

Cato Township Planning Commission
Meeting Minutes
April 13, 2022

The Cato Township Planning Commission met for a regular meeting on Wednesday, April 13, 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, Commissioner
Quanah Striker, Commissioner
Joe Sweet, Commissioner

Others present:

David Kelsey, Cato Zoning Administrator
Leslie Abduo, Attorney from Foster Swift Collins & Smith PC
29 members of the public per sign-in sheet (20 from Cato Township, 9 from other townships)

Joe Sweet was welcomed and sworn in by Chairman Morrow as a new commissioner.

Approval of Agenda:

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

February 9, 2022 Meeting Minutes:

Striker moved and Behrenwald supported to approve the February meeting minutes as presented. All in favor, motion carried.

Zoning Request – Former VFW Hall

Mr. Leon Thompson was present and discussed his proposed plans for the former VFW Hall (south of Lakeview on M-91) which include a small party store and a bar with outdoor seating. He has received approval for a liquor license from the Michigan Liquor Control Commission ("LCC"); however, in order to proceed the property would need to be rezoned to Commercial. Attorney Abduo reiterated that options include either 1) re-zoning the property or 2) adding a permitted special land use to the district via a zoning text amendment, both of which would require a public hearing. Abduo cautioned against "spot zoning" and "non-conforming" special uses. Forms will be made available on the township's website for zoning text amendment requests.

Public Comment:

Morrow opened public comment at 5:11pm. The commission heard from ten (10) Cato citizens and one (1) Douglass township citizen:

- Jamie Snyder (Cato) shared regulations she'd like to see in the wind ordinance. She outlined specific limits on turbine height, setbacks from lakes/roads/non-participating

property lines, noise limits, zero shadow flicker on non-participating properties, aircraft detection lighting systems (ADLS), and avian detection systems for birds and bats.

- Pat Clark (Cato) provided an aerial photo of her home which sits close to the property line of a parcel that is currently leased for wind turbines. She stressed the importance of strong property line setbacks from non-participating properties to protect against noise, shadow flicker, and also to protect wildlife/eagles.
- Deanna Sweet (Cato) spoke about the need for traffic lines on Youngman Rd due to high traffic volume, and she also emphasized the need for a traffic light at the intersection of Youngman Rd and M-46 due to multiple auto accidents. She also stated her objection to wind turbines in the township.
- Julie Toddy (Cato) expressed concerns about how wind turbines will affect individuals with medical conditions, in particular from turbine shadow flicker and sound. She supports strong property line setbacks for non-participating properties.
- Marcy Myers (Cato) discussed that if wind turbines are allowed, the rights of adjoining landowners must be protected. She called for the highest protections for non-participating landowners and outlined specific limits on turbine height and noise, setbacks from non-participating property lines, and zero shadow flicker on non-participating properties. She asked the commission to please protect her rights.
- Chris Stout (Cato) called for specific non-participating property line setbacks for both safety and to reduce the impact of infrasound. He asked for no shadow flicker on non-participating properties, protections for water ecosystems and streams, avian/bird detection systems, and a turbine height limit. He also stated that wind developers should be required to remove all materials when a project ends and return the property to farmland.
- Matt Hubbard (Cato) called for non-participating property line setbacks to equal, at minimum, those included in wind turbine manufacturer safety manuals. He also called for strong setbacks from bodies of water and wetlands, bird/bat detection systems, and property line surveys to be paid for by wind turbine applicants.
- Fred Bies (Cato) questioned where wind turbines are manufactured and where they end up when decommissioned. He has a lot of questions and feels the township is not providing answers to citizens. He does not want wind turbines anywhere near his home and feels they do not belong in the township, county, or state.
- Chelsea Striker (Cato) introduced her daughter, Stella, who is a student at Lakeview schools. Stella shared that she lives on a small lake in Cato Township and is worried how wind turbines will affect her home. She is also concerned for the bald eagles in the area and how the township's decisions will affect future generations.
- Linda Reynolds (Douglass) also spoke on the need to protect future generations from the impacts of wind turbines.
- Charlie Curtis (Cato) is bothered by how the proposed wind project has affected the county and townships. He is bothered that officials are not listening to the concerns of citizens and feels very few officials have taken the time to study the effects of wind turbines on communities. He feels that townships are not considering a cost-benefit analysis for things like devaluation of real estate and lack of future growth.

Morrow closed public comment at 5:37pm and then read aloud a letter from Cato resident Luann Koester who expressed support for wind energy to help Montcalm County schools, roads, and jobs. The letter cited examples in other counties where turbines have generated tax revenue.

Zoning Administrator Update:

Kelsey will provide zoning log sheets for January, February, or March at the next commission meeting. He noted he has three (3) permits on his desk for Cato Township which he said is about average for this time of year.

Board Liaison Update:

Moratorium – Behrenwald reported that the public notice post date for the wind and solar moratoriums was on March 10 15, 2022. Because this was more than fifteen (15) days after the township board adopted the moratoriums, it does not comply with the Zoning Enabling Act, and the township board will need to re-adopt and re-publish the notice. The moratorium takes effect seven (7) days after publishing. Behrenwald will also request the township clerk to add missing commission minutes to the website.

Master Plan – The township clerk contacted planner Mark Eidelson for assistance with updating the township's master plan. Eidelson is not available but estimated a cost around \$20k-\$30k. Morrow will discuss this with the township board and may ask Attorney Abdo to provide some recommendations if needed.

Zoning Board of Appeals – One regular member of the Zoning Board of Appeals (ZBA) must be from the planning commission, so the board is asking for a recommendation. Clark-Hubbard volunteered for the position. Behrenwald will let the board know at their next meeting so they can vote on this appointment.

Zoning forms – Motion by Clark-Hubbard and supported by Striker to accept the "Zoning Amendment Application" standard form provided by Attorney Abdo. This will be posted to the township's website. Abdo will also provide sample standard forms for special land use and zoning variance applications for review at the next commission meeting.

Old Business:

Bylaws – Commissioners reviewed Clark-Hubbard's proposed bylaw edits. Motion by Clark-Hubbard and supported by Striker to approve the edits as presented with the following changes: *Article V Section 4: strike in entirety; Article VI Section 1: change "December" to "final"; Article VII Section 1 Letter c: strike wording in parenthesis.* Motion carried. Clark-Hubbard to update the final version and provide copies to the commission.

Annual election of officers – Motion by Clark-Hubbard and supported by Striker to elect Phil Morrow as Chairperson. Motion carried. Motion by Behrenwald and supported by Clark-Hubbard to elect Quanah Striker as Vice Chairperson. Motion carried. Motion by Morrow and supported by Striker to elect Brandi Clark-Hubbard as Secretary. Motion carried.

Wind Ordinance review – Attorney Abdo provided commissioners with an updated working draft of the wind ordinance from the February meeting. Commissioners reviewed all updates on the working draft starting with item 1. Purpose and Intent through the end of the LWET section on item 6f) Access Driveway. Motion made by Striker and supported by Clark-Hubbard to set the large turbine height limit at a tip height of 400 feet and setback from non-participating property lines at 4 times the tip height, with a minimum of 1,640 feet. Roll call vote: 5-yea, 0-nay. Commissioners then commenced a line by line review starting with item B. Safety Requirements through item H. Violations of Ordinance. Attorney Abdo will provide an updated working draft to include all changes and will also provide sample language for bodies of water and revised sound

language to incorporate LMax. The updated working draft will be provided to commissioners a couple weeks before the next meeting.

Clark-Hubbard motioned and Striker supported to hold a special meeting on Wednesday, May 11, 2022 at 5:00pm to review and discuss final changes to the wind ordinance. Motion carried. Chairman Morrow will post a notice of the special meeting on the door of the community center (must be at least eighteen (18) hours prior to the meeting). The tentative plan is to hold a public hearing at the commission's next regular meeting on June 8, 2022. This will need to be published in the newspaper at least fifteen (15) days prior to the public hearing. Attorney Abdoo will assist with this.

New Business:

Commissioners are invited to attend a seminar on April 21, 2022 hosted by the Montcalm County Planning Commission where law firm Bloom & Sluggett will present on the Zoning Enabling Act and planning commission duties and responsibilities.

Attorney Abdoo provided a sample solar ordinance. Commissioners will review at a future meeting.

Next Meeting:

The next meeting of the commission is a special meeting scheduled for May 11, 2022 at 5:00pm.

Adjournment:

There being no further business to come before the commission, a motion was made by Clark-Hubbard and supported by Sweet to adjourn the meeting at approximately 8:50pm.

Recorded by:

Brandi Clark-Hubbard
Secretary, Cato Township Planning Commission

NOTE:

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

- Aerial photo of home/property line submitted by Pat Clark with concerns on wind turbines
- Letter from Luann Koester in support of wind turbines