

Cato Township Planning Commission
Meeting Minutes
August 10, 2022

The Cato Township Planning Commission met for a regular meeting on Wednesday, August 10, 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
11 members of public (including 7 from Cato)

Approval of Agenda:

Striker motioned and Behrenwald supported to approve the meeting agenda as presented with the addition of wind ordinance follow up in old business per Chairman Morrow request. All in favor, motion carried.

June 8, 2022 & July 11, 2022 Meeting Minutes:

Striker motioned and Behrenwald supported to approve the June meeting minutes as presented. All in favor, motion carried. Behrenwald motioned and Striker supported to approve July meeting minutes as presented. All in favor, motion carried.

Public Comment:

Morrow opened public comment at 5:03pm. The commission heard from the following individuals:

- Ben Stout (Cato Township) thanked commission members for their work. He noted there is a lot more work to be done in the township, and the citizen's alliance is looking for individuals who are interested in opportunities to be involved.
- Jamie Snyder (Cato Township) thanked commission members for their work. She also complimented the commission's page on the website.
- Linda Reynolds (Douglass Township) noted she's been impressed by the commission's dialogue throughout the wind ordinance process. She was disappointed that the township board did not ask questions at June's special meeting. She attended the county planning commission hearing and felt the township board only listened to one county commissioner's recommendations. She felt the board's changes to the proposed ordinance were uncalled for and a disservice to the commission. She thanked the commission for writing a good ordinance.

- Charlie Curtis (Cato Township) noted the commission's wind ordinance was a compromise and balanced all of the issues. He requested the commission consider a formal resolution condemning the board's actions to change the ordinance.
- Matt Hubbard (Cato Township) commended the commission for doing its research and asked that this continue throughout the solar ordinance process. He asked commissioners to protect the interests of all citizens.
- Ben Reynolds (Douglass Township) noted he's seen what happened with Cato's wind ordinance play out in other townships like Douglass where the township board changed the planning commission's proposed ordinance. He commended the Cato commission's work on the wind ordinance.
- Marcy Myers (Cato Township) thanked the commission for representing the citizens because the board did not. She feels the board is representing the very few and not listening to other citizens. The public recognizes everything the commission has done and is very appreciative.

Morrow closed public comment at 5:09pm.

Zoning Administrator Update:

Kelsey provided log sheets for June and July 2022 zoning permits issued. The following permits were issued:

Jason Amershek	7465 N Johnson Rd	46x36 barn
Gordon Waller	11542 Lakeshore Dr	Home addition
Michael Abbey	6505 Tamarack Rd	Pole barn
Michael Toddy	7447 Vining Rd	30x30 new deck, 15x30 pool
Dan Petersheim	10242 Bale Rd	Pole barn
Justin Crabb	11923 Vining Rd	Pole barn
David Schutter	9657 M-46	Home/attached garage
Dan Clark	10764 M-46	Pole barn
Kent Kizer	6900 W Almy	Pole barn lean-to

The following permits were denied:

Richard Shamp	11893 Birch Dr	Front porch w/ roof (denied-too close to road)
Jerry Bristol	7540 Schmeid Rd	Pole barn (denied-height and size)

Board Liaison Update:

Behrenwald reported that the township board approved using attorney Leslie Abdoo from Foster Swift to assist with the upcoming solar ordinance work. The board is also working with Lakeview Village Manager Darin Dood to get a quote from Rowe Engineering to update the township's master plan.

Old Business:

Zoning Ordinance Section 3.11 Accessory Buildings

A3 – prohibits accessory buildings in “required front yards” with certain exceptions for lots with frontage on lakes. Clark-Hubbard provided a sample diagram from the Michigan Townships Association that provides clarity on “required yards”. Consensus by the commission that no zoning text amendment is necessary.

B2 – limits the size for accessory buildings to a percentage of the dwelling unit size, which has resulted in multiple variance requests. Commissioners discussed that each zoning district already has a maximum lot coverage limit. Striker discussed possibly striking B2 in its entirety. Sweet expressed concern with larger buildings used for unauthorized uses and space for septic systems. Clark-Hubbard noted unauthorized uses would result in a citation from Zoning Administrator Kelsey. Motion by Clark-Hubbard to strike B2 and replace with the following: *“Except for bonafide farms, the total area of all buildings, including accessory buildings, shall not exceed the lot coverage requirement as defined for each district.”* Supported by Striker. Roll call vote: Behrenwald – YES, Clark-Hubbard – YES, Striker – YES, Morrow – YES, Sweet – NO. Motion passed 4-1.

B6 – sets a height limit on accessory buildings, which has resulted in multiple variance requests. Commissioners discussed increasing the height limit, especially for those who own lake properties and want to store their boats. Morrow listed heights allowed in neighboring townships that range from 14 ft to 20 ft. Motion by Clark-Hubbard and supported by Striker to change accessory building height limit to 18 ft. Roll call vote: Sweet – YES, Morrow – YES, Striker – YES, Clark-Hubbard – YES, Behrenwald – YES. Motion passed 5-0.

The commission will schedule a public hearing on these changes as an agenda item at the next regular meeting in October. Notice will be published in the newspaper. After the hearing, the proposed amendments will be forwarded to the county planning commission and the township board.

Former VFW Hall

Commissioners were provided a special use application submitted by Leon Thompson requesting approval to use the former VFW Hall as a “Party Store/Tap House & Food/Restaurant”. Commissioners discussed whether this is considered a special use in the Agricultural-Residential (A-R) zoning district under the current zoning ordinance Section 5.02 item A. Clark-Hubbard noted that the ordinance provides further requirements in Section 12.06 item A, including minimum lot size. Striker pointed out some differences in wording between the two sections. Clark-Hubbard asked if any special zoning status was previously granted on the property when it became a VFW Hall. Kelsey indicated he had no record of such. Chairman Morrow read a January 2, 2022 email from Attorney Abdoo where she discussed that in her opinion the requested special use is not authorized in the A-R district under the current zoning ordinance in Section 5.02; however, the property could be rezoned if consistent with the master plan, or the commission could consider a zoning text amendment to add the use to the district. Behrenwald discussed the current commercial-zoned properties along M-46 for future development. Consensus by the commission to table consideration of the special use application/public hearing until Chairman Morrow follows up with Attorney Abdoo. Zoning Administrator Kelsey provided MTA guidance that indicates a use variance is likely not allowed. Chairman Morrow will confirm this with Attorney Abdoo.

Wind Ordinance Follow Up

Chairman Morrow noted the final ordinance with the board’s approved changes will be published in tomorrow’s newspaper and posted to the township website by the township clerk. He noted the commission did a good job throughout the process, and he appreciates everyone’s work. Clark-Hubbard noted that several emails with research materials were sent to the commission by a citizen after the commission had concluded its work on the ordinance.

These will be documented in the minutes, and Chairman Morrow requested they also be forwarded to him.

New Business:

Email account

The commission would like to create its own gmail account for general correspondence. The commission secretary and chairman would have access to this account. Behrenwald to request the board's permission at their next meeting to create the email account.

Solar Ordinance

Commissioners agreed to come prepared to discuss solar ordinance regulations at the next meeting in October. A basic template was previously provided by Attorney Abdoo. Commissioners agreed that Attorney Abdoo will not attend October's meeting, but the commission may request she attend the December meeting. Moratorium on solar permits extends through March 2023.

Master Plan

Tabled until board gets quote from Rowe Engineering.

Next Meeting:

The next meeting of the commission is a regular meeting scheduled for October 12, 2022. Motion by Striker and supported by Clark-Hubbard to move all future meeting start times to 6:00pm. Clark-Hubbard, Striker, Sweet, Behrenwald – YES; Morrow – NO. Motion passed 4-1. New meeting start time will be posted in the township hall window and on the township website before October's meeting.

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 6:35pm. Motion carried.

Recorded by:

Brandi Clark-Hubbard
Secretary, Cato Township Planning Commission

NOTE:

The following was provided to the commission by members of the public:

- Email sent to township board from Charlie Curtis of Cato Township with a letter from an individual living among wind turbines. Requested this also be forwarded to planning commission.
- Emails from Charlie Curtis of Cato Township including Bradford Hill Causation Analysis for Industrial Wind Turbines, web link to article entitled "Farmers Fightback", web link to Prager U video "What's Wrong With Wind and Solar", attachment discussing wind turbine harm to animals, and web link to Forbes article discussing wind turbines and modern civilization.