

**Highland Township Planning Commission
Record of the 1415th Meeting
Joint Meeting with the Board of Trustees
Highland Township Auditorium
June 20, 2024**

Roll Call:

PLANNING COMMISSION

Grant Charlick (absent)
Kevin Curtis (absent)
Chris Heyn, Acting Chairperson
Mike O’Leary
Roscoe Smith
Scott Temple
Russ Tierney (absent)
Guy York

BOARD OF TRUSTEES

Rick Hamill, Supervisor
Tami Flowers, Clerk
Jennifer Frederick, Treasurer
Judy Cooper (absent)
Brian Howe
Beth Lewis
Joe Salvia

Also Present:

Elizabeth J. Corwin, Planning Director
Megan Masson-Minock, Township Planning Consultant; Carlisle-Wortman Associates
Lisa Hamameh, Township Attorney; Rosati Schultz Joppich & Amtsbuechler, PC;

Visitors: 3

Acting Chairman Chris Heyn called the meeting to order at 6:50 p.m.

Agenda Item #1: Call to the Public: Opportunity for anyone to bring forward issues of interest or concern for Planning Commission consideration. Each participant limited to 3 minutes.

No public offered comments

Work Session:

Agenda Item #2: Training opportunity on land use approval process. Presented by the Township Planning Consultant, Megan Masson-Minock of Carlisle-Wortman Associates and Township Attorney, Lisa Hamameh of Rosati, Schultz, Joppich and Antsbuchler.

Ms. Masson-Minock and Ms. Hamameh led an interactive discussion of the land use approval process with an emphasis on how the Planning Commission and Board of Trustees should analyze each proposal for its conformance with the Standards of Review and Approval published in the Township Zoning Ordinance and document its deliberations in the record of the meeting. The “slide deck” is available in the Planning Department and will be distributed electronically to each member of the Planning Commission and Board of Trustees.

Key takeaways from the discussion:

The “standards of approval” outlined in Section 6.03H should be used as a “checklist” to guide the Planning Commission in their study of a proposal for Special Approval of Land Use and for the Board in making a decision.

Each of the standards should be discussed and studied in detail, with conclusions documented by competent, material and substantial evidence. It is not necessary that the reviewing bodies reach consensus, but alternative opinions should be documented in the meeting record to illustrate that the members have deliberated and that due process has been afforded the applicant.

If the Planning Commission or Board believes that more evidence is needed to come to a decision, it is appropriate to request outside expert opinions. The cost of such advice is typically borne by the applicant. It is reasonable to weigh jurisdictional authority and defer some issues to the appropriate outside agency, such as the Road Commission for Oakland County on traffic issues or Michigan Department of Environment, Great Lakes and Energy for wetlands concerns.

The group had questions about how Standard #2 could be interpreted, such as whether “injury” to neighboring properties could mean establishing more competition (e.g. four gas stations on the same intersection) than the market could bear. The presenters clarified that “injury” could not be a purely economic impact; but rather would have to render the neighboring properties “unusable” such as through a persistent nuisance or contamination. It was acknowledged that such terms as “public health, safety and welfare” are also vague terms and are subjective. This makes it even more essential that decision making be based on facts and evidence presented and not on “personal opinion.”

Conditions may be attached to approvals where the review shows a standard of approval is not necessarily met, but could be met if certain actions or features are included in a plan. For instance, limiting hours of operation, specific limitations on traffic circulation, controls on noise and lighting. Another common condition would be obtaining key agency approvals from other governmental bodies. Condition must be reasonable and bear a relationship to the review standards.

Decisions and motions should include all the agenda details identifying the case as well as the plan date, the decision (approval, denial or approval with conditions) the findings supporting the decision, all conditions, and who will verify the conditions have been satisfied (if applicable). It is appropriate to request that staff or the consultants prepare a draft motion for the bodies that provide the skeleton of the motion, with room for the members to add elements that will arise in the deliberations.

It was noted that the Planning Commission minutes currently include most or all of these elements, although not necessarily in the motion. The Board minutes currently record only actions taken, and not the full deliberation that may have led to the motion. Both bodies should reconsider how motions and records are developed, keeping in mind that the courts will look to the public record of the meeting if the decision is challenged.

The discussion also touched on risk management, particularly concerning ex parte communication (discussions with applicants or public outside the meeting) and conflicts of interest including the procedure for requesting to abstain from discussion and voting. By-laws should provide direction for these and similar issues.

Adjournment:

Mr. York moved to adjourn the meeting at 8:45 p.m. Mr. O’Leary supported the motion, which was unanimously approved by voice vote.

Respectfully submitted,

A. Roscoe Smith, Secretary
ARS/ejc