is on muck soils or soils known to have severe limitations for on site sewage system.

6. ATTACHMENTS - All the following attachments **MUST** be included. Letter each attachment as shown:

- A. A scale drawing-not smaller than 1" to 100' for the proposed division(s) of the parent parcel showing:
- (1) current boundaries (as of March 31, 1997), and
 - (2) all previous divisions made after March 31, 1997 (indicate when made or none), and
 - (3) the proposed division(s), and
 - (4) dimensions of the proposed divisions, and
 - (5) existing and proposed road/easement right-of-way(s), and
 - (6) easements for public utilities from each parcel that is a development site to existing public utility facilities, and
 - (7) any existing improvements (buildings, wells, septic system, driveways, etc.)
 - (8) any of the features checked in question number 5.
- B. Indication of approval, or permit from the appropriate county road commission, Michigan Department of Transportation or respective city/village street administrator, that a proposed easement provides vehicular access to an existing road or street meets applicable locations standards.
- C. A copy of any reserved division rights (sec 109(2) of the act) in the parent parcel.
- D. Current paid Tax bill.

7. IMPROVEMENTS - Describe any existing improvements (buildings, well, septic, etc., which are on the parent parcel or indicate none). _____

8. Acknowledgment-

The undersigned acknowledges that any approval of the within application is not a determination that the resulting parcels comply with other applicable ordinances, rules or regulations which may control the use or development of the parcels. It is also understood that ordinances, laws and regulations are subject to change and that any approved parcel division is subject to such changes that may occur before the recording of the division or the development of the parcels. Furthermore, it is understood that the proposed split will be null and void, if it is not recorded within ninety (90) days of approval.

Property Owner's Signature Paul J. Nelson, agent for owner Date: 8/16/13

For office use only:

Signature _____ Application Completed: Date _____ Approval: Date _____

Denial: Date _____ Reasons for denial _____ see attached

July 29, 2013

To Conway Township:

I Tom Oliver, Successor Trustee of the Rosa Oliver Trust give Paul Harmon of Harmon Real Estate the permission to act on my behalf in order to split my property located Owosso Road containing approximately 55 acres.

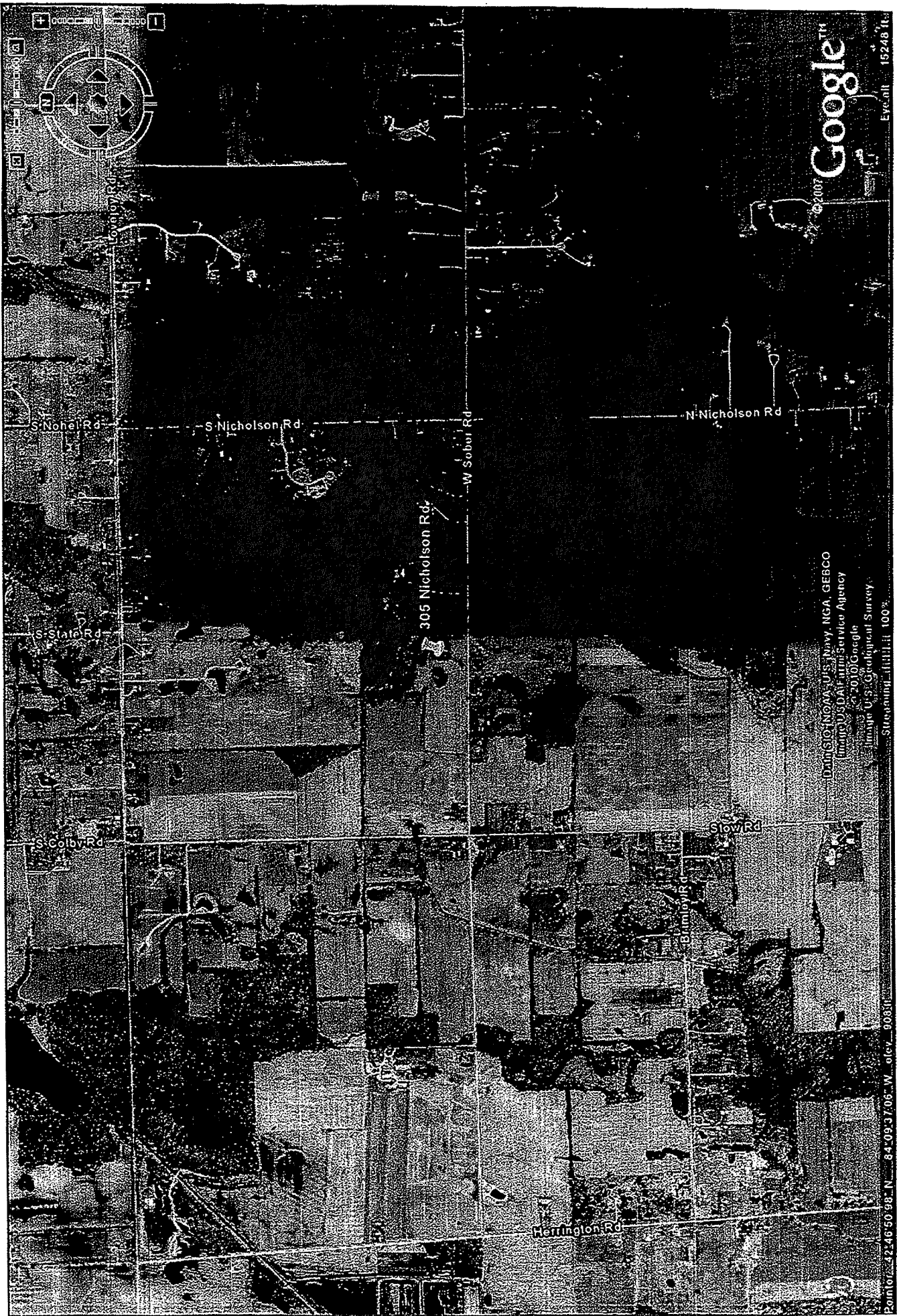
Should you have any additional questions please contact me at 517-521-1061.

Sincerely,

A handwritten signature in cursive script that reads "Tom Oliver". The signature is written in black ink and is positioned above the printed name.

Tom Oliver

EXHIBIT 2



Google

Data © NOAA-US Navy, NGA, GEBCO
Imagery © 2007 DigitalGlobe
© 2007 Google
Image © US Geological Survey

Point: 42°46'50.98" N, 84°09'37.06" W, elev: 9083 ft, Stream: ...



305 Nicholson Rd

~/- 3.8 miles

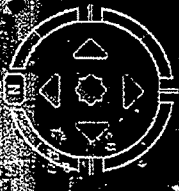
General location of Proposed At&T Site

N Fowerville Rd

© 2010 Google
Data S.O. NOAA, U.S. Navy, NGA, GEBCO
Image U.S. CIA, Farm Service Agency
© 2010 Google
Image U.S. Geological Survey
Streaming | 11 | 100%

© 2010 Google™

Eye all 31884 ft



Point: -42.4619, 30.7184, 84.0639, 71.2121, W, 90px, 900, ft

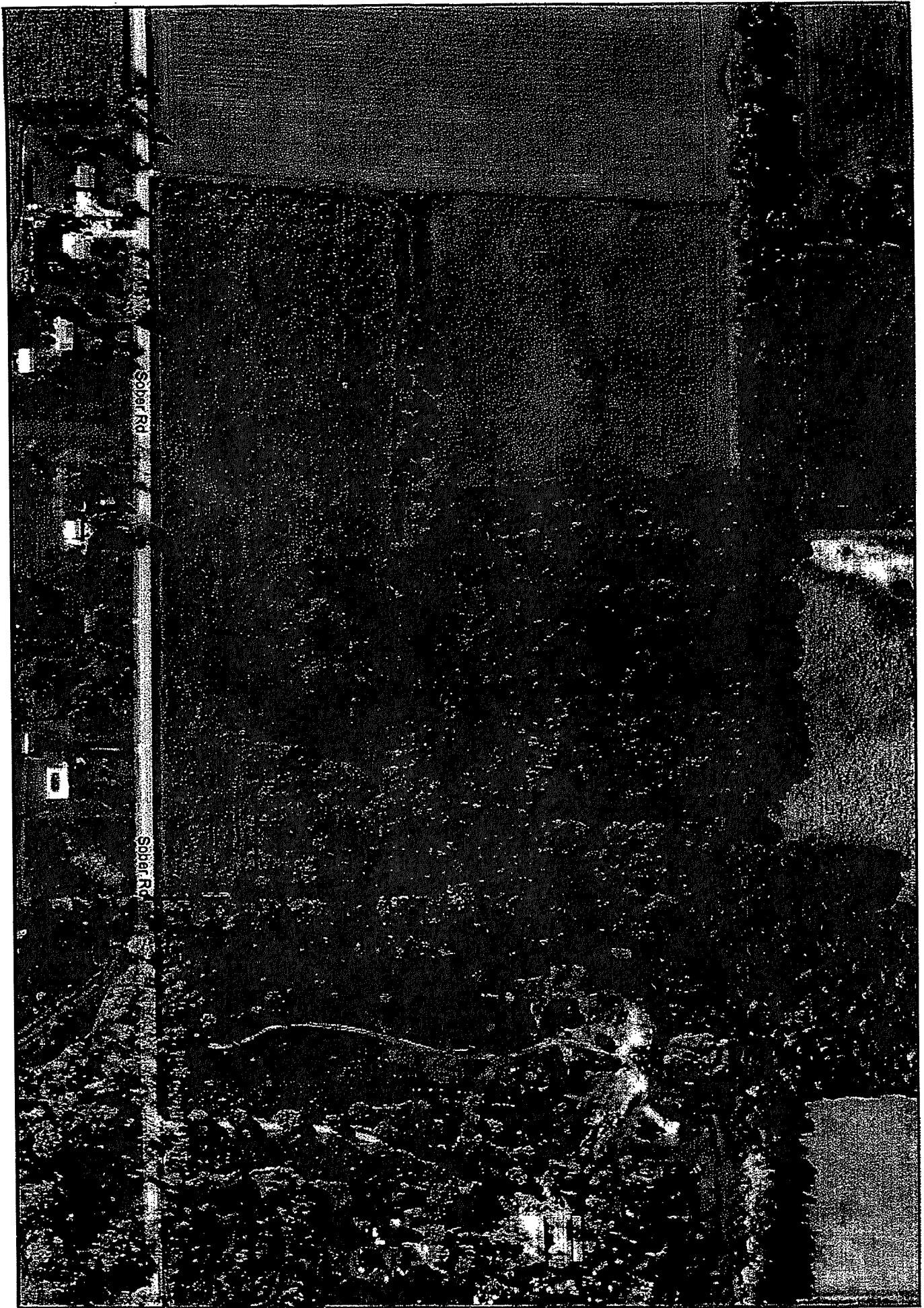
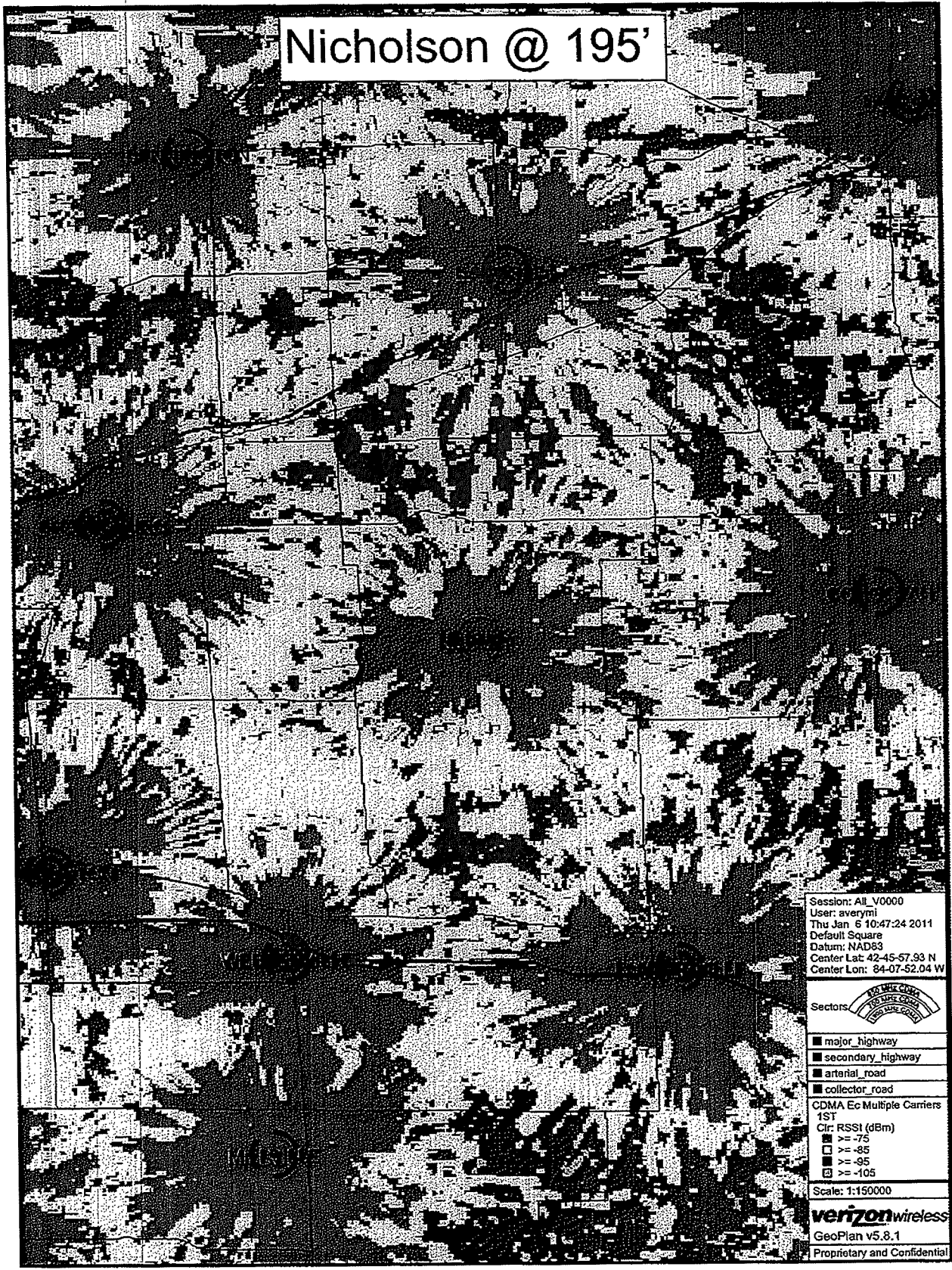


EXHIBIT 4

Nicholson @ 195'



Session: All_V0000
User: averyml
Thu Jan 6 10:47:24 2011
Default Square
Datum: NAD83
Center Lat: 42-45-57.93 N
Center Lon: 84-07-52.04 W



- major_highway
 - secondary_highway
 - arterial_road
 - collector_road
- CDMA Ec-Multiple Carriers
1ST
Ct: RSSI (dBm)
- >= -75
 - >= -85
 - >= -95
 - >= -105

Scale: 1:150000

verizonwireless
GeoPlan v5.8.1
Proprietary and Confidential

EXHIBIT 5



Cellere

Collocation Letter for 306 Nicholson – 195' Monopole

Cellere on behalf of Verizon Wireless is applying for a Permit to construct a new wireless communication facility. Per the ordinance the applicant is required to state that the tower will be available for collocation to other service providers and that the site will be able to accommodate at least 6 collocations.

As per that direction I, Ben Meredith, Site Acquisition Agent of Cellere, do state on behalf of Verizon Wireless, that the site will be designed to allow collocations as per the ordinance.

By:

Print Name:

Its:

BM

Ben Meredith

Agent

STATE OF MICHIGAN

)

) ss:

COUNTY OF Grand Traverse

)

BE IT REMEMBERED, that on this 6 day of January, 2011 before me, the subscriber, a person authorized to take oaths in the State of Michigan, personally appeared Ben Meredith, Site Acquisition Agent of Cellere who, being duly sworn on his/her/their oath, deposed and made proof to my satisfaction that he/she/they is/are the person(s) named in the within instrument; and I, having first made known to him/her/them the contents thereof, he/she/they did acknowledge that he/she/they signed, sealed and delivered the same as his/her/their voluntary act and deed for the purposes therein contained.

Notary Public:

Joann Marie Wendels

Notary for:

Benzie County, Michigan

Acting In:

Grand Traverse county, Michigan

My Commission

Expires:

4-27-2016

TEL 231.929.4555

FAX 231.929.0099

WWW.cellere.us

info@cellere.us

4110 Copper Ridge Drive, Suite 204, Traverse City, MI 49684

EXHIBIT 6

MAINTENANCE SERVICES PLAN

1. General

- a. Security check of all gates, fences, locks, doors, etc.
 - b. Inspect all for minor rust and corrosion on all painted or galvanized surfaces.
 - c. Condition of compound fencing
 - d. Condition of the generator (any visible damage, oil or water leaks)?
 - e. Condition of the propane/diesel fuel tank (rusting, leaks, or damaged piping)?
 - f. Check for additional FCC/ASR or other signage that may indicate question of site ownership (FAIL question if present).
 - g. Inspect site security lighting that fully illuminates the whole compound (not security lights near individual ground or equipment shelters) for damage and/or proper operation (broken lenses, bulbs, etc.)
 - h. Inspect fences, walls, tower, enclosures, and equipment for graffiti.
 - i. Check condition of flag (if flag pole arrangement).
 - j. Inspect flag lighting for damage and/or proper operation (broken lenses, bulbs, etc.)
 - k. If applicable, inspect flag hoisting mechanism for proper installation and operation.
- COMMENTS: For any failures, a before and after photo is required.

2. Access road

- a. Inspect access road for deterioration or erosion.
- b. Inspect for no standing water areas on access road.
- c. Inspect access road for tree or brush overgrowth.
- d. Inspect access road for weeds and unwanted grass (to be removed with mower and/or weed eater).
- e. Inspect access road for weeds and unwanted grass (to be removed with environmental safe chemicals).
- f. Inspect cattle guards (physical damage and dirt filling the cattle guard).
- g. Inspect gates at the entrance and along access road.
- h. Access road turnaround conditions?
- i. Inspect access road surface condition? (Ruts, cracks, spalling, chipping, etc.)
- j. Condition of culverts, if applicable?
- k. Condition of drainage ditches or swales, if applicable? COMMENTS: For any failures, a before and after photo is required.

3. Site Grounds

- a. Collect and remove all trash.
- b. Inspect compound for weeds and unwanted grass (remove with mower and/or weed eater).
- c. Inspect compound for weeds and unwanted grass (remove with chemicals).
- d. Inspect compound for tree(s) growing over compound fence.

- e. Inspect for no standing water areas inside compound.
- f. Inspect gravel and sodden areas for erosion or undercut.
- g. Inspect site surface condition (ruts, cracks, spalling, chipping, etc.).
- h. Ensure all ground level horizontal surfaces are swept clean (remove all rock and debris).
- i. Inspect for pest infiltration and/or damage (animals, rodents, ants, snakes, etc.).
- j. Inspect condition of site landscaping.
- k. Inspect the installation and operation of site irrigation system - spray heads, timers, tank, etc. (FAIL question if unable to produce water and verify normal operation. Look for puddles or other signs of a possible leak. COMMENTS: For any failures, a before and after photo is required.

4. Site Enclosures

- a. Inspect caulking and coating of external surfaces. Check for failure or weakness as indicated by flaking, chalking, discoloration, rust, etc
- b. Visually inspect air conditioners for corrosion, exterior evidence of clogged coils and whether or not it is working.
- c. Inspect roofs and external walls for physical or natural disaster damage, i.e.: ice, hail, wind, blown debris, etc.
- d. Inspect condition of painted surfaces for deterioration, fading, peeling, flaking, etc
- e. Test all ground lights and ground motion detector-controlled lighting fixtures.
- f. Visually inspect enclosure anchor, grouting and shims where appropriate.
- g. Inspect entry port boots for tightness (completely sealed). Comments: For any failures, a before and after photo is required.

5. Grounding

- a. Inspect lower ground bar ground cables for tightness and evidence of No-Ox under lug.
- b. Check that ground wires have no bends less than the recommended bend radius.
- c. Check ground wires for cracking, splitting or deterioration.
- d. Visually inspect mid-ground bar and top-ground bar with binoculars.
- e. Verify bottom-ground bar is connected to ground ring system
- f. Verify that the tower base is connected to the grounding system.
- g. Verify that entry port is connected to grounding system.
- h. Verify all additional site equipment is connected to the grounding system.
- i. Verify all fence corner posts are connected to the grounding system.
- j. Verify that all gate posts are connected to the grounding system.
- k. Verify that there is a flexible grounding jumper cad welded between the gate posts and the gate frame.
- l. Visually check the ground ring connection to the ground rod in the ground test well, if applicable. (physical connection of ground ring to ground rod, not test well grounding)
- m. Verify that the vent hole in the XIT/chemical grounds covers is open and clear from obstruction (dirt, vegetation, gravel, etc.)
- n. Guy Tower: Verify that all guy wires are mechanically connected to the grounding system.

- o. Check for the presence of a cathodic protection ground system. Guy Tower: Is connection to guy anchor properly installed, secure, and free of rust/corrosion?
- p. Guy Tower: Verify that all guy anchors are cad welded to the grounding system.
- q. Verify that tower lighting conduit is connected to the grounding system.
- r. Verify that the tower light control panel is connected to the grounding system.
- s. Verify that the AM detuning system is connected to the grounding system. Comments: For any failures, a before and after photo is required.

6. Tower Structure

- a. Inspect tower structure from the ground for damaged members and/or loose or missing hardware.
- b. Inspect tower finish (paint, galvanizing, stealth material, etc.) for deterioration, peeling, fading, etc.
- c. Inspect tower paint for aircraft visibility to ensure compliance to aviation industry standards. (7 bands up to 700' - alternating orange and white with orange band on bottom and top)
- d. Inspect for no standing water around tower foundation.
- e. Verify that the safety climb system is properly installed and secure. (N/A question if missing on flag pole and/or stealth tower types - FAIL question if missing on all other tower types)
- f. Verify that the tower climbing system is unobstructed to highest antenna mounts.
- g. Inspect tower anchor bolts and footing for deterioration. Comments: For any failures, a before and after photo is required.

7. Tower Guy Wires/Anchors

- a. Inspect for no standing water around guy anchors.
- b. Inspect for tree overgrowth around guys and anchors.
- c. Inspect guying and anchors for corrosion, loose parts, etc.
- d. Inspect condition of guy wires (frayed, loose or missing hardware, rust, corrosion, etc.).
- e. Inspect guy anchor area for weeds and unwanted grasses (remove with mower and/or weed eater)
- f. Inspect guy anchor area for weeds and unwanted grass (remove with chemicals) Comments: For any failures, a before and after photo is required.

8. Antenna and Lines

- a. Inspect antenna for signs of shifting, missing or loose hardware with binoculars.
- b. Inspect antennas that are required to comply with aircraft visibility regulations are correctly marked (orange and white bands, etc.).
- c. Inspect transmission lines that are required to comply with aircraft visibility regulations are correctly marked (orange and white bands on all lines and equipment mounted on external surface of tower).
- d. Check that the transmission lines and jumpers are securely mounted.
- e. Inspect above-ground transmission line connectors for loose fitting, fraying, corrosion, etc.

f. Inspect above ground transmission lines for proper installation (secure and routed away from pedestrian traffic). Comments: For any failures, a before and after photo is required.

9. Waveguide/Ice Bridge Support

- a. Inspect Ice Bridge for damage, loose or missing hardware.
- b. Inspect cable trays for damage, loose or missing hardware.
- c. Inspect transmission Line Bridge for damage, loose or missing hardware.
- d. Inspect transmission line support elements for damage and/or loose or missing hardware. (Snap-ins, butterfly hangers, etc.) Comments: For any failures, a before and after photo is required.

10. Tower Light System (If Applicable)

- a. Inspect tower lighting system from the ground for broken lenses, loose connections and hardware.
- b. Is tower light on upon arrival?
- c. Is the flash cable properly attached to and routed up the tower? (no metal clamps)
- d. Check tower light for proper operation.
- e. Check tower light photocell (cover photocell and observe if light changes).
- f. Check tower light photocell for proper installation (upright, vertical and facing North).
- g. Verify tower light photocell conduit is installed from the bottom of the control panel
- h. Check tower light control box for proper seal, rust and/or corrosion, damage and loose or missing hardware.
- i. Check tower light alarm for proper operation (call the Operations Center at xxx-yyy-zzzz, simulate an alarm for day and night beacon and side marker failures, verify that an alarm is received and clears).
- j. IF previous question FAILED - Check tower light alarm for proper operation (call the Local Switch, simulate an alarm for day and night beacon and side marker failures, verify that an alarm is received and clears).
- k. Is beacon alarm wired separate from side marker alarms, in series, and normally closed?
- l. Is side marker alarm wired separate from beacon alarms and normally closed? Comments: For any failures, a before and after photo is required.

11. AM Detuning (If Applicable)

- a. Check that the Am detuning skirt wires are securely attached to the tower.
- b. Condition of AM detuning wires (broken, sharp bends, etc.)?
- c. Is the AM detuning box securely attached to the tower or other mounting system?
- d. Condition of AM detuning box (seal, loose or missing hardware, etc.)?
- e. AM detuning box finish (peeling, rust/corrosion, etc.)?

12. Antenna Sweep Test Guidelines

- a. Ensure the Wireless Operator contacts the Township to conduct testing and monitoring of EMF radiation emitted from the site to verify its antennas meets or exceeds the standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate antennas and verify the antenna does not interfere with local neighboring television and radio reception residential and business areas.
- b. Ensure each Wireless Operator collocating on the tower or with any changes to tower height and changes to the number of antennas for existing tenants, contact the local Township to inspect the tower's structural integrity and safety.
- c. Upon installation/collocation of the Wireless Operator's antennas on the tower, an Acceptance Test Procedure (ATP) shall be conducted and comprised of the following tests:
 - 1) Preliminary Visual Inspection to verify installation, connections, color coding/tagging, antenna azimuth and mechanical down tilt, etc. to verify system installation.
 - 2) PCS Feedline Insertion Loss Test
 - 3) PCS Feedline Distance to Fault Test
 - 4) PCS Antenna Subsystem Return Loss Test
 - 5) PCS Transmission System Return Loss Test
 - 6) Port-to-Port Isolation Test
 - 7) GPS Receive Line Test
 - 8) Final Visual Inspection of entire antenna transmission system.
- d. Condition of AM detuning box (seal, loose or missing hardware, etc.)?
- e. AM detuning box finish (peeling, rust/corrosion, etc.)?

Site Inspection Photo Log

DATE: _____

SITE NAME: _____

PHOTO Card # _____

SITE MANAGER: _____

SITE _____

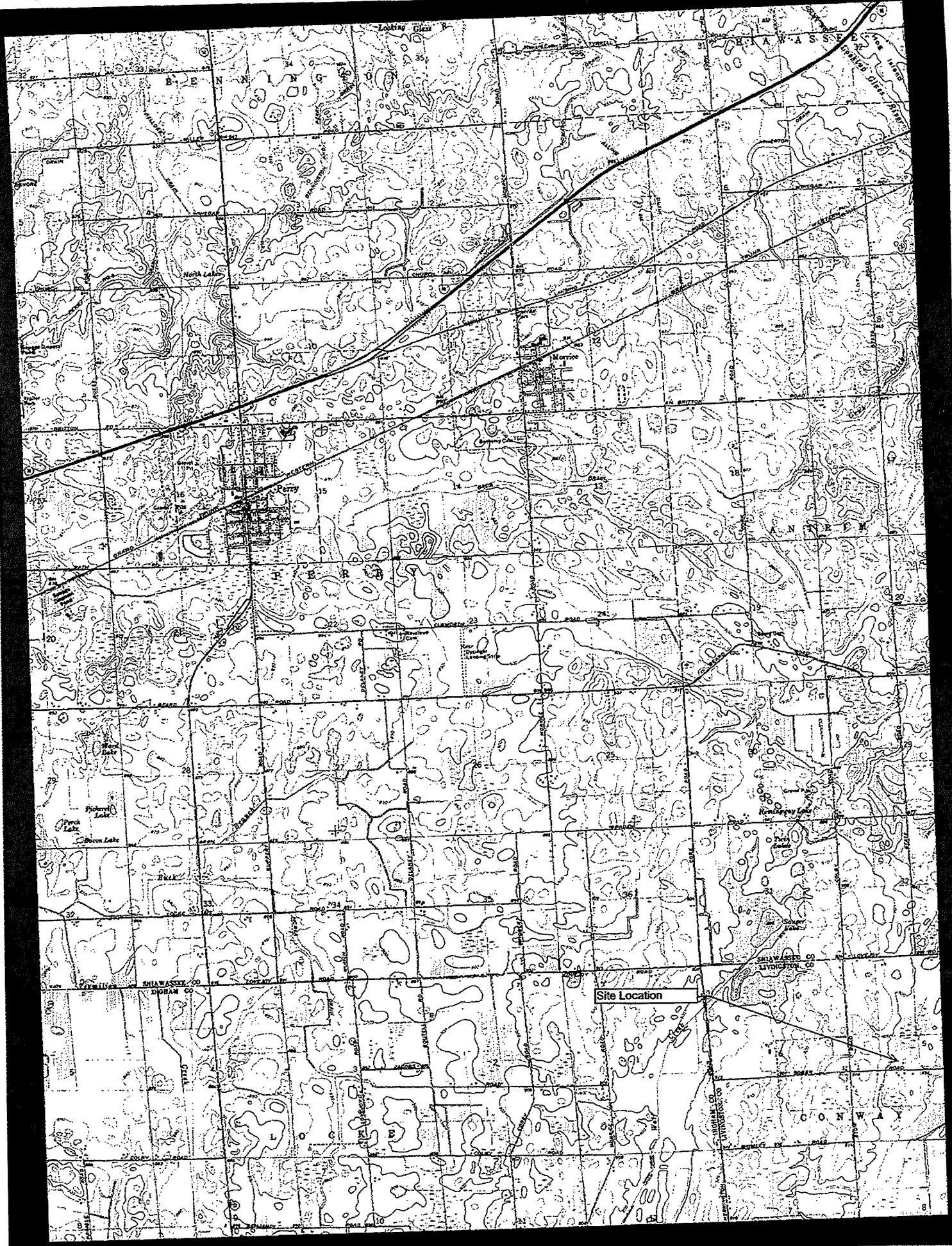
NUMBER: _____

For Photos specifying a directional view, please take the closest photo showing the **BEST VIEW POSSIBLE**.
N/A should never be used to replace compound views, get 4 unique shots to show overall layout.

JPEG#	DESCRIPTION	COMMENT
GENERAL COMPOUND PHOTOS		
	Site ID (FCC/ASR Sign with NOCC phone number, if available - RF sign as last resort)	
	FCC / ASR Sign (must clearly show the FCC ASR number and sign mounting location)	
	Access Road From Beginning of Road Looking Toward the Tower. (Estimate the length of access road. Take enough photos to accurately show the entire length of the access road to compound)	
	Access Road Taken from the Compound looking down the road, away from the tower.	
	North Compound View Looking South from outside of Compound. (Corner post to Corner post)	
	East Compound View Looking West from outside of Compound. (Corner post to Corner post)	
	South Compound View Looking North from outside of compound. (Corner post to Corner post)	
	West Compound View Looking East from outside of compound. (Corner Post to Corner post)	
	Full tower elevation, best view possible. (Base to top of tower) (use multiple photos if necessary)	
GUY TOWER PHOTOS		
	View from Tower compound to guy anchor area closest to North.	
	View from Tower compound to guy anchor area, 1st anchor clockwise from one closest to North.	
	View from Tower compound to guy anchor area, 2nd anchor clockwise from one closest to North.	
	View from guy anchor area toward compound, anchor closest to North.	
	View from guy anchor area toward compound, 1st anchor clockwise from one closest to North.	
	View from guy anchor area toward compound, 2nd anchor clockwise from one closest to North.	
	Outer guy anchor area closest to North.	

	Outer guy anchor area, 1st anchor clockwise from one closest to North.	
	Outer guy anchor area, 2nd anchor clockwise from one closest to North.	
	Inner guy anchor area closest to North.	
	Inner guy anchor area, 1st anchor clockwise from one closest to North.	
	Inner guy anchor area, 2nd anchor clockwise from one closest to North.	
ENTRY GATE AND LOCKS		
	Every gate into Compound - to include every SIGN on every gate. (Gate post to Gate post)	
	Photo of lock(s) on gate. (Added or existing lock(s) on all gates)	
	Ditches / Culverts	
	Overall waveguide bridge. (Post to post & Ground to top) or Cable Tray (Entire tray)	
	Waveguide entry port - monopole port or tower ladder to show available space for additional lines.	
	Tower Light Control Box(s) and photocell - photo of all controllers, best view possible - zoom to box.	
	Entire Access Road Gate (if applicable)	
	Access Road gate locks (Show SSUSA Lock)	
	If FLAGPOLE, photo of flagpole lighting system	
	Flag hoisting mechanism - halyard and cover if applicable	
	Zoom in to side marker lights	
	Zoom in to beacon / top light (s)	
	Zoom in to antenna platforms - all carriers in ONE photo if possible	
	Comments: Before and after photos must be taken for all failures. Photos must be taken on each site visit.	

EXHIBIT 7



Site Location

EXHIBIT 8



A Division of Sabre Industries, Inc.

Grid Towers Self-Supporting Towers Monopoles Conspicuous Structures Turbine Installations

July 28, 2008

Ms. Kathy Knight
Verizon Wireless
24242 Northwestern Highway
Southfield, MI 48075

Ref: Proposed 195 ft Sabre Monopole for Site #3283 Kalkaska East (Hall), MI;
(5) carriers; each with (12) LPD 7907/4 antennas w/(12) 1-5/8" coax on a low profile platform

Dear Ms. Knight,

The proposed Sabre monopole will be designed for a Basic Wind Speed of 90 mph (no ice), 40 mph (0.5" ice), Structure Class II, Exposure Category C, and Topographic Category 1 in accordance with the Telecommunications Industry Association Standard ANSI/TIA-222-G-2005, "Structural Standard for Antenna Supporting Structures and Antennas".

When designed according to these standards, the wind pressures and steel strength capacities include several safety factors, resulting in an overall minimum safety factor of 25%. Therefore, it is highly unlikely that the monopole will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.

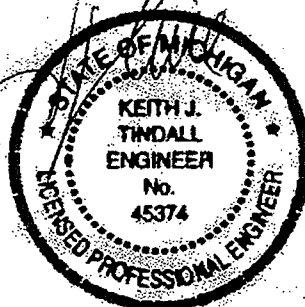
Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within one of the monopole shaft sections. This would result in a buckling failure mode, where the steel shaft would bend beyond its elastic limit (beyond the point where the shaft would return to its original shape upon removal of the wind load).

Therefore, it is likely that the overall effect of an extreme wind event would be localized buckling of the monopole shaft. Assuming that the wind pressure profile is similar to that used to design the monopole, the shaft will buckle at the location of the highest combined stress ratio in the upper portion of the monopole. This is likely to result in the portion of the monopole above "folding over" at or above the mid point onto the portion below, essentially collapsing upon itself. **Please note that this letter only applies to a monopole designed and manufactured by Sabre Towers & Poles.**

Please let me know if you have any questions or require additional information.

Sincerely,

Keith J. Tindall, P.E.
Vice President & Chief Engineer



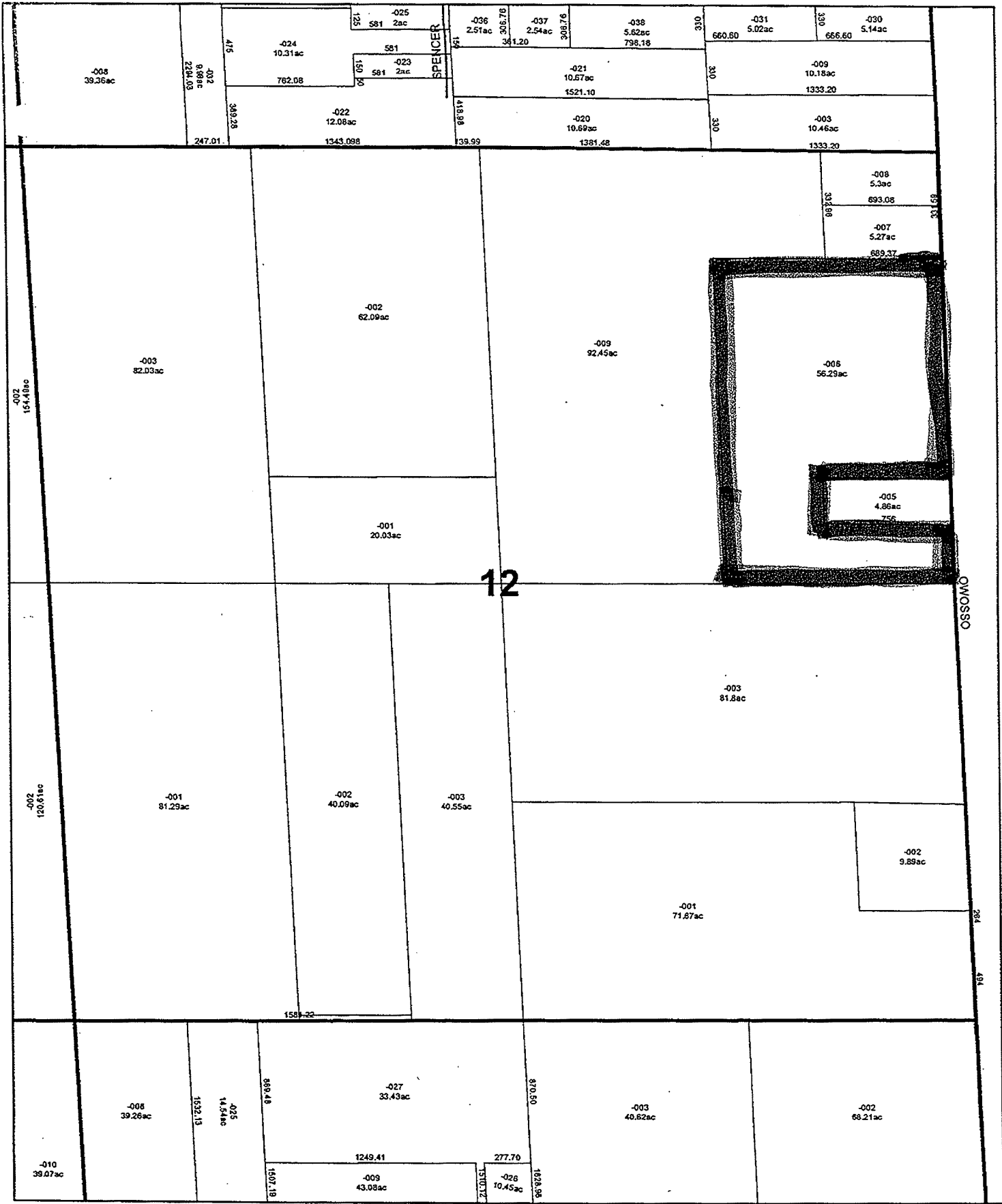
7/28/08

LAND DIVISION ASSESSOR'S CHECK LIST

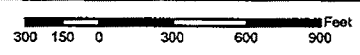
1. Parcel Number 4701-12-200-006
2. Owner of record Thomas Oliver
3. Parent Parcel Number 4701-12-200-006
4. Owner as of 3-31-1997 Rosa Oliver
5. Parent Parcel Acreage 55
6. Current Parcel Acreage 55
7. Divisions available as of 3-31-1997 8 + 2 bonus
8. Previous Divisions Taken 0
9. Divisions Available 8 + 2 bonus
10. Divisions Requested 1
11. Assessor's Plat Showing All Parent Parcel (s) _____
12. All Previous Divisions of Parent Parcel Made After 3-31-1997
0
13. Divisions Approved _____
14. Would this Land Division comply with the attached Split Request Data?
yes

Signed Karna A. Page Date 08-29-2013

Conway Township Assessor



Livingston County, Michigan
 Information Technology Department
 G.I.S. Division 517.548.3230



Section 12 Conway Township



Orthophotos Flown Spring 2010
 Printed July 17, 2013
 Parcel lines are a representation only;
 Not intended for survey purposes.

Conway Township

8015 N. Fowlerville Road
PO Box 1157
Fowlerville MI 48836

Phone 517-223-0358

PARCEL DIVISION APPLICATION

Please answer all questions and include all attachments.
Bring or mail to Conway Township at the above address.

Approval of a division of land is required before it is sold, when a new parcel is less than 40 acres and not just a property line adjustment (Sec 102 e & f)

This form is designed to comply with Sec. 108 and 109 of the Michigan Land Division Act (formerly the subdivision control act P.A. 288 of 1967 as amended particularly by P.A. 591 and P.A. 87 of 1997, MCL 560.101 et. seq.)

(Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.)

1. LOCATION of PARENT to be split: Address: V/L Road Name OWOSSO

PARENT PARCEL IDENTIFICATION NUMBER: 01-12-200-006

Parent Parcel Legal Description (DESCRIBE OR ATTACH) Attached

2. PROPERTY OWNER INFORMATION:

Name: Tom Oliver - Rosa M. Oliver Trust Address: 777 N. Main St.

Phone: 517 521-1061 Zipcode: 48892

3. PROPOSED DIVISION(S) TO INCLUDE THE FOLLOWING:

- A. Number of new Parcels 2
- B. Intended use (residential, commercial, etc.) Res.
- C. Each proposed parcel, has depth to width ration of 4 to 1 or to as provided by ordinance.
- D. Each parcel has a width of (not less than required by ordinance)
- E. Each parcel has an area of (not less than required by ordinance)
- F. The division of each parcel provides access as follows: (check one)
 - Each new division has frontage on an existing public road. Road name OWOSSO
 - A new shared driveway with attached maintenance agreement
 - A new private road with attached maintenance agreement. Proposed Road name
- G. Describe or attach a legal description of proposed new road, easement or shared driveway Parcel 2 will be accessed by a 160 foot easement
- H. Describe or attach a legal description for each proposed new parcel.

4. FUTURE DIVISIONS being transferred from the parent parcel to another parcel.

Indicate number transferred Parcel 1 will have 5 Divisions
Parcel 2 will have 1 Division

(See section 109(2) of the Statute. Make sure your deed includes both statements as required in 109 (3 & 4) of the Statute.)

5. DEVELOPMENT SITE LIMITS (Check each which represents a condition which exists on the parent parcel:

- Waterfront property (river, lake, pond, etc.) Includes wetlands
- Is within a flood plain Includes a beach
- Is on muck soils or soils known to have severe limitations for on site sewage system.

6. ATTACHMENTS - All the following attachments **MUST** be included. Letter each attachment as shown:

- A. A scale drawing-not smaller than 1" to 100' for the proposed division(s) of the parent parcel showing:
 - (1) current boundaries (as of March 31, 1997), and
 - (2) all previous divisions made after March 31, 1997 (indicate when made or none), and
 - (3) the proposed division(s), and
 - (4) dimensions of the proposed divisions, and
 - (5) existing and proposed road/easement right-of-way(s), and
 - (6) easements for public utilities from each parcel that is a development site to existing public utility facilities, and
 - (7) any existing improvements (buildings, wells, septic system, driveways, etc.)
 - (8) any of the features checked in question number 5.
- B. Indication of approval, or permit from the appropriate county road commission, Michigan Department of Transportation or respective city/village street administrator, that a proposed easement provides vehicular access to an existing road or street meets applicable locations standards.
- C. A copy of any reserved division rights (sec 109(2) of the act) in the parent parcel.
- D. Current paid Tax bill.

7. IMPROVEMENTS - Describe any existing improvements (buildings, well, septic, etc., which are on the parent parcel or indicate none). _____

8. Acknowledgment-

The undersigned acknowledges that any approval of the within application is not a determination that the resulting parcels comply with other applicable ordinances, rules or regulations which may control the use or development of the parcels. It is also understood that ordinances, laws and regulations are subject to change and that any approved parcel division is subject to such changes that may occur before the recording of the division or the development of the parcels. Furthermore, it is understood that the proposed split will be null and void, if it is not recorded within ninety (90) days of approval.

Property Owner's Signature Paul M. Person, agent for owner Date: 8/16/13

For office use only:

Signature [Signature] Application Completed: Date 8/27/13 Approval: Date _____

Denial: Date _____ Reasons for denial _____ see attached

July 29, 2013

To Conway Township:

I Tom Oliver, Successor Trustee of the Rosa Oliver Trust give Paul Harmon of Harmon Real Estate the permission to act on my behalf in order to split my property located Owosso Road containing approximately 55 acres.

Should you have any additional questions please contact me at 517-521-1061.

Sincerely,

A handwritten signature in cursive script that reads "Tom Oliver". The signature is written in dark ink and is positioned above the printed name.

Tom Oliver

Livingston County Public Records - Full Detail Report W/Photo Report

Previous

Next

Location & Ownership

Property ID: 0112200006
 Property Address: OWOSSO RD
 City/ State/ Zip: MI -
 Census Tract: Block Group:
 Owner Name: OLIVER ROSA M TRUST
 Taxpayer Address: 777 N MAIN ST
 City/ State/ Zip: WEBBERVILLE MI 48892-9709
 City/ Village/ Town: CONWAY TWP
 Subdivision:
 MLS Area: 01011-CONWAY TWP
 School District: FOWLERVILLE
 Property Category: RS
 Land Use: 102



Legal Description: SEC 12 T4N R3E S 60AC OF E 1/2 OF NE 1/4, EXC BEG AT A POINT, N 324.40 FT FROM E 1/4 COR OF SEC, TH N 87°30'00"W 756 FT, TH N 280 FT, TH S 87°30'00"E 756 FT, TH S 289 FT TO POB, 55AC M/L

Taxes

Year	Season	Total Ad Valorem	Administrative Fees	Special Assessment	City/ Village / Township	Total Seasonal
2012	Winter	435.12	4.35	0.00	0.00	439.47
2012	Summer	347.24	3.47	0.00	0.00	350.71
2011	Winter	381.83	4.18	37.09	0.00	423.10
2011	Summer	338.11	3.38	0.00	0.00	341.49
2010	Winter	441.52	4.41	0.00	0.00	445.93
2010	Summer	266.23	2.66	0.00	0.00	268.89
2009	Winter	442.86	4.53	10.32	0.00	457.71
2009	Summer	267.04	2.67	0.00	0.00	269.71
2008	Winter	422.45	4.60	38.48	0.00	465.53
2008	Summer	255.79	2.55	0.00	0.00	258.34

Assessments & Total Annual Tax

Year	Taxable Value	State Equalized Value	Homestead/ Percent	Total Taxes
2012	29,614.00	77,160.00	100.00	790.18
2011	28,836.00	108,940.00	100.00	764.59
2010	28,354.00	98,970.00	100.00	714.82
2009	28,440.00	143,280.00	100.00	727.42
2008	27,242.00	147,690.00	100.00	723.87

Transfer Information

Grantor	Grantee	Sale Date	Deed Date	Sale Price	Deed Type	Liber/ Page
ROSA M OLIVER TRUST	OLIVER ROSA M TRUST	6/27/2013	6/10/2013	0.00	QC	26063/
ROSA M OLIVER TRUST	OLIVER ROSA M TRUST	8/25/2010	7/28/2010	0.00	QC	23174/



**LIVINGSTON COUNTY ROAD COMMISSION
LAND SPLIT / SIGHT DISTANCE REVIEW**

**NOTE: THIS IS NOT A
DRIVEWAY PERMIT.**

Review Number 1303-002

Property Owner and Applicant Information

Owner: Tom Oliver
 Street Address: 777 N. Main
 City, State, ZIP: Webberville, MI 48892
 Day Phone: (517) 521-1061 Fax:
 Applicant: Paul Harmon
 Company: Harmon Real Estate
 Address: PO Box 159
 City, State: Fowlerville, MI, 48836
 Applicant Phone: (517) 223-9193

Location:

Township: Conway Section: 12
 Development:
 Approach Type: Residential
 Speed Limit (if posted): 45
 Speed Factors (if any): Unposted Gravel
 Roadway On: Quosio Side of Street: West

Applicant Fax: (517) 223-9196

Field Measurements

Location of existing property corners from nearest crossroad: 640 and 2550 feet South of Stoner

Parcel	Property/ Easement Corners	Access Point(s)	Sight Distance, Req. Std	Sight Distance, Measured	Sight Distance Comply	Clear Vision Comply	Neighbor Consent Required	Approve
Parcel 1	640' 2550'	815' 1725'	500'	500 North 500 South	Yes	Yes	No	Yes
Parcel 2		673'	500'	500 North 500 South	Yes	No	No	No

Comments:

A residential driveway could be permitted for Parcel 1 between 815' and 1725' south of Stoner Road. A residential driveway located in the 66' easement for Parcel 2 could be approved once clear vision is established. Tree branches to the north and south need to be trimmed.

Inspection Date: 8/20/2013

Inspector:

Kim Hillier
Kim Hillier



Livingston County Department of Planning

April 18, 2013

Kathleen J. Kline-Hudson
AICP, PEM
Director

Conway Township Board of Trustees
c/o Cindy Dickerson, Clerk
Conway Township Hall
P.O. Box 1157
Fowlerville, MI 48836

Robert A. Stanford
AICP, PEM
Principal Planner

**Re: Planning Commission Review of Master Plan Text
Amendment MP-01-13.**

Scott Barb
PEM
Principal Planner

Dear Board Members:

The Livingston County Planning Commission met on Wednesday, April 17, 2013 and reviewed the request referenced above. The County Planning Commissioners made the following recommendation:

- **MP-01-13 Approval.** The proposed text amendments to the Conway Township Master Plan are acceptable, reasonable and appropriate.

Copies of the staff review and Livingston County Planning Commission meeting minutes are enclosed. Please do not hesitate to contact our office should you have any questions regarding county actions.

Sincerely,

Kathleen Kline-Hudson
Director

Enclosures

c: John Helm, Zoning Administrator

Meeting minutes and agendas are available at co.livingston.mi.us/planning

Department Information

Administration Building
04 E. Grand River Avenue
Suite 206
Howell, MI 48843-2323

•
(517) 546-7555
Fax (517) 552-2347

•
Web Site
co.livingston.mi.us



Livingston County Department of Planning

April 18, 2013

Kathleen J. Kline-Hudson
AICP, PEM
Director

Conway Township Board of Trustees
c/o Cindy Dickerson, Clerk
Conway Township Hall
P.O. Box 1157
Fowlerville, MI 48836

Robert A. Stanford
AICP, PEM
Principal Planner

**Re: Planning Commission Review of Master Plan Text
Amendment MP-01-13.**

Scott Barb
PEM
Principal Planner

Dear Board Members:

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- **MP-01-13 Approval.** The proposed text amendments to the Conway Township Master Plan are acceptable, reasonable and appropriate.

Copies of the staff review and Livingston County Planning Commission meeting minutes are enclosed. Please do not hesitate to contact our office should you have any questions regarding county actions.

Sincerely,

Kathleen Kline-Hudson
Director

Enclosures

c: John Helm, Zoning Administrator

Meeting minutes and agendas are available at co.livingston.mi.us/planning

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Livingston County Department of Planning

MEMORANDUM

TO: Livingston County Planning Commission and the
Conway Township Board of Trustees

FROM: Robert Stanford, Principal Planner

DATE: April 1, 2013

SUBJECT: MP-01-13. Amendments to Master Plan:
Chapter 8: Futureland Use Plan

Kathleen J. Kline-Hudson
AICP, PEM
Director

Robert A. Stanford
AICP, PEM
Principal Planner

Scott Barb
PEM
Principal Planner

The Conway Township Planning Commission is proposing to revise Chapter 8: Futureland Use Plan by changing the minimum acreage in the Agricultural Residential (A-R) and the Residential (R) land use categories from the current two (2) acre to a newly proposed one (1) acre. Staff has reviewed the proposed changes for accuracy and compatibility with the Township Zoning Ordinance and offers the following comments for your review.

NOTE: When existing (current) text are utilized in this review for illustrative purposes, additions (or newly proposed text) are noted in **underlined bold font** while deletions to existing text are noted in ~~strike through font~~. Staff comments are noted in *italic underline* fashion.

The Township proposes to revise the the following passage of Chapter 8 Futureland Use Plan in the Township Master Plan in this manner:

Agricultural Residential (A-R)

Farming activities are the predominant land use within this classification, although single-family detached dwelling units are allowed. The land within this area is well suited for growing crops due to soil type and terrain, which are unique natural resources of the Township. The agricultural and large lots residential activities recommended for the A-R land use classification are intended to satisfy a demand for a rural lifestyle without using up prime agricultural land.

The Agricultural land use category identified in the plan was based on the general pattern identified on the Index Map (*see Map 8-1*).

In order to provide for residential development in a rural setting and permit some flexibility to farmers in the use of their land there is a minimum of 2 1 acre or more per dwelling unit.

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Residential (R)

Over time, Conway Township plans to encourage the development of non-farm residential uses. The identification of these areas allows the preservation of other lands in agricultural use. The Residential land use category corresponds generally to the areas where the trend in future land use is toward residential. Whenever possible, there was an attempt to extend the Residential plan category along paved roadways that provide better access for higher density of uses.

The Residential land use category recognizes existing subdivisions and makes provisions for new residential areas on large lots. Average development densities within the Residential areas are planned for one dwelling unit per ~~two~~ **one** acres except for subdivisions. Anticipated average development for subdivisions, whether they take the form of plats or condominiums, are planned not to exceed one dwelling unit per 32,670 square feet (3/4 of an acre) although dwelling units (or lots) may be clustered so as to maximize retained open space. Single-family detached housing will be the predominant style in this area, although the Planning Commission may permit multiple family units along hard surface County Primary Roads through special land use approval.

The Township proposes to change the following passage, found on page 42 of the Master Plan in this manner:

Current ~~Two~~ **One**-Acre Minimums

Conway Township's Zoning Ordinance allows ~~two~~ **one**-acre minimum lots throughout the Township. The buildable area of all parcels over two acres in size was divided by two to determine the total number of dwelling units. This resulted in 4,400 dwelling units, which is the maximum number that could possibly be built if each section of the Township was built out at permitted zoning density of one unit per ~~two~~ **one** acres. A township population of 12,980 people would result from this buildout scenario.

Staff Comments: Staff would recommend that the Township revisit the above passage to ensure its overall accuracy with regard to the proposed changes, as changing the density from two acre to one acre minimum lot areas would change the resulting buildout figures in the long term (short-term the effect from land divisions may be negligible).

General Staff Comments: The Township is initiating this change per recommendation by Township Counsel to better meet the needs of future land development and to alleviate the Township from possible legal challenge to the current standard. Staff would recommend that the Township subsequently reflect these changes graphically on a Futureland Use Map within the Master Plan as well. The current plan does not include a Futureland Use Map, however, it would be very helpful to have for future land use decision-making purposes.

TOWNSHIP PLANNING COMMISSION RECOMMENDATION: APPROVAL. There were no comments at the March 11, 2013 public hearing.

RECOMMENDATION: APPROVAL. The proposed text amendments to the Conway Township Master Plan are acceptable, reasonable and appropriate.



Livingston County Department of Planning

MEMORANDUM

TO: Livingston County Planning Commission and the
Conway Township Board of Trustees

FROM: Robert Stanford, Principal Planner

DATE: April 1, 2013

SUBJECT: Z-13-13. Amendments to Zoning Ordinance:
2 acre minimum to 1 acre minimum -
Various Chapters

Kathleen J. Kline-Hudson
AICP, PEM
Director

Robert A. Stanford
AICP, PEM
Principal Planner

Scott Barb
PEM
Principal Planner

The Conway Township Planning Commission is proposing to revise various chapters in the Township Zoning Ordinance which changes the minimum acreage in the Agricultural Residential (A-R) and the Residential (R) land use categories from the current two (2) acre to a newly proposed one (1) acre. Staff has reviewed the proposed changes for accuracy and compatibility with the Township Zoning Ordinance and offers the following comments for your review.

NOTE: When existing (current) text are utilized in this review for illustrative purposes, additions (or newly proposed text) are noted in **underlined bold font** while deletions to existing text are noted in ~~striketrough font~~. Staff comments are noted in *italic underline* fashion.

The Township proposes to revise the the following passages of the Township Master Plan in the following manners:

Section 6.06 Supplemental Regulations Pertaining to Accessory Buildings and Structures

Accessory buildings and structures, except as otherwise permitted in this ordinance, shall be subject to the following regulations:

A. Relation to Principal Building. Accessory buildings, structures and uses are permitted only in connection with, incidental to and on the same lot with a principal building, structure or use which is permitted in the particular zoning district, except an accessory building or structure may be permitted on a separate lot in conjunction with activity of a permitted use under same ownership in the AR Agricultural Residential District. No accessory building, structure or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized. On parcels of ~~two (2)~~ **one (1)** acres or less, the accessory gross floor area cannot exceed one hundred fifty percent (150%) of the total square footage of the gross floor area in the principal residence.

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Section 8.04 Area, Height and Bulk Regulations

Area, height, and bulk regulations for the R Residential district are set forth in the following Schedule of Area, Height and Bulk Requirements.

SCHEDULE OF AREA, HEIGHT AND BULK REQUIREMENTS District	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Minimum Front Lot Line (feet)	Minimum Yard Setback (feet) Front Side Rear	Maximum Building Height Stories Feet	Floor Area Requirement (sq. ft/unit)
R Residential	≥ 1 acre	150(f)	150(g)	100/110 (a) 25 (b) 25	3/ 40 (c)	1040 (d,e)

General Staff Comments: The Township is initiating this change per recommendation by Township Counsel to better meet the needs of future land development and to alleviate the Township from possible legal challenge to the current standard. Staff would highly remind that the Township ensure that these zoning district changes are subsequently reflected graphically as soon as possible on the Township's Official Zoning Map (Section 20 of the Ordinance as well).

TOWNSHIP PLANNING COMMISSION RECOMMENDATION: APPROVAL. There were no comments at the March 11, 2013 public hearing.

RECOMMENDATION: APPROVAL. The proposed text amendments to the Conway Township Zoning Ordinance are acceptable, reasonable and appropriate and coincide well with the rest of the Township Zoning Ordinance without any other glaring conflicts or omissions.



Livingston County Department of Planning

LIVINGSTON COUNTY PLANNING COMMISSION MEETING

Wednesday, April 17, 2013 – 7:30 p.m.

Administration Building, Board of Commissioners Chambers
304 East Grand River, Howell, MI 48843

Agenda

Kathleen J. Kline-Hudson
AICP, PEM
Director

Robert A. Stanford
AICP, PEM
Principal Planner

Scott Barb
PEM
Principal Planner

1. Call To Order
2. Pledge of Allegiance
3. Roll and Introduction of Guests
4. Approval of Agenda – April 17, 2013
5. Approval of Minutes – March 20, 2012
6. Call to the Public
7. Zoning Reviews
 - a. **MP-01-13:** Conway Township, Master Plan Amendment, 2 acre to 1 acre Minimum Lot Size AR District, Various Sections
 - b. **Z-07-13:** Handy Township Rezoning, Section 25, AR to RD.
 - c. **Z-08-13:** Iosco Township, Zoning Ordinance Amendment, Article 1 Title Purpose, Construction, Rules, etc.
 - d. **Z-09-13:** Iosco Township, Zoning Ordinance Amendment, Article 10 Offstreet Parking and Loading
 - e. **Z-10-13:** Iosco Township, Zoning Ordinance Amendment, Article 5 General Provisions
 - f. **Z-11-13:** Green Oak Township, Zoning Ordinance Amendment, Article IV, Section 38-200 Wind Energy Conversion
 - g. **Z-12-13:** Green Oak Township, Zoning Ordinance Amendment, Article III, Section 38-136 Schedule of Area, Height and Setback
 - h. **Z-13-13:** Conway Township, Zoning Ordinance Amendment, Various Articles, 2 acre to 1 acre AR District
 - i. **Z-14-13:** Cohoctah Township, Zoning Ordinance Amendment, Article II, Section 2.02 Definitions
8. Old Business –
 - Distribution of:
 - Livingston County Planning Commission Constitution & By-Laws
 - Livingston County Planning Commission Ordinance
9. Reports -
 - Livingston County Permit Guidebook
 - Brown Bag Lunch Series Flyer – April 24 Hamburg Township Hall
10. Commissioners Heard and Call to the Public
11. Adjournment

Department Information

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E. Number of Accessory Structures. On AR Agricultural Residential and R Residential zoned lots of ~~two (2)~~ **one (1)** acres in area or less, only one attached garage or accessory building or structure and one detached garage or accessory buildings and structures shall be permitted. On AR Agricultural Residential and R Residential zoned lots of greater than ~~two (2)~~ **one (1)** acres, the number of accessory buildings and structures shall be regulated by the maximum coverage requirements of Section 6.06(I) unless accessory buildings and structures are for active agricultural conduct and are eligible for an agricultural waiver under 6.06(F) below.

I. Maximum Coverage. On all R Residential zoned lots and AR Agricultural Residential zoned lots of greater than ~~two (2)~~ **one (1)** acres, the combined square footage of all accessory buildings, structures and uses, excluding swimming pools, may occupy a maximum of twenty percent (20%) of the total yard area.

Section 7.01 Intent

The AR Agricultural Residential District is established to preserve and protect lands best suited for agricultural uses, while also designating land area for rural residential living that does not alter the general agricultural character of the district.

In this district non-farm uses shall be permitted upon a minimum lot size of ~~two (2)~~ **one (1)** acres and farm uses shall be permitted upon a minimum lot size of twenty (20) acres. A farm use shall be defined by the permitted uses listed in 7.02 (B) and by the definition of farm and farm operation in Michigan's Right to Farm Act, 1981 PA 93, MCL 286.472, et seq, as amended.

Section 7.02 Permitted Uses

A. The following non-farm uses of land are permitted in this district upon a minimum lot size of ~~two (2)~~ **one (1)** acres unless otherwise specified by provisions of this ordinance:

SCHEDULE OF AREA, HEIGHT AND BULK REQUIREMENTS District AR	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Minimum Front Lot Line (feet)	Minimum Yard Setback (feet) Front Side Rear	Max. Building Height Stories Feet	Floor Area Requirement (sq ft/unit)
<i>Agricultural</i>	<i>20 acres (farm)</i>	<i>150(f)</i>	<i>150(g)</i>	<i>100/110 (a) 25(b) 25</i>	<i>3 / 45(c)</i>	<i>1,040 (d,e)</i>
<i>Residential</i>	<i>2 1 acres (non-farm)</i>	<i>150(f)</i>	<i>150(g)</i>	<i>100/110 (a) 25(b) 25</i>	<i>3 / 40</i>	<i>1,040 (d,e)</i>

LIVINGSTON COUNTY PLANNING COMMISSION
DRAFT - MEETING MINUTES

April 17, 2013

7:30 p.m.

304 E. Grand River Ave., Howell, Michigan

PLANNING COMMISSION		
COMMISSIONERS PRESENT:	JEANNE CLUM (CO-CHAIR) MIKE HUBERT BILL ANDERSON	JAMES SPARKS BRIAN PROKUDA
COMMISSIONERS ABSENT:	REID KRINOCK (CHAIR) SYLVIA KENNEDY-CARRASCO	
STAFF PRESENT:	KATHLEEN KLINE-HUDSON ROB STANFORD SCOTT BARB	
OTHERS PRESENT:	DENNIS BOWDOIN HENRY VAUPAL TAKA KONISHI	FRED DILLINGHAM BILL CALL

1. **CALL TO ORDER** Meeting was called to order by Commissioner Clum at 7:35 P.M.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL AND INTRODUCTION OF GUESTS**
4. **APPROVAL OF AGENDA**

IT WAS MOVED BY COMMISSIONER PROKUDA, SECONDED BY COMMISSIONER SPARKS TO APPROVE THE AGENDA DATED APRIL 17, 2013.

All in favor, motion passed.

5. **APPROVAL OF MINUTES**

IT WAS MOVED BY COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER HUBERT TO APPROVE THE MARCH 20, 2013 MINUTES, AS PRESENTED.

All in favor, motion passed.

6. **CALL TO THE PUBLIC** - There were no issues from the public.
7. **ZONING REVIEWS**

A. **MP-01-13 CONWAY TOWNSHIP AMENDMENTS TO MASTER PLAN, CHAPTER 8: FUTURE LAND USE PLAN**

The Conway Township Planning Commission is proposing to revise Chapter 8: Future Land Use Plan by changing the minimum acreage in the Agricultural Residential (A-R) and the Residential (R) land use categories from the current two (2) acre to a newly proposed one (1) acre.

Staff Recommendation: APPROVAL. The proposed text amendments to the Conway Township Master Plan are acceptable, reasonable and appropriate.

Commission Discussion: Commissioner Sparks questioned how the buildout figure was attained. Principal Planner Stanford stated that the calculation utilized the total density allowed by the particular zoning district multiplied by the current persons per household figure for the Township according to the U.S. Census (2.95 persons per household).

Public Comment: Mr. Dennis Bowdoin confirmed that the buildout analysis utilized the US Census' persons per household figure for Conway Township to obtain the buildout results.

Commissioner Action: IT WAS MOVED BY COMMISSIONER HUBERT TO RECOMMEND APPROVAL, SECONDED BY COMMISSIONER ANDERSON.

All in favor, motion passed. 5-0

B. **Z-07-13 HANDY TOWNSHIP: REZONING**

Current Zoning: AR Agricultural Residential
Proposed Zoning: RD Research and Development
Proponents: Aisin Holdings of America

TOWNSHIP MASTER PLAN: The Future Land Use map of Handy Township designates the site as **Rural Residential**. The Township Master Plan describes this area in the following manner (page 50):

The Rural Residential land use category calls for the development of single-family residential neighborhoods with at least 35,000 sq. ft. or larger minimum lot sizes. These areas are planned to maintain low densities outside of the envisioned Urban Services Districts, and provide transition between areas where greater density is proposed and the solidly-agricultural portions of the Township. The Rural Residential category is also intended for areas of the Township that, due to natural features, road conditions, and/or existing land uses, are not as suitable for more dense development.

COUNTY COMPREHENSIVE PLAN: The Livingston County Comprehensive Plan designates the site as **Transitional Residential** area (page 62-63). According to the County Comprehensive Plan:

Transitional Residential applies to areas that have already experienced new suburban housing growth, but which retain some of their agricultural characteristics. These areas act as a buffer between more strictly agricultural lands and Residential areas. Most of the Transitional Residential area will be on the front lines of residential development pressure over the next two decades. Therefore, it is important to have effective open space and cluster ordinances in place, in order to keep residential development surrounded by plenty of open space or agricultural land at low to moderate overall densities. Public sewer and water are already present in some Transitional Residential areas, but should not be extended further into them, in order to focus higher density development in more appropriate residential,

city/village, settlement, and primary growth areas. This will keep the remaining farmland viable while still allowing some residential growth.

Township Planning Commission Recommendation: The Handy Township Planning Commission recommended **APPROVAL** of this request at its **February 28, 2013** public hearing. There were no public comments regarding the proposed rezoning.

Staff Recommendation: APPROVAL. Staff recommends that the proposed rezoning from AR Agricultural Residential to RD Research and Development be approved at this time. The parcel is a logical expansion of the current RD zoning that is in place and would allow for continuity of land uses with regards to future land use planning.

Commission Discussion: Commissioner Prokuda asked if this rezoning was within the Red Cedar Watershed. His concern regards large areas of impervious surface. Principal Planner Barb stated that stormwater techniques are usually addressed during the planning process and many times utilize innovative techniques. Fred Dillingham, representing the petitioner, stated that the site has gone through extensive stormwater detention review with the Drain Commissioner's office. Commissioner Prokuda asked if there was a water treatment plant on site. Mr Dillingham stated that the petitioner is not required to provide a treatment plant, only stormwater detention. Commissioner Sparks asked if the stream flowed to the north. Mr Dillingham answered in the affirmative.

Public Comment: None.

Commissioner Action: IT WAS MOVED BY COMMISSIONER HUBERT TO RECOMMEND **APPROVAL**, SECONDED BY COMMISSIONER ANDERSON.

All in favor, motion passed. 5-0

C. **Z-08-13 IOSCO TOWNSHIP - PROPOSED AMENDMENT TO ZONING ORDINANCE:**
Article 1 Title, Purpose, Construction, Rules, etc.

The Iosco Township Planning Commission is proposing a new Article 1 of the Township Zoning Ordinance. The change will replace the language of the current Zoning Ordinance, which was approved in 1991.

Township Planning Commission Recommendation: APPROVAL. There were no comments at the December 11, 2012 public hearing.

Staff Recommendation: APPROVAL. The proposed text amendments to Article 1 are acceptable, reasonable and appropriate.

Commission Discussion: Staff pointed out that "Public Act 110 of 2008, as amended", is the text that should have been bold and underlined in the Staff review.

Public Comment: None.

Commissioner Action: IT WAS MOVED BY COMMISSIONER ANDERSON TO RECOMMEND **APPROVAL**, SECONDED BY COMMISSIONER HUBERT.

All in favor, motion passed. 5-0

D. **Z-09-13 IOSCO TOWNSHIP - PROPOSED AMENDMENT TO ZONING ORDINANCE:**
Article 10 Offstreet Parking and Loading

The Iosco Township Planning Commission is proposing a new Article 10 of the Township Zoning Ordinance. The change will replace the language of the current Zoning Ordinance, which was approved in 1991.

Township Planning Commission Recommendation: APPROVAL. There were no comments at the December 11, 2012 public hearing.

Staff Recommendation: APPROVAL. The proposed text amendments to **Article 10: Off-Street Parking and Loading** are acceptable, reasonable and appropriate.

Commission Discussion: Commissioner Prokuda asked for clarification regarding the language provided in EXAMPLE 2. Principal Planner Stanford stated that it is Staff's language. Commissioner Sparks asked if this requirement is for commercial parking. Principal Planner Stanford answered in the affirmative. Commissioner Sparks asked if the Township allowed for double-striping for each parking space to allow for vehicle door swings, better ingress-egress to vehicles. Principal Planner Stanford stated that this language is not currently proposed.

Public Comment: None.

Commissioner Action: IT WAS MOVED BY COMMISSIONER HUBERT TO RECOMMEND APPROVAL, SECONDED BY COMMISSIONER ANDERSON.

All in favor, motion passed. 5-0

E. **Z-10-13 IOSCO TOWNSHIP - PROPOSED AMENDMENT TO ZONING ORDINANCE:**
Article 5 General Provisions

The Iosco Township Planning Commission is proposing a new Article 5 of the Township Zoning Ordinance. The change will replace the language of the current Zoning Ordinance, which was approved in 1991. This proposed Article is entirely new language dealing with general provisions and supplemental regulations. For the most part, the language is fairly standard; the style is reasonable, customary and similar to that found in most ordinances with regard to these types of regulatory provisions.

Township Planning Commission Recommendation: APPROVAL. There were no comments at the December 11, 2012 public hearing.

Staff Recommendation: APPROVAL WITH CONDITIONS. The proposed text amendments are acceptable, reasonable and appropriate however Staff would highly recommend that the Township complete and insert all missing cross-references to other articles and sections throughout this Article, as detailed above, prior to formal acceptance and adoption by the Township Board.

Commission Discussion: Commissioner Hubert stated that there is a missing word in the swimming pool language. Commissioner Prokuda asked why the Livingston County Planning Commission shouldn't deny the amendment rather than send back as Approval With Conditions (Staff's recommendation). Principal Planner Stanford stated that the letter to the Township will clearly state what the conditions for approval will be so that there is no confusion. Commissioner Clum stated that perhaps the Township should have sent the amendment in to our Planning Department so that Staff could have conducted a courtesy review

prior to formal review by the County Planning Commission. The County Planning Commission discussed the decision/recommendation options. Commissioner Sparks approved with conditions, Hubert seconded, with the added condition that the Township provide the County Planning Commission with a finished copy of the amendment once all the missing information, as outlined by Staff's review, has been completed. It was agreed that the letter to the Township that is sent with the review items will clearly state this request.

Public Comment: None.

Commissioner Action: IT WAS MOVED BY COMMISSIONER SPARKS TO RECOMMEND APPROVAL WITH CONDITIONS, SECONDED BY COMMISSIONER HUBERT.
All in favor, motion passed. 4-1 (nay Prokuda)

F. **Z-11-13 GREEN OAK CHARTER TOWNSHIP - PROPOSED AMENDMENT TO ZONING ORDINANCE: Article I In General, Section 38-1 Definitions, and Article IV Supplementary Regulations, Section 38-185 Exceptions to height regulations, and Section 38-200 Wind Energy Conversion System**

The Green Oak Charter Township Planning Commission is proposing to amend several sections of the Township Zoning Ordinance. The proposed text amendments regard Wind Energy Conversion Systems.

Township Planning Commission Recommendation: APPROVAL. The Green Oak Charter Township Planning Commission recommended approval of the text amendment at their March 7, 2013 meeting. There were no public comments at the March 7, 2013 public hearing.

Staff Recommendation: APPROVAL. The proposed Wind Energy Conversion System (WECS) amendments are well written and will serve to enhance the Green Oak Charter Township Zoning Ordinance.

Commission Discussion: Commissioner Prokuda pointed out that the term kilowatt is correctly abbreviated as: "kW".

Public Comment: None.

Commissioner Action: IT WAS MOVED BY COMMISSIONER PROKUDA TO RECOMMEND APPROVAL, SECONDED BY COMMISSIONER HUBERT.
All in favor, motion passed. 5-0

G. **Z-12-13 GREEN OAK CHARTER TOWNSHIP - PROPOSED AMENDMENT TO ZONING ORDINANCE: Article I In General, Section 38-1 Definitions, Article III District Regulations, Section 38-136 Schedule of Area, Height and Setback Regulations, and Article IV Supplementary Regulations, Section 38-196 Site design conditions**

The proposed text amendments were prompted by the township planning commission's suggestion to amend the 'Maximum Lot Coverage Area as Percent of Lot' figures for the non-residential zoning districts in the Schedule of Area Height and Setback Regulations, and add 'Maximum % of Impervious Surface' figures to the non-residential zoning districts in the schedule. Additionally, the planning commission proposes associated amendments to definitions in Article I In General and to site design conditions for agricultural and commercial composting in Article IV Supplementary Regulations.

Township Planning Commission Recommendation: APPROVAL. The Green Oak Charter Township Planning Commission recommended approval of the text amendment at their March 7, 2013 meeting. There were no public comments at the March 7, 2013 public hearing.

Staff Recommendation: APPROVAL. The proposed text amendments effectively address maximum percent lot coverage and impervious surface for non-residential development in Green Oak Charter Township.

Commission Discussion: Commissioner Sparks had questions concerning the 100% stormwater retention standard. He also asked if the 90% coverage includes coverage by buildings. Director Kline-Hudson stated it includes all building, accessory structures and parking.

Public Comment: None.

Commissioner Action: IT WAS MOVED BY COMMISSIONER ANDERSON TO RECOMMEND APPROVAL, SECONDED BY COMMISSIONER PROKUDA.
All in favor, motion passed. 4-1 (nay Sparks)

H. **Z-13-13 CONWAY TOWNSHIP - PROPOSED AMENDMENT TO ZONING ORDINANCE:**
Various Chapters and Sections - 2 acre minimum to 1 acre minimum

The Conway Township Planning Commission is proposing to revise various chapters in the Township Zoning Ordinance which changes the minimum acreage in the Agricultural Residential (A-R) and the Residential (R) land use categories from the current two (2) acre to a newly proposed one (1) acre.

Township Planning Commission Recommendation: APPROVAL. There were no comments at the March 11, 2013 public hearing.

Staff Recommendation: APPROVAL. The proposed text amendments to the Conway Township Zoning Ordinance are acceptable, reasonable and appropriate and coincide well with the rest of the Township Zoning Ordinance without any other glaring conflicts or omissions

Commission Discussion: Commissioner Sparks needed clarification about a phrase in page 1 of Staff's review.

Public Comment: None.

Commissioner Action: IT WAS MOVED BY COMMISSIONER SPARKS TO RECOMMEND APPROVAL, SECONDED BY COMMISSIONER HUBERT.
All in favor, motion passed. 5-0

I. **Z-14-13 COHOCTAH TOWNSHIP - PROPOSED AMENDMENT TO ZONING ORDINANCE:**
Article II, Section 2.02 Definitions

The Cohoctah Township Planning Commission proposes to amend their existing definition of "Lot Line, Front".

Township Planning Commission Recommendation: APPROVAL. The Cohoctah Township Planning Commission recommended approval of the text amendment at their March 7, 2013 meeting. There were no public comments regarding this proposed text amendment.

Staff Recommendation: APPROVAL. The proposed text amendment creates a more complete definition of this term.

Commission Discussion: None.

Public Comment: None.

Commissioner Action: IT WAS MOVED BY COMMISSIONER PROKUDA TO RECOMMEND APPROVAL, SECONDED BY COMMISSIONER ANDERSON.

All in favor, motion passed. 5-0

8. OLD BUSINESS:

- a. **Distribution of Livingston County Planning Commission Constitution and Bylaws** – Copies of the signed document will be distributed to the Planning Commission via email and standard mail.
- b. **Livingston County Planning Commission Ordinance** – Copies of the signed document will be distributed to the Planning Commission via email and standard mail.

9. REPORTS:

- a. **Livingston County Permit Guidebook** – will be discussed at the May 2013 LCPC meeting.
- b. **Brown Bag Lunch Series Flyer – April 24 – Hamburg Township Hall** – a copy of the flyer was distributed.

10. COMMISSIONERS HEARD AND CALL TO THE PUBLIC: Commissioner Clum requested that Director Kline-Hudson provide the Commissioners with a review of the National Planning Conference she attended, at the May LCPC meeting.

11. ADJOURNMENT

Commissioner Action: IT WAS MOVED BY COMMISSIONER SPARKS TO ADJOURN THE MEETING AT 9:08 PM, SECONDED BY COMMISSIONER PROKUDA.

All in favor, motion passed. 5-0.

Conway Township Planning Commission Meeting Minutes

April 8, 2013

Agenda	Items Discussed	Actions to be Taken
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Attendees	<ul style="list-style-type: none"> • Public: Herm and Shirley Yost • Board Members present: George Pushies, Larry Parsons, Mike Stock, Dennis Sommer, Londa Horton, Dennis Bowdoin. Absent: Scott Buell 	
Call to Order and Pledge to Flag	Chairperson Dennis Bowdoin called the Conway Township Planning Commission meeting to order at 7:30pm and led in the Pledge of Allegiance. Next meeting is May 13, at 7:30pm	
Minutes from last meeting	Minutes from the March 11, 2013 regular meeting and March 19 joint meeting were reviewed. Larry Parsons made a motion to accept the minutes, second by Dennis Sommer. All in favor, motion passed.	
Call to the Public	<ul style="list-style-type: none"> • Herm Yost asked about the Drain 23 meeting which concerns the drain on Stowe and Allen Roads. There is a special meeting concerning this issue. 	
Communications	<ul style="list-style-type: none"> • Dennis Bowdoin discussed the Robinson Scholarship which is made available to local seniors who need a letter of recommendation and must submit a letter outlining important issues facing government today. 	
Land Divisions	-0-	
Old Business	<ul style="list-style-type: none"> • George Pushies made a motion to approve sending the change from one acre to two acre minimum to the Township Board for approval. Second by Dennis Sommer. All in favor, motion passed. Then George Pushies amended his original motion to add the verbiage "all zoning classifications." Second Dennis Sommer. All in favor, motion passed, one abstained. 	
New Business	<ul style="list-style-type: none"> • Mike Stock asked if the Planning Commission ever reviews past variances submitted in the last five years and checks them against complaints. A discussion regarding the definition of a "shed vs. definition of a building" ensued. The Land Use Permit lists "shed", but it's not in the Zoning Ordinance. 	Dennis Bowdoin to put examining the definition of a building vs. a shed on next months' agenda
Update from the Board	<ul style="list-style-type: none"> • Larry Parsons gave an update on the last Township Board meeting 	
Call to Public	-0-	

Conway Township Planning Commission Meeting Minutes

August 12, 2013

Agenda	Items Discussed	Actions to be Taken
Attendees	<ul style="list-style-type: none"> • Public: Herman Yost, Bob Carusi • Board Members present: George Pushies, Larry Parsons, Dennis Sommer, Londa Horton, Dennis Bowdoin, Scott Buell. Mike Stock absent. 	
Call to Order and Pledge to Flag	<p>Chairperson Dennis Bowdoin called the Conway Township Planning Commission meeting to order at 7:30pm and led in the Pledge of Allegiance.</p> <p>Next meeting is September 9, 2013 at 7:30pm</p>	
Minutes from last meeting	<p>Minutes from the July 8, 2013 regular meeting were reviewed. Scott Buell made a motion to accept the minutes, second by Larry Parsons. All in favor, motion passed.</p>	
Call to the Public	-0-	
Communications	<p>Dennis Bowdoin discussed :</p> <ul style="list-style-type: none"> • St. Johns' judge invalidated their wind turbine regulations which tried to regulate-out the construction of wind turbines. The Conway Township Planning Commission does follow the State and Federal guidelines for wind turbine construction. • From January to June 2013, Genoa Township had 3059 service calls into the Sherriff's office while Conway Township had only 148. These calls do not include calls made to the city police. 	
Land Divisions	<ul style="list-style-type: none"> • -0- 	
Old Business	<ul style="list-style-type: none"> • Discussion on definitions in the zoning ordinance. <i>They need clarification. George Pushies made a motion to table further discussion on the definitions until the Commission receives further clarification from the Board. Second by Scott Buell. All in favor. Motion passed. This is from the June 10, 2013 meeting. On August 12, 2013 no further action has been taken by the Township Board on this item.</i> 	

Conway Township Planning Commission Meeting Minutes

August 12, 2013

Agenda	Items Discussed	Actions to be Taken
New Business	-0-	
Update from the Board	<ul style="list-style-type: none"> Larry Parsons gave an update from the Township Board. 	
Call to Public	<ul style="list-style-type: none"> Herm Yost brought in a contract proposed by the Geo Southern oil and gas lease company to lease his land. Discussion ensued. George Pushies commented that contract agreements can be either for development or non-developmental purposes. He also learned that a house cannot be refinanced with a pending oil or gas lease on it. He believes the company wants to drill by a fault line located within the Township. 	
General Discussion	<ul style="list-style-type: none"> Dennis Sommer brought in an article regarding a wind turbine coming down and self-destructing in Genoa Township. This will end this three year project. Londa Horton brought up the <i>State Journal</i> article regarding the number of meth labs in the area. 	
Adjournment	George Pushies made a motion to adjourn. Larry Parsons second. All in favor. Motion passed. Meeting adjourned at 8:10pm.	

Conway Township joint Planning Commission & Board of Trustee's Meeting
Sept. 17,2013

Attendees: Dennis Bowdoin, Larry Parsons, Mike Stock, George Pushies Scott Buell

George Pushies gave the Planning Commission report to the Board

Mike Stock gave the recreation report

Dennis Sommer was approved by the Board to attend the Citizen Planner classes

Citizen Paul Harmen asked the Board to reconsider the one acre minimum lot size.

Submitted by
Dennis Bowdoin Planning Commission Chair
09/17/13

Conway Township Planning Commission Meeting Minutes

July 8, 2013

Agenda	Items Discussed	Actions to be Taken
Attendees	<ul style="list-style-type: none"> • Public: Herm Yost, Shirley Yost, Bob Carusi, • Board Members present: Dennis Bowdoin, George Pushies, Scott Buell, Mike Stock, Dennis Sommer, Londa Horton. Absent: Larry Parsons 	
Call to Order and Pledge to Flag	<p>Chair, Dennis Bowdoin called the Conway Township Planning Commission meeting to order at 7:30pm and led in the Pledge of Allegiance.</p> <p>Next meeting is August 12, 2013, at 7:30pm</p>	
Minutes from last meeting	<p>Minutes from the Planning Commission June 10 and the Conway Township Board June 18, 2013 meetings were reviewed. Scott Buell made a motion to accept the minutes, second by Londa Horton. All in favor, motion passed.</p>	
Call to the Public	-0-	
Communications	<ul style="list-style-type: none"> • SEMCOG will hold a public hearing on July 18, 2013 at the Green Oak Township office from 4-7pm to discuss improving bike and pedestrian paths. 	
Land Divisions	-0-	
Old Business	<ul style="list-style-type: none"> • At the June 18, 2013 Township Board meeting Dennis Bowdoin requested direction from the Board with regard to how to proceed on zoning ordinance definitions. No response was provided. George Pushies made a motion to table the zoning ordinance definition work until the Planning Commission receives written notification from the Board on how to proceed. Second by Scott Buell. All in favor, motion passed. • Dennis Bowdoin pointed out that at the December 18, 2012 Township Board meeting per the meeting minutes, the mandate was to update the zoning ordinance from two acre to one acre minimum. When asked as to the rationale for turning down the change from two acre to one acre minimum, (after the Planning Commission had already gone through the proper governmental procedures to make the changes), at the June 18, 2013 meeting no response was provided by the Board. 	

Conway Township Planning Commission Meeting Minutes

July 8, 2013

Agenda	Items Discussed	Actions to be Taken
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New Business	-0-	
Update from the Board	Dennis Bowdoin gave an update report from the Township Board.	
Call to Public	-0-	
Adjournment	<p>George Pushies made a motion to adjourn, second by Scott Buell. All in favor, motion passed. Meeting adjourned at 7:53pm.</p> <p>Next meeting is August 12, 2013 at 7:30pm.</p>	

Conway Township joint Planning Commission & Board of Trustee's Meeting
June 18, 2013

Attendees: Dennis Bowdoin, Larry Parsons, Mike Stock, George Pushies

Dennis Bowdoin gave the Planning Commission report to the Board
No response from the board on the request for why the 1 acre from 2 acres was turned down.

No response from the board on the definitions

Mike Stock gave the recreation report

Mike Stock requested the Board give us their reasons for the denial. No response again from the Board

George Pushies requested the from now on when the Board wants the Planning Commission to do something that they take a preliminary vote to make sure that all the Board members are ok with it, the Planning Commission is not wasting their time.
No response from the Board.

Citizen Paul Harmen expressed his disappointment on the Boards decision to turn the one acre change down.

Submitted by
Dennis Bowdoin Planning Commission Chair
06/18/13

Conway Township Planning Commission Meeting Minutes

June 10, 2013

Agenda	Items Discussed	Actions to be Taken
Attendees	<ul style="list-style-type: none"> Public: Paul Harmon, Shirley and Herman Yost, Bob Carusi Board Members present: George Pushies, Larry Parsons, Mike Stock, Dennis Sommer, Londa Horton, Dennis Bowdoin, Scott Buell 	
Call to Order and Pledge to Flag	Chairperson Dennis Bowdoin called the Conway Township Planning Commission meeting to order at 7:30pm and led in the Pledge of Allegiance. Next meeting is July 8, 2013 at 7:30pm	
Minutes from last meeting	Minutes from the May 13, 2013 regular meeting were reviewed. Scott Buell made a motion to accept the minutes, second by Larry Parsons. All in favor, motion passed.	
Call to the Public	Herman Yost brought up the issue of fracking and inquired about the chemicals going in the ground. "What happens to them?" A Commissioner replied that water wells go nowhere to the drilling depth of the wells. He was also told that the company is regulated by the DEQ for the disposal of chemicals used in the fracking.	
Communications	Dennis Bowdoin discussed : <ul style="list-style-type: none"> Livingston County Planning Spring Edition is out and includes items the county is working on. There is a county video to be used for promotion. It also includes more on the Right to Farm Act. What is appropriate to rural farming is different from urban farming. They are looking into this again. 	
Land Divisions	<ul style="list-style-type: none"> Paul Harmon explained the Gary and Nancy Buell land division #01-18-300-009 & 01-18-300-002. George Pushies made a motion to send the land division to the Township Board for approval. Second by Mike Stock. All in Favor. 1 abstain. Motion passed. 	Dennis to take land division to Township Board for approval.
Old Business	<ul style="list-style-type: none"> Discussion on definitions in the zoning ordinance. They need clarification. George Pushies made a motion to table further discussion on the definitions until the Commission receives further clarification from the Board. Second by Scott Buell. All in favor. Motion passed. Discussion on Township Board not passing the change from two acre minimum to one acre. George Pushies made a motion to recommend to the Township Board to reconsider the change request from two acre minimum to one acre and give the Commission their reason for denial so the Planning Commission has some direction as to how to proceed if the Board is still interested in changing. (A reminder that the township council's letter that the two acre minimum is probably not defensible should be considered.) Mike Stock second. All in favor. 4 yeas, 2 nays, and 1 abstain. Motion passed. 	<p>Dennis to seek clarification from Township Board on zoning definitions.</p> <p>Dennis to re-present the 1 acre minimum to Township Board</p>

Conway Township Planning Commission Meeting Minutes

June 10, 2013

Agenda	Items Discussed	Actions to be Taken
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New Business	-0-	
Update from the Board	<ul style="list-style-type: none"> • Larry Parsons gave an update from the Township Board. 	
Call to Public	-0-	
Adjournment	George Pushies made a motion to adjourn. Scott Buell second. All in favor. Motion passed. Meeting adjourned at 8:25pm.	

LAND DIVISION ASSESSOR'S CHECK LIST

1. Parcel Number 4701-18-300-009 & 4701-18-300-002
 2. Owner of record Gary Buell
 3. Parent Parcel Number 4701-18-300-009 & 4701-18-300-002
 4. Owner as of 3-31-1997 Gary Buell
 5. Parent Parcel Acreage 56
 6. Current Parcel Acreage 56
 7. Divisions available as of 3-31-1997 8
 8. Previous Divisions Taken 0
 9. Divisions Available 8
 10. Divisions Requested 1
 11. Assessor's Plat Showing All Parent Parcel (s) _____
 12. All Previous Divisions of Parent Parcel Made After 3-31-1997
0
 13. Divisions Approved 1
- Signed Karen A. Page Date 05/29/2013
Conway Township Assessor

April 26, 2013

To Whom It May Concern:

We Gary Buell and Nancy Buell authorize Paul Harmon of Harmon Real Estate to represent us in the splitting of our property located at 4958 Herrington Road.

Should have any questions please contact us at 517-468-3861.

Sincerely,

Gary L. Buell *Nancy Buell*

CONWAY TOWNSHIP

8015 N Fowlerville Road

PO Box 1157

Fowlerville MI 48836

Phone 517-223-0358

Fax 517-223-0533

PARCEL DIVISION APPLICATION

Please answer all questions and include all attachments.
Bring or mail to Conway Township at the above address. Must arrive 14 calendar days prior to the next scheduled Planning Committee meeting.

Approval of a division of land is required before it is sold, when a new parcel is less than 40 acres and not just a property line adjustment (Sec 102 e & f)

This form is designed to comply with Sec. 108 and 109 of the Michigan Land Division Act (formerly the subdivision control act P.A. 288 of 1967 as amended particularly by P.A. 591 and P.A. 87 of 1997, MCL 560.101 et seq)

(Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.)

1. LOCATION of PARENT to be split: Address: 4958 Road Name Herrington Road.

PARENT PARCEL IDENTIFICATION NUMBER: 01-18-300-009 & 01-18-300-002

Parent Parcel Legal Description (DESCRIBE OR ATTACH) Attached

2. PROPERTY OWNER INFORMATION:

Name: GARY & NANCY BULL Address: 4958 HERRINGTON

Phone: (517) 468-3861 Zip code: 48892

3. PROPOSED DIVISION(S) TO INCLUDE THE FOLLOWING:

- A. Number of new Parcels 2
- B. Intended use (Residential, Commercial, etc.) Res for Parcel A & Agriculture for Parcel B
- C. Each proposed parcel has depth to width ration of 4 to 1 or to as provided by ordinance.
- D. Each parcel has a width of 150 (not less than required by ordinance)
- E. Each parcel has an area of 87,120 (not less than required by ordinance)
- F. The division of each parcel provided access as follows: (Check one)
 - Each new division has frontage on an existing public road. Road Name Herrington & Bell Oak
 - A new shared driveway with attached maintenance agreement
 - A new private road with attached maintenance agreement. Proposed Road Name

G. Describe or attach a legal description of proposed new road, easement or shared driveway: _____

H. Describe or attach a legal description for each proposed new parcel. _____
See attached

4. FUTURE DIVISIONS being transferred from the parent parcel to another parcel.
Indicate number transferred *to Parcel B i.e. remainder parcel*

(See section 109(2) of the Statute. Make sure your deed includes both statements as required in 109(3 & 4) of the Statute.)

5. DEVELOPMENT SITE LIMITS (Check each which represents a condition which exists on the parent parcel:
____ Waterfront Property (river, lake, pond, etc.) Includes wetlands
____ Is within a flood plain _____ Includes a beach
____ Is a muck soils or soils known to have severe limitation for a site sewage system.

6. ATTACHMENTS: All the following attachments **MUST** be included. Letter each attachment as shown:
A. A scale drawing-not smaller than 1" to 100' for the proposed division(s) of the parent parcel showing:

1. Current boundaries (as of March 31, 1997), and
2. All previous divisions made after March 31, 1997 (indicated when made or none), and
3. The proposed division(s) and
4. Dimensions of the proposed divisions, and
5. Existing and proposed road/easement right-of-way(s), and
6. Easements for public utilities from each parcel that is a development site to existing public utility facilities, and
7. Any existing improvements (buildings, wells, septic systems, driveways, etc.) and
8. Any of the feature checked in question number 5.

B. Indication of approval, or permit from the appropriate county road commission, Michigan Department of Transportation.
Or respective city/village street administrator, that a proposed easement provides vehicular Access to an existing Road or street meets applicable locations standards.

- C. A copy of any reserved division rights (Sec. 109(2) of the act) in the parent parcel.
- D. A current paid Tax Bill. (LAND DIVISION WILL NOT HAPPEN UNTIL ALL TAXES ARE PAID ON PARENT PARCEL)
- E. A signed statement from the Township Assessor that the resulting parcels can be given a SID number.

7. IMPROVEMENTS- Describe any existing improvements (buildings, well, septic, etc., which are on the parent parcel or indicate none.)

8. ACKNOWLEDGEMENT – The undersigned acknowledges that any approval of the within application is not a determination that the resulting parcels comply with other applicable ordinances, rules or regulations which may control the use or development of the parcels. It is also understood that ordinances, laws and regulations are subject to change and that any approved parcel division is subject to such changes that may occur before the recording of the division or the development of the parcel(s). The division should be recorded with the Liber and Page number on the survey.

Property Owner's Signature Paul J. Brown, agent Date: 5/28/13

Co-Owner's Signature _____ Date: _____

For office use only:

Signature: _____ Application Completed Date: _____

Approval Date: _____

Denial Date: _____ Reason for denial: _____

Or please see attached for explanation of denial.



LIVINGSTON COUNTY ROAD COMMISSION
LAND SPLIT / SIGHT DISTANCE REVIEW

****NOTE: THIS IS NOT A
DRIVEWAY PERMIT.****

Review Number 1303-001

Property Owner and Applicant Information

Owner: Gary & Nancy Buell
Street Address: 4958 Herrington Road
City, State, ZIP: Webberville, MI 48892
Day Phone: (517) 488-3861
Applicant: Company:
Phone:

Location

Township: Conway Section: 18
Development: Residential
Approach Type: Residential
Speed Limit (if posted): 45
Speed Factors (if any): Unposted Gravel

Roadway On: Bell Oak

Side of Street: North

Field Measurements

Location of existing property corners from nearest crossroad: 0 and 1100 feet East of Herrington

Parcel	Property/ Easement Corners	Access Point(s)	Sight Distance Req. Std	Min	Sight Distance Measured	Sight Distance Comply	Clear Vision Comply	Neighbor Consent Required	Approve
Remainder Parcel	557 1100	1050	500	375	500 East 500 West	Yes	Yes	No	Yes

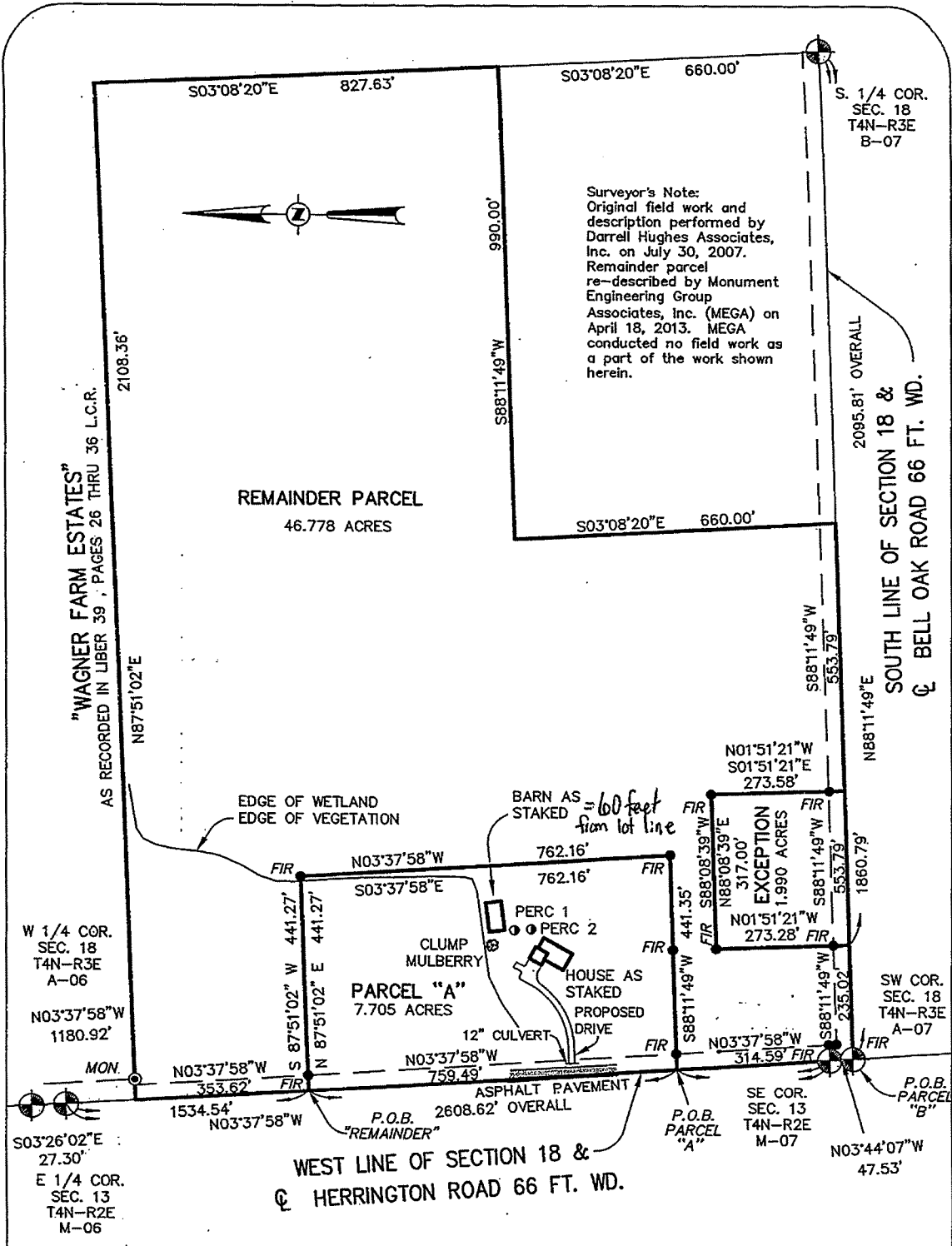
Comments:

A residential driveway approach could be permitted 1050 ft. east of Herrington Road. See the LCRC driveway specifications for further requirements.

Inspection Date: 4/18/2013

Inspector:

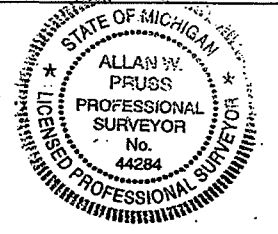
Kim Hillier
Kim Hillier



[Signature]
 REGISTERED LAND SURVEYOR No. 44284

I HEREBY CERTIFY that I have surveyed and mapped the land above plotted and/or described on _____, and that all of the requirements of P.A. 132, 1970, as amended, have been complied with, and that the ratio of closure on the unadjusted field observations of such survey was no greater than 1 in 10,000.

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MEGA
Monument Engineering Group Associates, Inc.

638 SOUTH GRAND AVE.
 FOWLERVILLE,
 MICHIGAN 48836
 (OFFICE) 517-223-3512
 (FAX) 517-223-9987

CLIENT:
BUELL

SW 1/4 SEC. 18 T4N, R3E, CONWAY TWP

(M) - Measured Dist. (R) - Recorded Dist.

⊙ MON - Found Concrete Monument

● FIR/P - Found Iron Rod/Pipe

○ SIR - Set Iron Rod

△ MAG - Set Magnetic Nail

P.O.B./E. - Point of Beginning/Ending

⊙ - Soil Evaluation Dig

--* - Fence

Surveyor's Note:

Original field work and description performed by Darrell Hughes Associates, Inc. on July 30, 2007. Remainder parcel re-described by Monument Engineering Group Associates, Inc. (MEGA) on April 18, 2013. MEGA conducted no field work as a part of the work shown herein.

Legal Description

PARCEL "A"

A parcel of land in the Southwest Fractional 1/4 of Section 18, Town 4 North, Range 3 East, Conway Township, Livingston County, State of Michigan, more particularly described as beginning at a point on the West line of Section 18 and the center line of Herrington Road; said point being distant the following two courses, from the Southwest corner of Section 18: North 03 degrees 44 minutes 07 seconds West 47.53 feet, along the West line of Section 18 and the center line of Herrington Road, to the Southeast corner of Section 13, Town 4 North, Range 2 East; thence North 03 degrees 37 minutes 58 seconds West 314.59 feet, along the West line of Section 18 and the center line of Herrington Road, to the point of beginning; proceeding thence, from said point of beginning, North 03 degrees 37 minutes 58 seconds West 759.49 feet, along the West line of Section 18 and the center line of Herrington Road; thence North 87 degrees 51 minutes 02 seconds East 441.27 feet; thence South 03 degrees 37 minutes 58 seconds East 762.16 feet; thence South 88 degrees 11 minutes 49 seconds West 441.35 feet, parallel with the South line of Section 18, to the point of beginning, containing 7.705 acres. Subject to the rights of the public over that part used for Herrington Road.

REMAINDER PARCEL

A parcel of land in the Southwest Fractional 1/4 of Section 18, Town 4 North, Range 3 East, Conway Township, Livingston County, State of Michigan, more particularly described as beginning at a point on the West line of Section 18 and the center line of Herrington Road; said point being distant the following two courses, from the Southwest corner of Section 18: North 03 degrees 44 minutes 07 seconds West 47.53 feet, along the West line of Section 18 and the center line of Herrington Road, to the Southeast corner of Section 13, Town 4 North, Range 2 East; thence North 03 degrees 37 minutes 58 seconds West 1074.08 feet, along the West line of Section 18 and the center line of Herrington Road, to the point of beginning; proceeding thence, from said point of beginning, North 03 degrees 37 minutes 58 seconds West 353.62 feet, along the West line of Section 18 and the center line of Herrington Road; thence North 87 degrees 51 minutes 02 seconds East 2108.36 feet (recorded as 2108.40 feet), along the South line of "WAGNER FARM ESTATES", a subdivision as recorded in Liber 39 of Plats, Pages 26-36; Livingston County Records; thence South 03 degrees 08 minutes 20 seconds East 827.63 feet, along the North and South 1/4 line of Section 18; thence South 88 degrees 11 minutes 49 seconds West 990.00 feet; thence South 03 degrees 08 minutes 20 seconds East 660.00 feet; thence South 88 degrees 11 minutes 49 seconds West 553.79 feet, along the South line of Section 18 and the center line of Bell Oak Road; thence North 01 degrees 51 minutes 21 seconds West 273.58 feet (recorded as North 00 degrees 13 minutes 02 seconds West 275.00 feet); thence South 88 degrees 08 minutes 39 seconds West 317.00 feet (recorded as South 89 degrees 46 minutes 58 seconds West 317.00 feet); thence South 01 degrees 51 minutes 21 seconds 273.28 feet to the South line of said Section 18; thence along the south line of Section 18 South 88 degrees 11 minutes 49 seconds West 235.02 feet to the Southwest corner of said Section 18; thence along the West line of said Section 18, North 03 degrees 44 minutes 07 seconds West 47.53 feet to the Southeast corner of Section 13, Town 4 North, Range 2 East; thence North 03 degrees 37 minutes 58 seconds West 314.59 feet, along the West line of Section 18 and the center line of Herrington Road; thence North 88 degrees 11 seconds 49 minutes East 441.35 feet; thence North 03 degrees 37 minutes 58 seconds West 726.16 feet; thence South 87 degrees 51 minutes 02 seconds West 441.27 feet to the point of beginning and the West line of said Section 18, containing 46.778 acres. Subject to the rights of the public over that part used for Herrington Road and over that part used for Bell Oak Road.

The above description assumes that the parcel as identified as 47-01-18-300-009 has been abolished.

Date: July 30, 2007

Job No. 27211

[Signature]
REGISTERED LAND SURVEYOR No. 44284

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638 SOUTH GRAND AVE.
FOWLerville,
MICHIGAN 48836
(OFFICE) 517-223-3512
(FAX) 517-223-9987

CLIENT:	BUELL
SW 1/4 SEC. 18, T4N, R3E, CONWAY TWP	
(M) - Measured Dist. (R) - Recorded Dist.	
● MON - Found Concrete Monument	
● FIR/P - Found Iron Rod/Pipe	
○ SIR - Set Iron Rod	
▲ MAG - Set Magnetic Nail	
P.O.B./E - Point of Beginning/Ending	
● - Soil Evaluation Dig	
* * * - Fence	

DATE: 07-30-07	DR. BY: AWP	CHK: AP
SCALE: N/A	SHEET: 2 of 3	FILE 27211 MEGA 041813 A
		JOB No. 27211

Surveyor's Note:

Original field work and description performed by Darrell Hughes Associates, Inc. on July 30, 2007. Remainder parcel re-described by Monument Engineering Group Associates, Inc. (MEGA) on April 18, 2013. MEGA conducted no field work as a part of the work shown herein.

BEARING REFERENCE

"WAGNER FARM ESTATES", a subdivision as recorded in Liber 39 of Plats, Pages 26-36, Livingston County Records.

CERTIFIED LAND SURVEY REFERENCE

A survey by Fred White Engineering Company, Inc., Lansing, Michigan, Job No. 920507, Dated 06-03-1992.

PARENT PARCEL IDENTIFICATION NUMBERS

47-01-18-300-002 and 47-01-18-300-009

WEST 1/4 CORNER OF SECTION 18, T4N, R3E, A-06

Found 1-1/4" pipe affixed with 3" diameter brass cap stamped "Livingston Co. Monumentation Corner P. S. 35999" in position as recorded in LCRC # 1946M, Livingston County Records.

SOUTHEAST CORNER OF SECTION 13, T4N, R2E, M-07

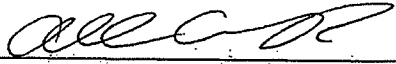
Found 3/4" steel bar affixed with 2-1/2" aluminum cap stamped "Ingham County PA 345, PS 25837" in position as recorded in LCRC, Liber 10, Page 176, Ingham County Records.

SOUTHWEST CORNER OF SECTION 18, T4N, T3E, A-07

Found 1-1/4" pipe affixed with 3" diameter brass cap stamped "Livingston Co. Monumentation Corner P. S. 35999" in position as recorded in LCRC # 1947M, Livingston County Records.

SOUTH 1/4 CORNER OF SECTION 18, T4N, R3E, B-07

Found 1-1/4" pipe affixed with 3" diameter brass cap stamped "Livingston Co. Monumentation Corner P. S. 35999" in position as recorded in LCRC # 1955M, Livingston County Records.



REGISTERED LAND SURVEYOR No. 44284

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ENGINEERS · SURVEYORS · CONSULTANTS · LANDSCAPE ARCHITECTS · LAND PLANNERS



638 SOUTH GRAND AVE.
FOWLERVILLE,
MICHIGAN 48836
(OFFICE) 517-223-3512
(FAX) 517-223-9987

CLIENT:

BUELL

SW 1/4 SEC. 18, T4N, R3E, CONWAY TWP

- (M) - Measured Dist. (R) - Recorded Dist.
- ⊙ MON - Found Concrete Monument
- FIR/P - Found Iron Rod/Pipe
- SIR - Set Iron Rod
- △ MAG - Set Magnetic Nail
- P.O.B./E - Point of Beginning/Ending
- - Soil Evaluation Dig
- * * * - Fence

DATE: 07-30-07

DR. BY: AWP

CHK: AP


SCALE: N/A

SHEET: 3 of 3

FILE : 27211 MEGA 041813 A

JOB No. 27211




 Livingston County, Michigan
 Information Technology Department
 G.I.S. Division
 304 E. Grand River Ave., Howell, MI 48843
 517.548.3230
 co.livingston.mi.us or livingstonlive.org

Feet
 180 90 0 180 360

Parcel Map with 2010 Aerial Photo

MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and uses the most recent, accurate sources available to the people of Livingston County. Boundary measurements and area calculations are approximate and should not be construed as survey measurements.



Conway Township Planning Commission Meeting Minutes

May 13, 2013

Agenda	Items Discussed	Actions to be Taken
Attendees	<ul style="list-style-type: none"> • Public: Jim Keyes, Cindy Denby, Mary Helfmann, Shirley Yost • Board Members present: George Pushies, Larry Parsons, Mike Stock, Dennis Sommer, Londa Horton, Dennis Bowdoin, Scott Buell 	
Call to Order and Pledge to Flag	<p>Chairperson Dennis Bowdoin called the Conway Township Planning Commission meeting to order at 7:30pm and led in the Pledge of Allegiance.</p> <p>Next meeting is June 10, 2013 at 7:30pm</p>	
Minutes from last meeting	<p>Minutes from the April 8, 2013 regular meeting were reviewed. Dennis Sommer made a motion to accept the minutes, second by Scott Buell. All in favor, motion passed.</p>	
Call to the Public	-0-	
Communications	<p>Dennis Bowdoin discussed :</p> <ul style="list-style-type: none"> • 2013 Citizen Planner Advanced Academy. If interested get request into the Township Board ASAP. • June 8 and 9 is Marion Township's Heritage Days complete with a consignment auction on June 8. • June 5 is the Brown Bag luncheon in Brighton on 'Green Infrastructure.' This will be a two hour luncheon. 	
Land Divisions	-0-	
Old Business	<ul style="list-style-type: none"> • Livingston County Planning Commission approved the change in the Conway Township two acre minimum to a one acre minimum in the Zoning and Master Plans on April 17, 2013. George Pushies made a motion to recommend to the Township Board to change the two acre minimum to one acre minimum. Second by Scott Buell. Motion passed. One abstain. A draft of the changes will be provided to the Township Board until they approve it. 	<p>Dennis Bowdoin to provide draft of change to Zoning and Master Plans to Board.</p>

Conway Township Planning Commission Meeting Minutes

May 13, 2013

Agenda	Items Discussed	Actions to be Taken
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New Business	<p><u>Drilling and Fracking Lease Offer</u></p> <ul style="list-style-type: none"> • Halcyon Resource Inc. representative, Jim Keyes, approached the Commission with a request to lease the Conway Township land including the cemeteries for gas/oil drilling and fracking rights. Residents including many farmers in Conway Township originally signed lease agreements with Liverpool Production Company. Those leases were then sold to GeoSouthern Energy Corporation which now intends to drill exploratory wells in Section 23, the Jack and Lucille Sherwood property (N.E. corner) as well as the Maurice and Wilma Kingsley property. • Wells will be approximately 4500 feet deep with a horizontal leg (frack) of over 4000 feet. If successful, then more drilling will take place. • According to Jim Keyes, the law indicates that drilling can commence once the company has acquired sixteen forty acre plots which is the equivalent of 640 acres of land. They must have 100% of all acreage leased or spoken for. • The drilling will produce salt brine. When asked if this could be used on the roads, Mr. Keyes was not sure. • The company can drill one mile horizontally. • They want to begin this summer or fall. • The problem created with fracking in PA as explained by Mr. Keyes was faulty casings. • Since lease agreements are outside the duties of the Planning Commission, Jim Keyes was advised to get on the agenda for the next Conway Township Board meeting. <p>**Note that Dennis Bowdoin did not authorize the Township attorney's opinion.</p>	
Update from Legislator Cindy Denby	<ul style="list-style-type: none"> • The State of Michigan budgets are to be done by end of this month. • There is much controversy over how to pay for road improvement projects whether through increased taxes or a hike in the gasoline tax. • Residents of the State of Michigan can expect a slight increase in the per pupil educational allotment for next year, the foundational allowance. 	
Update from the Board	<ul style="list-style-type: none"> • Dennis Bowdoin gave an update from the Township Board. 	
Call to Public	-0-	

Conway Township Planning Commission Meeting Minutes

May 13, 2013

Agenda	Items Discussed	Actions to be Taken
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General Discussion	<ul style="list-style-type: none"> • Dennis Sommer attended the last Brown Bag luncheon on farm energy audits. Farm electricity is grandfathered-in and does not have to be up to current code. 	
Adjournment	<ul style="list-style-type: none"> • George Pushies moved to adjourn, second by Dennis Sommer. All in favor. Motion passed. Meeting adjourned at 9:00 pm. 	

COOPER & RIESTERER, PLC

Attorneys at Law

Catherine A. Riesterer
cathy@crlaw.biz
Abby H. Cooper
abby@crlaw.biz
Robert R. Burke
robert@crlaw.biz

Westgate Office Center
7960 Grand River Road, Suite 270
Brighton, MI 48114-7332

Dale E. Cooper – of Counsel
dale@crlaw.biz

Telephone (810) 227-3103
Facsimile (810) 220-5968
Website: crlaw.biz

May 10, 2013

VIA EMAIL

Conway Township Board
c/o Michael Rife
8015 N. Fowlerville Road
P.O. Box 1157
Fowlerville, MI 48836-1157

VIA EMAIL

Conway Township Planning Commission
c/o Dennis Bowdoin
8015 N. Fowlerville Road
P.O. Box 1157
Fowlerville, MI 48836-1157

Re: Oil & Gas Development on Township Property--Cemeteries

Dear Board Members & Commission Members:

We have been asked to provide information to the Planning Commission and Board regarding the development of oil and gas interests on real property owned by Conway Township. Specifically, it is my understanding that Halcyon Resources, Inc. is seeking development of oil and gas rights by means of drilling/fracking in Conway Township. It appears a large percentage of the surrounding property owners have entered into lease agreements with Halcyon Resources regarding their mineral rights, or intend to do so. Halcyon Resources has indicated to the Township that, if necessary, it is prepared to move forward with court action or request State action from the MDEQ in order to secure the rights to drill for oil and gas beneath cemetery property owned by the Township. The Township wants to understand what its abilities are to oppose such action, if any, and what are the rights/responsibilities of the parties.

Applicable Law

The development of oil and gas in Michigan is regulated under the Supervisor of Wells Act, part of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.61501 *et seq.* Section 61501 contains the primary statutory provisions regulating oil and gas exploration and production. Through this Section, and the associated administrative regulations,¹ Halcyon Resources has the ability to request the State issue an Order for Compulsory Pooling in its favor if enough property owners agree. The Supervisor of Wells may establish drilling units and compulsorily pooling of mineral

¹ R 324.101 *et seq.*

COOPER & RIESTERER, PLC

May 10, 2013

Page 2

interests within these units. *See* MCL 324.61513(2)(4) and R324.304.² This allows for equitable and efficient development of oil and gas, while preventing the drilling of unnecessary wells. The formation of these drilling units by compulsory pooling can only be effectuated after an evidentiary hearing pursuant to R324.302 and R324.304.

Townships are preempted by Michigan's Zoning Enabling Act from regulating the drilling, completion, operation, abandonment and location of oil and gas wells and other wells associated with oil and gas exploration. Regulatory authority for oil and gas wells is within the authority granted to the MDEQ, and consequently, the Township's options to prevent the current action are rather limited

This area of the law can be complicated, and there are details that members may want to consider as the present matter moves forward. I've attached a supplemental analysis of the legal background relating to this issue.

Township's Options

The options for the Township regarding the current request are as follows:

- (1) voluntarily negotiate a lease with Halcyon Resources with terms favorable to the Township;
- (2) require that Halcyon Resources request a Supervisor's Compulsory Pooling Order from the MDEQ and appear accordingly in opposition within those proceedings;
- (3) do nothing and become part of the compulsory pool by means of the Compulsory Pooling Order issued by the MDEQ; or
- (4) file for injunctive and declaratory relief based on a claim that drilling for gas or oil within cemetery boundaries is in violation of local ordinances and will cause damage to other resources, the environment, public health and safety and result in very serious consequences.

Because the applicable policy so significantly favors pooling of drilling interests, it is unlikely that the Township would ultimately prevail in any court action. Our recommendation, therefore, is for the Township to focus its efforts and resources on negotiating a favorable lease with Halcyon Resources. Such favorable lease terms may include greater compensation than allowed by statute (see attached) or

² R 324.304 specifically states: "the Supervisor of Wells Act may require the pooling of tracts or mineral interests within a drilling unit when the owners of the tracts or mineral interests have not agreed, or do not agree, upon the pooling of the interests to form full drilling units pursuant to these rules and the applicable spacing orders. The compulsory pooling shall be done on a basis which ensures that each owner of an interest within a drilling unit is afforded the opportunity to receive his or her just and equitable share of the production from the unit. Compulsory pooling shall be adopted by the supervisor only after a hearing pursuant to part 12 of these rules."

COOPER & RIESTERER, PLC

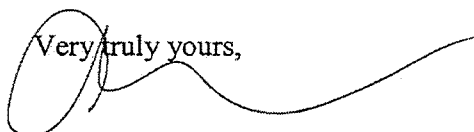
May 10, 2013

Page 3

no surface drilling within a certain distance from the cemetery. Should any proposed lease be brought to the Township for formal consideration, please let me know and I can give specific feedback regarding any particular terms. In the context of leasing the interests, it should be confirmed that the Township has retained the mineral rights for the properties in question and has not otherwise leased it or conveyed it to any other entity. Compulsory pooling is also an option if no resolution or negotiation of a lease comes to fruition which meets the environmental and community goals of the Township. Under a Compulsory Pooling Order, there is no obligation under a lease agreement and there are no development or surface activities on the land because the mineral harvesting must occur underground by means of directional wells.

Please let me know if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Abby Cooper', with a long, sweeping horizontal line extending to the right.

Abby Cooper

Attachments

Cc: Cindy Dickerson, Clerk via email

Supplemental Legal Analysis re Oil & Gas--Conway Township

Developers initially drilled as many wells as possible on properties owned or leased when searching for natural gas or oil in Michigan. This resulted in unnecessary wells and waste of oil and gas resources. In response, Michigan enacted Part 615 of the Natural Resources and Environmental Protection Act, which designates the Director of the Department of Environmental Quality as the Supervisor of Wells. It charges the DEQ with providing for the orderly and efficient development of Michigan's oil and gas resources, while at the same time preventing damage to other resources, namely the environment and public health and safety.

1. Background

Michigan common law dictates that the surface owner of the land owns oil, gas, and minerals in place beneath his or her land, and the minerals are part of the realty until they are severed. *Manufacturers Nat'l Bank v Director of Dep't of Natural Resources*, 420 Mich 128; 362 NW2d 572 (1984). Subsurface minerals, which include oil and gas, are property interest that can be owned, severed, and transferred separate from the ownership of the surface estate. *Southwestern Oil Co v Wolverine Gas and Oil Co, Inc*, 181 Mich App 589; 450 NW2d 1 (1989). Oil and gas, unlike other minerals, do not remain constantly in place in the ground, but may migrate across property lines. *Wronski v Sun Oil Co*, 89 Mich App 11, 21; 279 NW2d 564 (1979). As such, Michigan adheres to the ownership-in-place theory with regard to oil and gas. "The nature of the interest of the landowner in oil and gas contained in his land is the same as his interest in solid minerals and as a consequence the owner of land is also the owner of the oil and gas in or beneath it." *Id.* However, the "rule of capture" allows a mineral owner or its lessee to produce oil and gas under lease even if some of the produced oil or gas migrates from under adjoining lands. To prevent inequity therein, Michigan recognizes a principle call the "fair-share principle," which modifies the "rule of capture" to provide each owner with the reasonable opportunity to recover oil and gas in a common pool. Accordingly, the owner of the mineral interest may lease the interest for exploration and development to an oil and gas company.

Under an oil and gas lease, a lessee can acquire the right to use and occupy that portion of the surface of the land that is needed for the exploration of oil and gas. *VanAlstine v Swanson*, 164 Mich App 396; 417 NW2d 516 (1987). The Supervisor of Wells Act specifically prohibits waste in the exploration and development of minerals and requires a person to obtain a permit to drill any well for oil or gas, to conduct secondary recovery operations, and to dispose of salt water, brine, or other oilfield waste produced in association with oil and gas operations. The Act also prohibits the issuance of a permit to a

person who has not complied with or is in violation of the Act or any of the rules, requirements or orders issued or promulgated by the Supervisor of Wells or the DEQ. *See* MCL 324.61525(1).¹

2. *Powers to regulate through zoning.*

Townships do not have much power to regulate oil and gas development through zoning. Moreover, townships do not have jurisdiction over issuance of permits for the location, drilling, completion, operation, or abandonment of those wells. *Dart Energy Corp v Iosco Twp*, 206 Mich App 311; 520 NW2d 652 (1994). There are two (2) types of activities which occur regarding oil and gas: (1) exploration and drilling that occur at the well; and (2) the processing and refining that happen at other locations. Townships are pre-empted by Michigan's Zoning Enabling Act from regulating the drilling, completion, operation, abandonment and location of oil and gas wells and other wells associated with oil and gas exploration unless very serious consequences would result from the extraction of those resources. *See* MCL125.3205. Where a zoning ordinance attempts to prohibit or limit the extraction of valuable mineral resources, an ordinance is presumed to be reasonable and the burden is on the party challenging the ordinance to overcome this presumption by demonstrating that there is no reasonable governmental interest being advanced. *Kyser v Kasson Twp*, 486 Mich 514 (2010)(No. 136680, issued July 15, 2010). *Kyser* overturned the court of appeals decision that held that the ordinance is invalid if the party challenging the prohibition can show that "no very serious consequences" would result from extraction of those resources. *Kyser v Kasson Twp*, 278 Mich App 743; 755 NW2d 190 (2008). Application of the "no very serious consequences" test now requires inquiry into three criteria: (1) whether the mineral proposed to be extracted is valuable, (2) the degree of public interest in the minerals to be extracted; and (3) the nature and severity of the consequences that are likely to result from the removal operations. *Kyser v Kasson Twp*, 486 Mich 514 (2010)(No. 136680, issued July 15, 2010). A person challenging the zoning decision has the initial burden of showing there are valuable natural resources located on the relevant property, the degree of public interest and the severity of any consequences. *Kyser* did not involve the production of oil and gas, but rather gravel situated on a private residents property. To the extent that *Kyser* is applicable to an oil and gas issue regarding a cemetery may in-fact be limited.

3. *Compulsory Pooling Hearing*

¹ The Michigan Court of Appeals has also held that ultimately the denial of a permit to drill an oil and gas well is a regulatory taking. *Miller Bros v Dep't of Natural Resources*, 203 Mich App 674; 513 NW2d 217 (1994). In *Miller Bros*, the Department denied the mineral lessee a permit to conduct gas and oil development activities in a dunes area. The lessee brought suit stating that the denial of the drilling permit was a taking of its mineral rights. The State of Michigan argued that even if a taking occurred, the lessee was not entitled to compensation since mineral development within the dunes area could have been enjoined under nuisance law. *Id.* at 62. The court rejected the nuisance argument and found a taking had occurred, holding that the limited detrimental effect on the surface property was not sufficient damage to deny the permit.

If Halcyon Resources is unable to obtain the agreement of all mineral owners to gain full control of the proposed unit it may not produce a well on the drilling until it first obtains all the oil and gas interests.² In order to do so, Halcyon Resources can request a Compulsory Pooling Order from Supervisor. Under the Well Act, the Supervisor is required to schedule an evidentiary hearing pursuant to R 324.1205(1)(c) wherein direct evidence will be presented in the form of verified statements and possibly testimony.³ Before requesting a hearing, Halcyon Resources must first seek voluntary pooling of mineral interests within a proposed drilling unit before attempting to obtain a compulsory pooling. As stated above, a mineral owner who does not agree to voluntary pooling may be subject to compulsory pooling under R324.304.

4. Compulsory Pooling

Pooling is the combining of all oil and gas interests in a drilling unit. Voluntary pooling can be accomplished either through execution of a pooling agreement and pursuant to the terms of oil and gas leases that are acquired from the owners of the oil and gas. R 324.303 governs the voluntary pooling of separate tracts or mineral interests to form a full drilling unit or multiples of full drilling units, and to develop the units. If Conway Township refuses to lease its interest, then Halcyon Resources can ask the Supervisor of Wells for a hearing, where it will request a pooling of the properties as noted above.⁴ Compulsory pooling uses the state police power to combine separately-owned interests within a designated spacing. Specifically, MCL 324.61513(4) permits pooling, the combining of oil and gas interests in a drilling unit or larger area. As there may be numerous separate owners of oil and gas within the boundaries of a proposed drilling unit, it may be necessary to have the owners of those interests pool their interests to allow an operator to form a complete drilling unit that conforms to the applicable drilling unit requirement. A compulsory pooling plan is implemented after the hearing. The Compulsory Pooling Order issued by the Supervisor should allow the pooled owner to choose to pay in advance the owner's share of costs of the well, or to have those costs deducted from the owner's revenues. If deducted, the pooled mineral owner will receive 1/8 of the owner's revenue share as a cost-free royalty. The cost of

² There appears to be no case law or statute dictating a specific percentage of property that has to be leased before compulsory pooling can be requested, but arguably the required number is more than 50%.

³ The Supervisor of Wells may not require the pooling of state-owned properties or parts of properties if the state provides for the orderly development of state-owned hydrocarbon resources through an oil and gas leasing program and the Supervisor determines the owner of each tract within the drilling unit is afforded the opportunity to recover and receive the owner's just and equitable share of the hydrocarbon resources in the pool. MCL 324.61513a.

⁴ MCL 319.101 *et seq.* provides an alternative way to combine separately owned mineral interests in that the holder of a majority of the title holders to the land or to the oil and gas rights in such lands to file a circuit court action to combine unleased interests in order to explore and develop oil and gas resources.

drilling and production of a well will be deducted from the remaining 7/8 interest if the well is successful. See R324.304 and R 324.1206(4)(5).

5. Doing the math.

A mineral owner will be subject to the same provisions for revenue sharing and choices for participation in costs as a developer, except that he or she will receive 1/8 of his or her revenue share as a cost-free royalty. The costs of drilling and production are deducted from the remaining 7/8 interest. A Compulsory Pooling Order may pool the interests of such an owner, but does not impose costs or affect on his or her royalties. However, the Compulsory Pooling Order **may** include two (2) options for the un-leased mineral owner: (1) elect to become an investor in the well (*working interest owner*) and pay a sum which the Order stipulates as the up-front investment required to drill, equip and complete the well; or (2) elect to be carried by the company.⁵ The un-leased landowner can be treated like a *working interest owner* as noted above. A *working interest owner* is a partial owner of the well. Under compulsory pooling, because the company is paying all of the costs to drill and develop the well, and they have the risk of a dry hole, the mineral owner is assessed a penalty. So in addition to the actual costs, it may add 300% of the costs of drilling, 200% of the costs of completing, and 100% of the costs of equipping. These costs come out of the 7/8 stream of income the owner would have gotten as a *working interest owner*. After the well is paid for, the pooled mineral owner receives the 1/8 cost free royalty, plus their proportionate share of the income and expense based on their ownership in the well. So if it takes 10 years of cash flow to reimburse the development company and pay for the drilling, development, equipping and penalty, in year 11 the mineral owner receives the 1/8 plus their share of *the working interest*. Because the mineral owner can eventually receive a royalty plus the working interest income, if the well is a good producer and long lasting, the compulsory pooled mineral owner could earn more than the standard 1/8 royalty.

A. Let's say the un-leased mineral owner owns 40 of the 80 acres needed for a well and owns 100% of the mineral rights on his 40 acres. The cost to drill, equip and complete well is \$400,000. The mineral owner has 40 acres (which represents 50%) of the 80 acres needed for the drilling permit and his share of drilling costs are \$200,000. Say revenue is \$10,000 per month. The un-leased mineral owner receives a 1/8 cost free royalty. $\$10,000 \times .125 = \$1,280 \times 50\% = \$640$ royalty to un-leased landowner and $\$10,000 - \$1280 = \$8,720$ to the oil and gas production company (7/8).

⁵ It will likely be a non-development order and will not establish any right for the operator to operate on surface lands or to place a well site, tanks, roads, etc.

B. Let's say the owner had been a *working interest owner* and had 50% ownership, the revenue would be: $\$8,720 \times 50\% = \$4,360$. The compulsory pooled working interest owner must pay a 200% penalty for drilling, equipping, etc. = $\$200,000 + \$200,000 \times 2 = \$600,000$. The \$600,000 is paid off over time, so it takes $\$600,000/\$4,360/\text{month}/12$ to pay off the drilling penalty. After the well is paid off, the owner gets the 1/8 (\$640) + \$4,360. Once the penalty is paid, if the well is still producing, the subsequent revenue and total value to the landowner may be more than had the landowner received the initial 1/8th royalty.⁶

Research by:
Robert R. Burke
Cooper & Riesterer, PLC

⁶ There still remains the chance the well be non-producing and the working ownership interest a loss.

Conway Township Planning Commission Meeting Minutes

April 8, 2013

Agenda	Items Discussed	Actions to be Taken
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Attendees	<ul style="list-style-type: none"> • Public: Herm and Shirley Yost • Board Members present: George Pushies, Larry Parsons, Mike Stock, Dennis Sommer, Londa Horton, Dennis Bowdoin. Absent: Scott Buell 	
Call to Order and Pledge to Flag	Chairperson Dennis Bowdoin called the Conway Township Planning Commission meeting to order at 7:30pm and led in the Pledge of Allegiance. Next meeting is May 13, at 7:30pm	
Minutes from last meeting	Minutes from the March 11, 2013 regular meeting and March 19 joint meeting were reviewed. Larry Parsons made a motion to accept the minutes, second by Dennis Sommer. All in favor, motion passed.	
Call to the Public	<ul style="list-style-type: none"> • Herm Yost asked about the Drain 23 meeting which concerns the drain on Stowe and Allen Roads. There is a special meeting concerning this issue. 	
Communications	<ul style="list-style-type: none"> • Dennis Bowdoin discussed the Robinson Scholarship which is made available to local seniors who need a letter of recommendation and must submit a letter outlining important issues facing government today. 	
Land Divisions	-0-	
Old Business	<ul style="list-style-type: none"> • George Pushies made a motion to approve sending the change from one acre to two acre minimum to the Township Board for approval. Second by Dennis Sommer. All in favor, motion passed. Then George Pushies amended his original motion to add the verbiage "all zoning classifications." Second Dennis Sommer. All in favor, motion passed, one abstained. 	
New Business	<ul style="list-style-type: none"> • Mike Stock asked if the Planning Commission ever reviews past variances submitted in the last five years and checks them against complaints. A discussion regarding the definition of a "shed vs. definition of a building" ensued. The Land Use Permit lists "shed", but it's not in the Zoning Ordinance. 	Dennis Bowdoin to put examining the definition of a building vs. a shed on next months' agenda
Update from the Board	<ul style="list-style-type: none"> • Larry Parsons gave an update on the last Township Board meeting 	
Call to Public	-0-	

Conway Township Planning Commission Meeting Minutes

April 8, 2013

Agenda	Items Discussed	Actions to be Taken
--------	-----------------	---------------------

General Discussion	<ul style="list-style-type: none"> • Dennis Bowdoin noted the next Brown Bag luncheon is April 24. The President of Mid-West Renewable Energy will be present. Contact Kathleen Kline-Hudson if interested. • Larry Parsons noted that personal notes for meetings are not part of the public record according to recent cases filed regarding the Freedom of Information Act. However, correspondence such as letters read aloud at meetings, are part of the public record. 	
Adjournment	<ul style="list-style-type: none"> • George Pushies moved to adjourn, second by Dennis Sommer. All in favor. Motion passed. Meeting adjourned at 8:15pm. 	

Conway Township Planning Commission Meeting Minutes

March 11, 2013

Agenda	Items Discussed	Actions to be Taken
Attendees	<ul style="list-style-type: none"> • Public: Rick Kreeger, Herm and Shirley Yost • Board Members present: George Pushies, Scott Buell, Larry Parsons, Mike Stock, Dennis Sommer, Londa Horton, Dennis Bowdoin. 	
Call to Order and Pledge to Flag	<p>Chairperson Dennis Bowdoin called the Conway Township Planning Commission meeting to order at 7:30pm and led in the Pledge of Allegiance.</p> <p>Next meeting is April 8, at 7:30pm</p>	
Minutes from last meeting	<p>Minutes from the February 11, 2013 regular meeting and February 19 joint meeting were reviewed. Scott Buell made a motion to accept the minutes, second by George Pushies. All in favor, motion passed.</p>	
Call to the Public	<p>-0-</p> <ul style="list-style-type: none"> • Dennis Bowdoin opened the Public Hearing at 7:32pm regarding the change to one acre residential lot size. <ul style="list-style-type: none"> ○ Herm Yost commented that there are no public sewers out here and the septic runoff has to go into the water table. We need a well for our drinking water. ○ George Pushies and Dennis Bowdoin pointed out that there must be a minimum isolation distance of 75 feet to the well. The State separation rules comply with the sanitary code which are under the Health Dept. rules. ○ Rick Kreeger asked why change the lot size now? ○ Dennis Bowdoin countered that the Township Board's attorney said the two acre minimum requirement is not defensible in court. Further, the citizen survey indicated a desire to maintain the rural characteristic of this township and the one acre minimum actually helps the farmer. • Dennis Bowdoin closed the Public Hearing at 7:50pm. 	
Communications	<ul style="list-style-type: none"> • Dennis Sommer reported on the February 21st pipeline safety workshop and learned: <ul style="list-style-type: none"> ○ Loggers driving on the right-of-way or car accidents can hit a pipeline ○ Delivery lines to the house contain natural gas or crude oil and the burying depths vary. • Dennis recommends putting a notation in the spring letter to all township residents that if there is any doubt about the existence of a pipeline to call Miss Dig at 811 prior to digging. 	<p>Cindy Dickerson to add Miss Dig notation to spring letter</p>

Conway Township Planning Commission Meeting Minutes

March 11, 2013

Agenda	Items Discussed	Actions to be Taken
Land Divisions	-0-	
Old Business	<ul style="list-style-type: none"> • Londa Horton sent letters to notify all area townships of the change to the one acre minimum requirement. No replies were received. Larry Parsons made a motion to table sending this change to the Township Board until Dennis Bowdoin presents it to the County Planning Commission. Second by George Pushies. All in favor. Motion passed. • Mike Rife will set a date for a committee to meet to discuss updating the township Emergency Plan. 	<p>Dennis Bowdoin to present one acre minimum to County Planning Commission.</p> <p>Mike Rife to form a committee to update Emergency Plan.</p>
Update from the Board	<ul style="list-style-type: none"> • Larry Parsons gave an update on the last Township Board meeting 	
Call to Public	-0-	
General Discussion	-0-	
Adjournment	<ul style="list-style-type: none"> • George Pushies moved to adjourn, second by Scott Buell. All in favor. Motion passed. Meeting adjourned at 8:13pm. 	

Conway Township Planning Commission Meeting

March 11, 2013

Next meeting April 8, 2013 at 7:30 pm

- 1) Call to order and pledge of allegiance. *7:30pm*
- 2) Minutes of the Feb., 11th regular meeting, Feb. 19th joint meeting *Scott, Greg approve.*
- 3) Call to Public (Public hearing on 1 acre min. lot size) *7:32pm* *open public hearing*
Herm Post Comment - no public sewers out here,
- 4) Communications *septic run off has to go into H₂O tank & we need a well for drinking H₂O. State separation rules comply = sanitary code, under Health Dept. rules -*
- 5) Land Divisions *Geo. Active & reserve & get a well - that is OK. & public concern.*
Courts have upheld can't defend 2 acre lot size.
min. insulation distance of 75' of well.
- 6) Old Business *Bick Kreeges - why change it? - own township attorney said it's not defensible. ~~that's not~~*
 - a. review public hearing changing 2 acre min. to 1 acre min. *help*
 - b. Emergency Plan update *rural characteristic, helps farmer.*
 - c. *7:50pm closed public hearing*
- 7) New Business *4.) Feb. 21 pipeline safety D. Sommer. - loggers driving on @ of way on car accidents can hit pipelines. Delivery lines to house natural gas or crude oil.*
 - a. ** notation in Spring letter - call Miss Dig 811*
 - b.
 - c.
 - d.
- 8) Update from the Board *6.) Londa sent letters to notify area townships of change to 1 acre min*
- 9) Last call to the Public *Next step - D. Bowdoin will present to County. Larry & Greg to table until he's back from County Plan Commission*
- 10) General Discussion *6.b.) Mike will set date for Emergency Plan meeting for a committee.*
- 11) Adjournment

8) Update from Bd. - Larry.

8:13pm adjourn Leo -

Conway Township joint Planning Commission & Board of Trustee's Meeting
March 19,2013

Attendees: Dennis Bowdoin, Larry Parsons, Mike Stock, George Pushies

Dennis B. gave the Planning Commission Report
Mike Stock gave the Rec. report

Submitted by
Dennis Bowdoin Planning Commission Chair
3/20/13

Conway Township Planning Commission Meeting Minutes

February 11, 2013

Agenda	Items Discussed	Actions to be Taken
Attendees	<ul style="list-style-type: none"> • Public: Herm and Shirley Yost • Board Members present: George Pushies, Scott Buell, Larry Parsons, Mike Stock, Dennis Sommer, Londa Horton, Dennis Bowdoin. 	
Call to Order and Pledge to Flag	<p>Chairperson Dennis Bowdoin called the Conway Township Planning Commission meeting to order at 7:30pm and led in the Pledge of Allegiance.</p> <p>Next meeting is March 11, at 7:30pm</p>	
Minutes from last meeting	<p>Minutes from the January 14, 2013 regular meeting were reviewed. Larry Parsons made a motion to accept the minutes, second by Dennis Sommer. All in favor, motion passed.</p>	
Call to the Public	-0-	
Communications	<ul style="list-style-type: none"> • 2013 Citizen Planner Advanced Academy including six modules is scheduled for June 13, 2013. • Webinar on February 12, 2013 from 11am-12pm on zoning law, tips for defending lawsuits, etc. For more information go to: info@fosterswift.com . • Resident at 9490 Kleinway Rd. applied for a variance for the sanitary code, e.g. a holding tank for seasonal use. • We are in compliance with regard to the Right To Farm Act. 	
Land Divisions	-0-	
Old Business	<ul style="list-style-type: none"> • The Master/Comprehensive Plan needs to be changed from two acre minimum to one acre residential minimum lot size on pages: 42, 43, and 44. In addition the Zoning Ordinance needs to be changed in sections: 6,7,and 8. • March 11 will be the public hearing on this change for the one acre minimum lot size. Londa Horton will notify the surrounding townships and County Planning Commission. 	<p>Londa to notify area townships & Commission.</p> <p>Cindy Dickerson to put notice in paper regarding public hearing.</p>

Conway Township Planning Commission Meeting Minutes

February 11, 2013

Agenda	Items Discussed	Actions to be Taken
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New Business	<ul style="list-style-type: none"> • The Emergency Plan should be updated annually. There is a box in the Township Hall with resources in case of a disaster. Dennis Bowdoin will bring up at the next Township Board meeting that Mike Rife and another Board member should be primary custodians of the box key. Bob Burke's name needs updating as he no longer lives in the Township. Currently three buildings are identified for drive through disaster recovery for such as things as flu shots. There is a generator located at the Hall for disaster relief as well. • Commissioners were posed with question from Dennis Bowdoin regarding moving hazardous buildings and junk cars and trash to a Police Power Ordinance Book and out of the Zoning Ordinance. If these items are moved out of the Zoning Ordinance they would be more enforceable for civil infractions and tickets could be issued. He will seek approval from the Board. 	<p>Dennis Bowdoin to inform Board on Emergency Plan update and request custodians of the box key.</p> <p>Dennis will request from Board the removal of hazardous buildings, junk cars and trash from Zoning Ordinance.</p>
Update from the Board	<ul style="list-style-type: none"> • Larry Parsons gave an update on the last Township Board meeting. 	
Call to Public	<ul style="list-style-type: none"> • Herm Yost mentioned a commercial pole barn built in the Walnut neighborhood of Lansing aired on WLNS channel 6 within the last 2 weeks. 	
General Discussion	<ul style="list-style-type: none"> • Scott Buell asked if a resident can burn trees in the township. Currently a burn permit is required from the fire department. Dennis Bowdoin mentioned that this item is currently being reconsidered. 	
Adjournment	<ul style="list-style-type: none"> • George Pushies moved to adjourn, second by Scott Buell. All in favor. Motion passed. Meeting adjourned at 8:27pm. 	

6659 N. Gregory Rd.
Fowlerville, MI 48836
February 14, 2013

RE: Conway Township Planning Commission Change in Minimum Residential Lot Size

To Whom This May Concern:

This is to notify you that on February 11, 2013 the Conway Township Planning Commission began the process of revising our Zoning Ordinance and Master Plan to change the two acre minimum lot size to a one acre lot size in all districts. Any surrounding township, village, city or the Livingston County Planning Commission that would like to partake in this process is encouraged to contact the Conway Township Clerk, Cindy Dickerson. Cindy's email address is: cindy@conwaytownship.com.

A public hearing on this item will be held on March 11, 2013 at 7pm at the Conway Township Hall in Fowlerville.

Respectfully,



Londa Horton
Conway Township Planning Commission Secretary

Dennis L. Bowdoin
Conway Township Planning Commission Chair

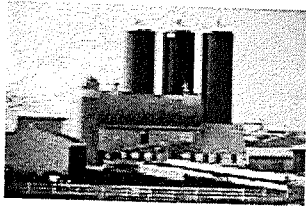
Conway Township joint Planning Commission & Board of Trustee's Meeting
Feb. 19,2013

Attendees: Dennis Bowdoin, Larry Parsons, Mike Stock,George Pushies

Dennis B. gave the Planning Commission Report

Submitted by
Dennis Bowdoin Planning Commission Chair
2/20/13

Right to Farm Act and GAAMPs



The Michigan Right to Farm Act (RTFA), Public Act 93 of 1981, MCL 286.471, *et seq.*, was enacted in 1981 to provide farmers with protection from nuisance lawsuits. If a farm or farm operation conforms to generally accepted agricultural and management practices according to the Michigan Commission of Agriculture, the farm or farm operation cannot be declared a private or public nuisance.

The RTFA authorizes the Michigan Commission of Agriculture and the Michigan Department of Agriculture (MDA) to develop and adopt Generally Accepted Agricultural and Management Practices (GAAMPs) for farms and farm operations in Michigan. The GAAMPs are annually reviewed by the MDA.

Beginning June 1, 2000, the RTFA preempts any local ordinance, regulation, or resolution that "purports to extend or revise in any manner the provisions of [the] act or generally accepted agricultural and management practices developed under [the] act. * * * [A] local unit of government shall not enact, maintain, or enforce an ordinance, regulation, or resolution that conflicts in any manner with [the] act or generally accepted agricultural and management practices developed under [the] act." (MCL 286.474(6))

In a significant Michigan Supreme Court opinion, *Papadelis v City of Troy* (478 Mich. 934, June 29, 2007) the court confirmed MTA's long-standing position that township zoning ordinances can regulate agricultural operations, as long as the regulations do not conflict with the Right to Farm Act or the GAAMPs. Although the opinion dealt with a city, the court's ruling was not based on the zoning ordinance being a city ordinance.

In the case, the City of Troy challenged the operations at Telly's Greenhouse and Garden, arguing that they constituted a commercial activity in violation of the city's residential zoning ordinance. Both the Oakland County Circuit Court and the Michigan Court of Appeals had agreed that the greenhouse operation must be allowed to operate due to protections under the RTFA and section 2a(f) of the Single State Construction Code Act, PA 230 of 1972, MCL 125.1501, *et seq.*

However, the Michigan Supreme Court reversed in part the lower court decisions, ruling unanimously that neither statute protected the greenhouse from the local ordinance. The state's highest court ruled that, as no provisions of the RTFA or any published GAAMP address the permitting, size, height, bulk or floor area, construction and location of buildings used for a greenhouse or related agricultural purposes, no conflict exists between the RTFA and the local ordinance that would preclude enforcing the ordinance under the facts of the case. The court also

held that the plaintiff's greenhouse and pole barn are not exempt from State Construction Code building permit requirements.

A township may submit to the MDA for approval a proposed ordinance prescribing standards different from those contained in GAAMPs if adverse effects on the environment or public health will exist within the township.

The GAAMPs cover several, but not all, aspects of farming operations, including:

- farm markets
- irrigation water use
- site selection
- care of farm animals
- manure management
- pesticide use
- nutrient (fertilizer) use
- cranberry production

Ordinances

An *ordinance*, on the other hand, is an expression of the board's legislative authority on more permanent matters; it is a township law. Public Act 246 of 1945, the Township Ordinances Act, (MCL 41.181-41.187) authorizes "township boards to adopt ordinances and regulations to secure the public health, safety and general welfare; to provide for the establishment of a township police department; to provide for policing of townships by the county sheriff; to provide for the publication of ordinances; to prescribe powers and duties of township boards, and to provide sanctions." (MCL 41.181)

The Charter Township Act provides that "the township board of any charter township may enact such ordinances as may be deemed necessary to provide for the public peace and health and for the safety of persons and property therein, and may by ordinance prescribe the terms and conditions upon which licenses may be granted, suspended or revoked; and may in such ordinances require an exact payment of such reasonable sums for any licenses as it may deem proper." (MCL 42.15)

Townships adopt ordinances to cover a wide variety of situations affecting the welfare and character of the community. An ordinance is required to put in place land use or building requirements, local traffic laws and many other types of more permanent rules for the community to follow. Ordinances can be adopted on such topics as dismantled cars, adult entertainment, fences, junk yards, littering, mobile homes, nuisance abatement, outdoor gatherings and recycling, to mention just a few.

Ordinances also differ from motions and resolutions in that there are essentially no statutory guidelines for adopting motions or resolutions. The ordinance enabling statutes, however, do require certain formalities for adopting an ordinance, and these formalities may differ with the type of ordinance involved. Also, the Charter Township Act imposes specific additional requirements on enacting an ordinance in a charter township.

A township's ability to enact a specific ordinance on any given subject depends on whether the Legislature has enacted a statute conferring the authority upon townships. Fortunately, various statutes authorize township ordinances on a wide variety of subjects covering most facets of municipal government.

All townships are authorized to adopt non-zoning, police power ordinances regulating the public health, safety and general welfare of persons and property under PA 246 of 1945. Charter townships are also authorized to adopt non-zoning ordinances under the Charter Township Act.

Public Act 184 of 1943, the Township Zoning Act, enables townships to adopt zoning ordinances. A zoning ordinance regulates land use based on the division of the township into zones. For example, a township zoning ordinance may limit the placement of multiple-unit residences to certain zones, and agricultural activity may be assigned to other zones, according to a master plan. A zoning ordinance might also regulate the size and type of fences in a residential zone.

Adopting police power (non-zoning) ordinances

The Township Ordinances Act (MCL 41.181-41.187) specifies the requirements for adopting non-zoning police power ordinances in a **general law** township. It is important to note that the Charter Township Act specifies additional requirements for adopting an ordinance. See Page 12 for a discussion of the steps needed to adopt an ordinance in a charter township.

A **general law** township board can adopt at a regular or special township board meeting an ordinance regulating the public health, safety and general welfare of persons and property. (MCL 41.181) However, before the board can adopt an ordinance, it must determine whether the township is

authorized by statute to enact an ordinance regarding the specific subject matter. The ordinance must be adopted by a majority of the members elect of the township board on a roll call vote. The minutes of the meeting must reflect the decision and vote.

A **general law** township ordinance must contain a provision stating when the ordinance takes effect. Ordinances take effect in one of two ways: 1) If an ordinance imposes a sanction for violating the ordinance, the ordinance must take effect 30 days after the ordinance's first publication; or 2) If an ordinance does not impose a sanction for violating the ordinance, the ordinance must take effect on the day following the date of the ordinance's publication or any date following publication specified in the ordinance. (MCL 41.184)

A **general law** township ordinance must be published once within 30 days after the ordinance's passage by inserting either a true copy or a summary of the ordinance in a newspaper circulating within the township. An ordinance summary can be drafted by the same person who drafted the ordinance or by the township board or zoning board, and it must be written in clear and nontechnical language. Each section of an ordinance or a summary of an ordinance must be preceded by a catch line. (MCL 41.184) A catch line is simply the section's title or heading.

If a summary of an ordinance is published, the **general law** township must designate in the publication the location in the township where a true copy of the ordinance can be inspected or obtained. (MCL 41.184)

Within one week after the first publication of an ordinance, the **general law** township clerk must record the ordinance in a book of ordinances kept by him or her for that purpose; record the date of the ordinance's passage, the names of the township board members voting, and how each member voted, and file an attested copy of the ordinance with the county clerk. If the township maintains a township office open to the public during regular hours on each business day, the township clerk is not required to file a copy of the ordinance with the county clerk. (MCL 41.185)

The **general law** township clerk must certify under the ordinance in a blank space provided the date or dates the ordinance was published, the name of the newspaper in which it was published and the date the ordinance was filed with the county clerk, if applicable. (MCL 41.185)

Finally, the **general law** township clerk should distribute copies of the ordinance to all appropriate township officials and employees.

Each **general law** township may codify, recodify and continue in code its ordinances, in whole or in part, without publishing the entire code in full. The ordinance adopting the code, as well as subsequent ordinances repealing, amending, continuing or adding to the code, must be published as required by law. The ordinance adopting the code may amend, repeal, revise or rearrange ordinances in whole or in part by reference by title only. (MCL 41.186)

Adopting police power ordinances in a charter township

The Charter Township Act details specific additional requirements for enacting a police power ordinance in a **charter** township.

Before the board can adopt an ordinance, it must determine whether the township is authorized by statute to enact an ordinance regarding the specific subject matter.

2013 Citizen Planner Advanced Academy presents
**Placemaking: Today's Best Practice for Community and
Economic Development for Planners**
an introduction to the
Michigan Placemaking Curriculum
June 13, 2013

featuring all six modules of the Michigan Placemaking Curriculum:

1. People, Places, and Placemaking
2. Economics of Place
3. Neighborhoods, Streets, and Connections
4. Form Planning and Regulation
5. Collaborative Public Involvement in Placemaking
6. Applied Placemaking

Recently, the Michigan State Housing Development Authority (MSHDA), the Michigan Municipal League (MML), the MSU Land Policy Institute, and other statewide organizations launched the MIPlace Partnership Initiative () and a companion 'Placemaking Curriculum' with the purposes of helping Michigan communities learn more about and implement Placemaking as a strategic economic development initiative in the New Economy. Learn what your community can do to create Places that retain and attract talent, enhance the quality of life for everyone in the community, and help restore prosperity to Michigan.

 [Forward to a Friend](#)

Conway Township Planning Commission Meeting Minutes

January 14, 2013

Agenda	Items Discussed	Actions to be Taken
Attendees	<ul style="list-style-type: none"> • Public: Herm and Shirley Yost • Board Members present: George Pushies, Scott Buell, Larry Parsons, Mike Stock, Dennis Sommer, Londa Horton. Absent: Dennis Bowdoin. 	
Call to Order and Pledge to Flag	Vice Chair, Dennis Sommer called the Conway Township Planning Commission meeting to order at 7:30pm and led in the Pledge of Allegiance. Next meeting is February 11, at 7:30pm	
Minutes from last meeting	Minutes from the December 10 regular meeting and December 18 joint meeting were reviewed. Larry Parsons made a motion to accept the minutes, second by Mike Stock. All in favor, motion passed.	
Call to the Public	-0-	
Communications	<ul style="list-style-type: none"> • The MSU Extension Land Division class needs 20 people to be offered. Those interested from Conway Township include: Larry Parsons, Dennis Bowdoin and Dennis Sommer. • Dennis Sommer pointed out the Hot Topics website sent out regularly by Kathleen Kline-Hudson is at: http://www.co.livingston.mi.us/planning/hottopics • December 19, 2012 Dennis Sommer went to the Brown Bag lunch and learned that by 2030 that people in the age group of 65 years old will double. This will have housing building implications such as the need for: wider door openings, stairways, elder housing cottages. Also with regard to screenings required by townships, be careful that it also provides screenings for negative behavior. • A local resident inquired about moving in a manufactured home. Roof pitch is a concern. Refer to our Zoning Ordinance 6.05. The home must conform to the Michigan Building code. If it's a HUD home it needs a steel frame, but a wood frame is needed for Michigan Building code. The Planning Commission needs more information on the details of this home. • Londa Horton pointed out that the website sent via Kathleen Kline-Hudson at: http://www.co.livingston.mi.us/planning/censusdata.htm, showed the median household income in Conway Township as \$68,077 in 2012 with 379 persons in poverty. 	Cindy Dickerson – refer to Zoning Ordinance 6.05 with regard to questions on manufactured home.
Land Divisions	-0-	

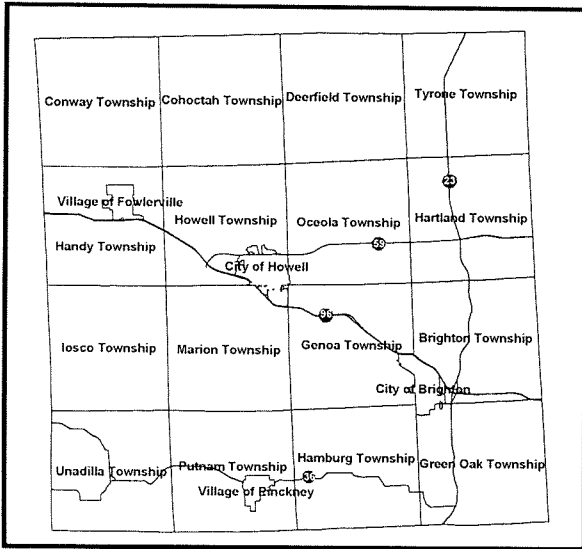
Conway Township Planning Commission Meeting Minutes

January 14, 2013

Agenda	Items Discussed	Actions to be Taken
New Business	<ul style="list-style-type: none"> • Motion made to approve the 2012 Annual Summary Planning Commission Report prepared by Londa Horton, by Larry Parsons, second by Scott Buell. All in favor. Motion passed. • The new Planning Commission meeting dates for 2013 will be the second Monday of every month at 7:30pm at the Conway Township Hall. 	Larry to give Annual Summary Report to Cindy for Archival
Updates From the Board	<ul style="list-style-type: none"> • Larry Parsons summarized the December 18, 2012 Conway Township Board meeting issues that were discussed including: parking lot, nuisance burned property, recreation report, budget, one acre lot size approved, BeVier land division approved, approved Planning Commissioners' terms up for renewal. 	
Old Business	<ul style="list-style-type: none"> • Revisions required to change the old two acre minimum residential lot size to one acre minimum verbiage in the Zoning Ordinance for Conway Township includes: <ul style="list-style-type: none"> ○ Chart on page 8-2 ○ Section 8.04 ○ Section 6 – 6.06A E & I on page 6-7 and 6-8, 6.15 on page 6-20 ○ Section 7 – 7.01, 7.02, 7.04 • The next step is to hold a public hearing after all proposed revisions are identified. 	
Call to Public	-0-	
Adjournment	George Pushies made a motion to adjourn the meeting at 8:28pm. Second by Scott Buell. All in favor. Motion passed.	

CONWAY TOWNSHIP

Conway Township is in the northwest corner of Livingston County. Conway is one of the largest farming communities in the county. Its agricultural lands are level to lightly rolling and they support a wide variety of crops as well as animal grazing. Parts of Conway Township are heavily timbered with grassy openings. The township has few lakes and streams.



GOVERNMENT

Hall: 8015 N. Fowlerville Road
 Fowlerville, MI 48836
 Mail Delivery: P.O. Box 1157,
 Fowlerville, MI 48836-1157
 (517) 223-0358
 Web Site: conwaytownship.com

Business Hours

Tuesdays 9:00 a.m. to 3:00 p.m.
 Wednesdays 9:00 a.m. to 5:00 p.m.

County Commissioners

Jay Drick - District 5

Township Officials

Supervisor: Michael Rife
 Clerk: Cindy Dickerson
 Treasurer: Kathy De Marais

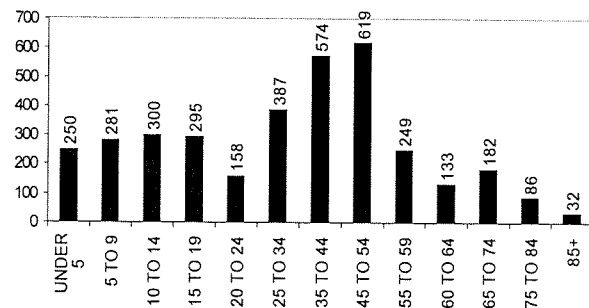
2011 Millage Residential Rate

(per \$1,000 of taxable value)
 Non-Principal Residency Exemption:
 as low as 35.7941 - as high as 50.1161
 Principal Residency Exemption:
 as low as 17.7941 - as high as 24.9688

POPULATION

2000 Population	2,732
2010 Population	3,546
Male	1,847
Female	1,699
2011 Population Estimate (December)	3,550

Conway Township 2010 Population By Age



POPULATION FORECASTS

2020 Forecast	3,390
2030 Forecast	3,320
2040 Forecast	3,356
Total Percent Change 2020 -2040	-0.1%

HOUSING

2010 Total Households	1,199
2010 Persons Per Household	2.95
2010 Total Family Households	968
Family Households Occupied By:	
Husband-Wife Family	66.2%
Male Householder	6.0%
Female Householder	8.5%
2010 Total Non-Family Households	231
2010 Total Housing Units	1,264
Occupied By:	
Owner	93.5%
Renter	6.5%
Vacancy Rates:	
Owner	1.5%
Renter	7.1%
2010 Median Housing Value	\$198,200
2010 Median Gross Rent	\$950

CONWAY TOWNSHIP

HOUSING ESTIMATES AND FORECASTS

2011 Estimated Households (December)	1,209
2011 Estimated Persons Per Household	2.93
2011 Estimated Housing Units	1,265

	Total Forecasted Households
2020	1,275
2030	1,282
2040	1,293
% Change 2020-2040	1.4%

EDUCATION

Highest Level of Education Population Age 25 And Over		
	% Change	
	2010	2000-2010
Graduate/Professional Degree	5.9%	3.3%
Bachelor's Degree	15.0%	6.9%
Associate Degree	8.8%	3.6%
Some College, No Degree	27.4%	-3.0%
High School Graduate	36.5%	-4.6%
Did Not Graduate High School	6.4%	-6.2%

*5 Yr Amercian Community Survey

LABOR FORCE

<u>2012 Livingston County Unemployment Stats (May)</u>	
Labor Force	87,635
Employment	80,572
Unemployment	7,063
Unemployment Rate	8.1%

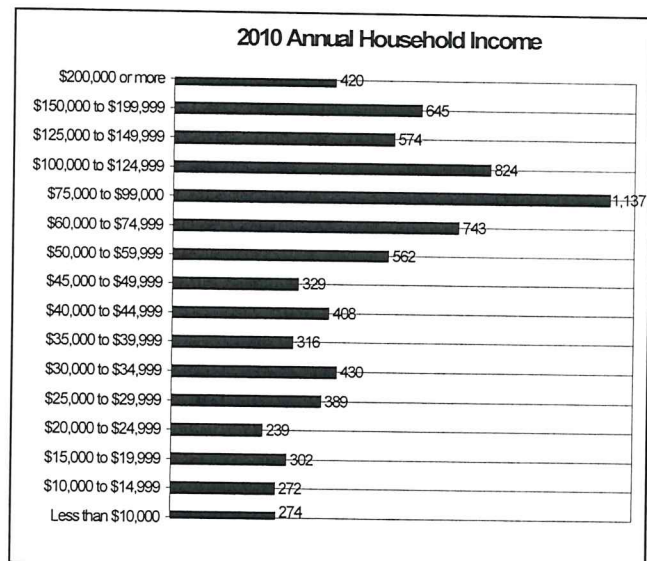
EMPLOYMENT FORECASTS

2020 Forecast	15
2030 Forecast	13
2040 Forecast	17
Total Numerical Change 2020 - 2040	2
Total Percent Change 2020 - 2040	13.3%

COUNTY BUSINESS PATTERNS 2010

10 Largest Industries by Paid Employees:	
• Food Services & Drinking Places	4,403
• Insurance Carriers and Related Activities	2,754
• Professional, Scientific and Technical Services	2,650
• General Merchandise Stores	2,497
• Ambulatory Health Care Services	2,389
• Administrative & Support	2,149
• Transportation Equipment Manufacturing	1,831
• Specialty Trade Contractors	1,348
• Clothing and Clothing Accessories Stores	1,245
• Food & Beverage Stores	1,116

2010 INCOME AND POVERTY



Median Household Income	\$68,077
Per Capita Income	\$25,751
Persons in Poverty	379
Percentage of Persons in Poverty	10.9%
Households in Poverty	101
Percentage of Households in Poverty	8.0%

Source: Livingston County Department of Planning, Southeast Michigan Council of Governments (SEMCOG), Livingston County Equalization, U.S. Census Bureau, Michigan Department of Technology, Management & Budget.
Prepared by: Livingston County Department of Planning, July 2012