

Cato Township Planning Commission
Meeting Minutes
June 8, 2022

The Cato Township Planning Commission met for a regular meeting on Wednesday, June 8, 2022, at the Lakeview Community Center.

Meeting called to order:

Chairman Morrow called the meeting to order at 5:00pm with the Pledge of Allegiance.

Members present:

Phil Morrow, Chairman
David Behrenwald, Cato Board Liaison
Brandi Clark-Hubbard, Secretary
Quanah Striker, Vice Chairman
Joe Sweet, Commissioner

Others present:

David Kelsey, Cato Zoning Administrator
Leslie Abdo, Attorney from Foster Swift Collins & Smith PC
31 members of public (22 per sign-in sheet, 9 additional per headcount; 13 from Cato Township, rest from other townships)

Approval of Agenda:

Clark-Hubbard motioned and Sweet supported to approve the meeting agenda as presented. All in favor, motion carried.

May 11, 2022 Meeting Minutes:

Clark-Hubbard motioned and Behrenwald supported to approve the May meeting minutes as presented. All in favor, motion carried.

Public Hearing – Wind Ordinance:

Morrow opened the public hearing on the draft wind ordinance at 5:05pm. The following public comments were heard by the commission:

- Jessica Kwekel (Cato Township) repeated her comments from the February 2021 commission meeting where she expressed concerns on how wind turbines would affect Cato Township. She spoke on the sacrifices her family has made to continuously attend meetings in multiple townships the past year and a half. She is concerned many boards and planning commissions are not listening to the public's concerns. She does not feel turbines in a 6x6 square mile township can be safely placed and is concerned about the division within the community related to wind turbines.
- Jamie Snyder (Cato Township) thanked the commission for all of the time and effort put into the wind ordinance. She feels the commission has listened to the public's concerns. She noted there are still concerns within the community regarding the 400 feet height limit. Many want a height limit of 300-350 feet. She noted that Eureka Township just passed an ordinance with a 300 feet height limit. She would also like to see avian protection wording added to the ordinance. Overall she feels the draft ordinance is equal, comparable, and

has been looked at from both sides. She acknowledged issues with the energy grid but does not feel wind/solar energy will fix the problem.

- Marcy Myers (Cato Township) discussed statistics on real estate population trends for multiple counties with and without wind turbines using information from the U.S. Census. From 2020 to 2021, populations increased in Clinton, Newaygo, Kent, and Montcalm counties, which do not have wind turbines. Populations decreased from 2020 to 2021 in Huron, Saginaw, Tuscola, and Gratiot counties, which all have wind turbines. She also discussed market reports on home sale prices for Gratiot and Montcalm counties taken from the Michigan Regional Information Center which she has access to as a real estate broker. From 2019 to 2020: Gratiot average home sale price was \$141,553, Montcalm average home sale price was \$156,399. From 2020 to 2021: Gratiot average home sale price was \$117,936 – a decrease of approximately 17%, Montcalm average home sale price was \$185,035 – an increase of approximately 17.5%. She discussed that if the county is industrialized with turbines people will leave, real estate equity will be lost, and small businesses will close. She supports the draft wind ordinance and thanked the commission for listening to the community.
- Jourdan Rasmussen and daughter Ada (Cato Township) thanked Marcy Myers for her comments from a local real estate perspective and noted her research matches his own. His family farm is on the border of Pine/Cato townships (he lives in Cato). He hopes his daughter will someday own the farm and will be able to enjoy the peaceful surroundings and sunsets. If he wanted to live next to industry, he would move to Grand Rapids or elsewhere, but he wants to continue to live and do business in Cato Township. He supports the draft wind ordinance and appreciates the commission's work. He thinks it's a good ordinance and does not feel it's too restrictive. He noted there are local attorneys, including himself, that are happy to fight for their townships if needed.
- Chris Stout (Cato Township) noted that his family has lived in Cato since the 1800's. He does not support wind turbines in the township. He feels that wind turbines will cause electricity prices to increase and noted that Cato residents are not being offered a discount on electricity costs. He supports the draft wind ordinance.
- Charlie Curtis (Cato Township) expressed appreciation for the commission's time and efforts to understand the issues and come up with a reasonably safe ordinance. He appreciates the hours of research. He fears the township board has not acquired the same level of knowledge on the issues and will try to change the draft ordinance. He hopes the township board will respect and embrace the commission's efforts and endorse the commission's recommendations without any substantive alterations. He feels the commission has acquired the knowledge and done something reasonable in defense of the township.
- Matt Hubbard (Cato Township) noted that the commission has been working on this issue for more than a year with many hours of work put into the draft ordinance. He is concerned that township board members have not attended many commission meetings and don't know what the community wants. He urged the commission to move forward with the draft ordinance.
- Linda Reynolds (Douglass Township) noted she's been to most of the Cato commission's meetings. She praised the commission for listening to the public. She has read the draft ordinance and feels it is very thorough, well-written, and protects the township. She is also concerned the township board has not done the same level of research as the commission.
- Ryan Carrigan (Montcalm Wind/Apex) noted the commission was provided a packet of information prior to the meeting. He noted a lot of these comments have been communicated previously and are similar to what is found in community wind zoning

through MSU Extension and some of the model ordinances/best practices. He highlighted several items including a letter from Hankard Environmental discussing the difficulties of using LMAX; a tradeoff between height and the amount of turbines (also noting that not many turbines are being built below 500 feet currently). He discussed concerns with the wetland setback being prohibitive and questioned if there are other uses in the zoning code that require a similar setback. He noted the 4X non-participating property line setback is beyond the standard that MSU recommends. He brought up the provision for 10 feet burial of wiring and questioned if other uses in the zoning code require this depth (he noted 4-5 feet is seen in other ordinances). He discussed that things like shadow flicker can be solved by stopping the shadow before it hits a house, but noted it is harder to avoid at property lines.

- Ben Stout (Cato Township) thanked the commission for the work on the draft ordinance. His biggest concern with wind energy is that the government/taxpayer has to subsidize it. He also pointed out that turbine safety manuals call for a 4X setback and wants that same protection for residents.
- Eric Tester (Douglass Township) noted that silos for agricultural use are not allowed to be over 100 feet tall in order to protect the beauty of the township. He questioned why industrial structures would be allowed at much taller heights and thus override what's been regulated for years. He noted that it's up to communities to protect townships and decide what's exclusionary, not corporations or politicians who don't live under these conditions. Communities want to stay "rural America", and he has concerns with turning land over to corporations. We need to protect what we have.
- Kay Scott (Sidney Township) discussed that her and her husband have been attending township meetings since November 2020. She noted that there is always someone from the wind company who comes to the public hearings and hands a packet of information with various changes. She emphasized that the commission should stand by the work that it's done. She noted that the Amway Grand Plaza in Grand Rapids is 318 feet tall, and the Riverhouse building is the tallest building in Grand Rapids at 406 feet tall. She noted the draft ordinance limits turbine height at 400 feet and can't imagine going any taller than this.
- Robert Scott (Sidney Township) noted that in 2010 the Montcalm County Planning Commission put together a comprehensive plan for townships setting forth a number of values, objectives, and goals that they wanted to see townships follow in zoning ordinances. He read several provisions aloud including: Objective – preserve the county's unique agricultural sector and promote healthy relationships between farm and non-farm residential neighbors; Goal – preserve the county's natural resources and beauty of its landscape; Goal – maintain viability of primary lake residential communities in the county. He concluded by stating that the commission has recognized these values in the community, and the draft ordinance reflects this.

Morrow closed the public hearing at 5:33pm.

Public Comment:

Morrow opened regular public comment at 5:34pm. The commission heard from the following individuals:

- Charlie Curtis (Cato Township) noted issues with the last presidential election. He discussed a citizen's petition that requires various voter ID checks for both in-person and absentee voters, specifies minimum time clerks must accept absentee ballots for in-

person or drop-box delivery, prohibits officials from making absentee ballot applications available except upon voter request, and prohibits donations to fund elections. The citizen's petition will override governor veto, and the regulations have already passed in the state House and Senate. Petitions are due by the end of June. He asked that anyone who wants to sign the petition please see him after the meeting.

- Jessica Kwekel (Cato Township) apologized for her comments in the public hearing that were not specific to the Cato planning commission but addressed townships in general. She noted that the Cato planning commission is one of the few that has thoroughly gone through the previous wind ordinance and listened to the citizens.

Morrow closed regular public comment at 5:37pm.

Zoning Administrator Update:

Kelsey provided log sheet for May 2022 zoning permits issued. The following 3 permits were issued in May:

Lynn Ann Kiter	11501 Maple Drive	Replace/enlarge deck
Dave Forquer	6666 Birch Shore Drive	10x30 3 season room
John Beemer	11782 Elm St	Pole barn

Kelsey noted he's heard nothing further and no paperwork has been submitted from Leon Thompson who previously attended a commission meeting to discuss his plans for the former VFW building south of Lakeview on M-91. As discussed in previous commission meetings, a rezoning would not be appropriate; however, Mr. Thompson could file a zoning text amendment application to add a particular special use in the zoning district. If approved, a special land use permit would then be required. All zoning application forms will be made available on the township website.

Board Liaison Update:

Behrenwald had no update to report since the township board has not held a meeting since the commission's May meeting. The next board meeting is scheduled for June 20, 2022.

Old Business:

Wind Ordinance review – Attorney Abdoo provided commissioners with an updated draft of the wind ordinance from the May meeting, a copy of which was posted to the township website in mid-May. She noted that if the commission has any concerns, typos, or any other changes they should be discussed at this time. Clark-Hubbard noted the following items – Page 11 second paragraph: add “as measured from the ordinary high water mark” at end of paragraph (commissioners agreed on this at the May meeting); Page 2 letter E. 2nd sentence: change “an” to “a”; Page 7 item 7.c): change “LTWETS” to “LWETS”.

Chairman Morrow asked the commission if there was any further discussion on matters of height, setbacks, and wire burial which were brought up during the public hearing. Sweet noted some concerns about height, setbacks, and noise from the Montcalm Wind/Apex packet emailed prior to the meeting, but he had no specific changes for the draft. Commissioners discussed several provisions of the draft ordinance including that LMAX is comparable to a speed limit which allows for more simplified enforcement; setbacks should be measured from property lines; a waiver option is available for non-participating landowners that would allow for a lesser property line

setback for turbines and access roads; minimum setbacks from all lakes listed in the township's master land use plan; and decommissioning - wires must be removed to a depth of 8 feet. Sweet suggested changing to 5 feet wire removal, but the commission took no action to change. Striker mentioned the avian protection language noted during the public hearing. Commissioners determined that the preliminary wildlife studies are sufficient, and Attorney Abdo noted that the commission could make this a condition of the special land use permit if determined that added protection is necessary after reviewing the study results. No further discussion on the draft ordinance.

Attorney Abdo will make the above changes noted by Clark-Hubbard to the draft ordinance. She provided a copy of a resolution that discusses the process the planning commission went through to create the draft ordinance and also memorializes the commission's approval of the draft ordinance, with the minor changes above. Striker motioned and Sweet supported to adopt the resolution to recommend approval of the draft ordinance to the township board with the agreed upon minor changes. Roll Call: Behrenwald – YES, Clark-Hubbard – YES, Striker – YES, Sweet – YES, Morrow – YES. Motion carried.

Attorney Abdo will forward the signed resolution and proposed ordinance to the county planning commission for review. The signed resolution and proposed ordinance will also be provided to the township board and posted to the township website. Clark-Hubbard motioned and Striker supported to have Behrenwald request that a special joint session be added to the township board's July 11, 2022 regular meeting agenda for the planning commission to discuss the proposed ordinance with board members. Behrenwald, Clark-Hubbard, Striker, Morrow – YES; Sweet – NO. Motioned carried. Behrenwald will also request the board for approval to have Attorney Abdo attend the July 11, 2022 meeting.

Website – Clark-Hubbard discussed a few tweaks needed to the new zoning forms provided at previous meetings such as updating the number of copies required and adding some basic instructions on where to send completed forms, fees, etc. Clark-Hubbard also noted that the commission has now posted all commission minutes from 2019, 2020, 2021, and 2022 with the exception of February 2020 which the commission is working to get a copy of from previous commission members. The commission will also work to assemble an official minute book for all of the commission's past and future minutes. Bylaws will also be posted to the website.

New Business:

Zoning Ordinance Section 3.11 Accessory Buildings – commissioners discussed items A3, B2, and B6. Any changes will require a public hearing.

A3 – prohibits accessory buildings in “required front yards” with certain exceptions for lots with frontage on lakes. Kelsey noted that Home Township may have some sample wording the commission could consider. Discussion ensued on the ordinance's definitions of lot lines, yards, and building lines. Attorney Abdo noted that the current definition of side yard appears to encompass the entire depth of the lot instead of just to the building line. There appears to be some overlap between front and side yard the way the definition reads. Usually front yard is the entire area from the road to the front of the main building. Commissioners agreed to research the matter and discuss further at a future meeting.

B2 – sets a maximum lot coverage for accessory buildings. Commissioners agreed to research the matter and discuss further at a future meeting. Attorney Abdo recommends lot coverage based on lot size (not dwelling) with each district having its own coverage requirement (for both principal dwellings and accessory buildings).

B6 – sets a height limit on accessory buildings. Kelsey noted lake residents often want a taller pole barn to store boats in. Attorney Abdo noted that this regulation should be considered with any changes to A3 above. Sidewall considerations should also be taken into consideration as well as definitions of “height” and “building height” in the ordinance. Commissioners agreed to research the matter and discuss further at a future meeting.

Sample solar ordinance will be reviewed at a future meeting. Sweet noted some concerns with lot coverage restrictions between residential and commercial systems.

Master Plan – Behrenwald to ask township board to obtain quotes for the master plan. Commissioners discussed whether it was time for a comprehensive overhaul of the master plan or if only updates are needed. Master plan has not been updated since 2010. A comprehensive overhaul will be expensive. Behrenwald to ask board to include funding for a comprehensive overhaul in their fiscal year 2022-2023 budget – estimated low \$15,000, high \$25,000.

Next Meeting:

The next meeting of the commission is a tentative special meeting scheduled for July 11, 2022 at 7:00pm, pending approval of the township board to add to their regular meeting agenda. The commission must post notice of the special meeting 18 hours prior to the meeting (hall door & website).

The next regular meeting of the commission is scheduled for August 10, 2022 at 5:00pm.

Adjournment:

There being no further business to come before the commission, a motion was made by Morrow and supported by Striker to adjourn the meeting at approximately 6:50pm. Motion carried.

Recorded by:

Brandi Clark-Hubbard
Secretary, Cato Township Planning Commission

NOTE:

The following documents were provided to the commission by members of the public:

- Email from Albert Jongewaard of Apex Clean Energy/Montcalm Wind including a letter of public comment on the proposed wind ordinance, example visual simulation of 500' and 680' turbines, GE setback considerations guide, and Hankard Environmental review of proposed wind ordinance sound regulations.
- Email from Kathy (Frank) Craig of Douglass Township with web link to GE website with multiple heights available for onshore wind turbine models.