



Livingston County Department of Planning

MEMORANDUM

Scott Barb
AICP, PEM
Planning Director

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

Robert A. Stanford
AICP, PEM
Principal Planner

FROM: Martha Haglund, Principal Planner

DATE: July 8, 2026

Martha Haglund
AICP
Principal Planner

SUBJECT: Z-17-26: Consideration of Appeal of the Livingston County Planning Commission recommendation of Disapproval made on June 17, 2026, Article 16.19 Essential Services

Abby Carrigan
Planning Intern

On July 8, 2026, the Livingston County Planning Department received a request to appeal the Livingston County Planning Commission's decision of Disapproval for Case Z-17-26, Cohoctah Township, Essential Services Ordinance. Planning Staff met with Township Supervisor to discuss the Planning Commission's recommendation of Disapproval on June 17, 2026. It was clarified that the Ordinance is to regulate all substations not connected to utility-scale renewable energy projects. As part of the appeal, Planning Staff was asked to re-evaluate the ordinance language unrelated to PA 233 of 2023, because Section 13.29.D exempts substations connected to utility-scale renewable energy projects. Staff provides the following findings for the Planning Commission's consideration:

1. Staff concurs that substations associated with utility-scale renewable energy projects are not subject to the proposed Essential Services Ordinance.
2. Certain ordinance language may cause confusion and could be interpreted as attempting to regulate substations related to utility-scale renewable energy projects, including:
 - a. Limiting substations to locations within the Renewable Energy Overlay.
 - b. Use of terms such as "participating" and "non-participating" properties, which are tied to PA 233 of 2023 governing utility-scale renewable energy facilities.
3. The Township should understand that if local requirements regarding location, setbacks, height, or noise conflict with operational or safety needs of the substation, state or federal preemption could apply.
4. The Ordinance does not address potential substations not within the Renewable Energy Overlay.

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Township Planning Commission Recommendation: Approval.

The Cohoctah Township Planning Commission held a public hearing on April 7, 2026, with no public comments noted in the minutes. The Planning Commission recommended approval on May 7, 2026. The Township Board is scheduled to review the Essential Services Ordinance for final adoption at its August 13, 2026, meeting.

Recommendation: Approval with Conditions. The review has been thoroughly re-evaluated. Prior to final approval staff recommends the Township consider the findings in this review and have the Township Attorney review the ordinance for potential conflicts with state and federal utility regulations.