

## Meeting Minutes

### MONTCALM TOWNSHIP PLANNING COMMISSION

August 23, 2022 @ 7:00 PM

#### PLEDGE OF ALLEGIANCE

CALL TO ORDER/ROLL CALL: Richard Karnatz called meeting to order; Members present: Richard Karnatz; Jeff Dolphin; Robert Hemmes; Richard Palmer; Brenda Ladermann

#### APPROVAL OF AGENDA

**Motion** Dolphin with changes to add ZBA Liaison Confirmation **Second** Hemmes;  
**Motion Carried**

#### APPROVAL OF MINUTES FROM April 26, 2022 MEETING

**Motion** Dolphin to approve meeting minutes from 4/26/2022 **Second** Ladermann;  
**Motion Carried**

ZONING ADMINISTRATOR COMMENTS Nelson wants clarification or zoning changed for 2 properties to be 'residential' vs. 'commercial'; M91 Mid Michigan Fire and 1500 Greenville Rd. Mike would also like to Thank Richard Karnatz for his years of service to the township.

Board discussion that there is no reason to amend those 2 commercial buildings to be re-zoned as verbiage in the current ordinance claims to 'dwelling' already state ["claims to 'dwelling' already state" is awkward] that those buildings can be used as residential dwellings.

The Board will continue to research further and put on the agenda for the next meeting.

COMMENTS FROM PLANNING COMMISSION MEMBERS Hemmes requested a new recording secretary for the PC; Ladermann volunteered for the position.

Karnatz welcomed new members Ladermann and Palmer.

Palmer stated that as a 44-year resident he was drawn to the Montcalm Township area because of its rural lifestyle. Palmer practiced law for 43 years, township law for 25 of those and represented 7 townships including Montcalm Township, but is now retired. While he can no longer practice law and can't give legal advice, he hopes his general understanding of legal principles, problems and terminology will be of benefit on township matters.

Karnatz says that during his 11 years of service to the Planning Commission his goal was always to keep the township out of legal jeopardy and lawsuits.

**PUBLIC COMMENT: NEW BUSINESS ITEMS ONLY--- 3 MINUTE TIME LIMIT**

- A resident Thanked Karnatz for years of service; would ask the PC board to go beyond and not make any decision(s) tonight but allow new members and new team to work together to vote on ordinances in review.
- A resident Thanked Karnatz for years of service and concerned about the Master Plan and that the PC board research green energy and work toward the Master Plan to allow our township to become anything other than it currently is, peace, beauty and rural.
- A resident Thanked Karnatz for years of service and commented that as the PC Board makes changes to the Master Plan take into serious consideration the financial well being of this township.

**NEW BUSINESS:**

ZBA Liaison Confirmation; Board Discussion Hemmes would like to be considered for the position. Dolphin still willing to be the liaison. Karnatz mentions the legal training that has taken place and would like to see Dolphin in the current position as liaison.

**Motion** by Palmer to table the liaison confirmation until next meeting **Second** Hemmes, Jeff abstained from vote; **Motion Passed 3/1/1**; 1 abstained; 3 yes; 1 no

## Section 2.10 Violations, Penalties, and Fines Zoning Ordinance

Karnatz opened by discussion of language 'civil infractions vs. misdemeanor' and that there was an ordinance language already proposed and passed in 2015, May 6 planning commission meeting, also June 10, 2015 from the MTB to approve 2.10 language; The problem is the zoning ordinance did not get updated, for whatever reason did not make it into the proper ordinance that is in the books today. Enforcement yet to be determined by the Township Board.

Nelson asks for a formal citation form; will document with dated pictures of infractions.

Dolphin agrees we need to approve corrections and get a ticket book and take the offender to court to enforce fines.

Palmer only received 2.10 just prior to the meeting taking place currently and would like to be sure before we pass any motion on this to research current language and fines to be sure it is enforceable. Would like to contact the court, the sheriff dept. or township attorney to review it and be sure it passes muster.

Karnatz states that the Township Board places fines for each offense. He would like to see the attorney review it and pass it onto the Board for final approval. We need to pass this as written and approved in 2015 so the Board can put it in the books. He also states that the attorney needs to come up with a form for the citation when it comes back it is ready to put into place.

**Motion** by Karnatz to make approved changes for section 2.10 that was supposed to be revised in 2015; to remove misdemeanor and replace it with municipal civil infraction. Leave fines at \$500 for trash and \$1200 for fire. With an Attorney drafting correct revision of this section 2.10 and adding a citation form. **Second** by Dolphin      **Role call Vote:**      Bob Hemmes - Yes; Jeff Dolphin - Yes; Richard Karnatz - Yes; Brenda Ladermann -Yes; Richard Palmer - Yes

**Motion Passed**

### Section 7.25 Solar Ordinance Review and Revise.

Karnatz points out the moratorium currently in place imposed by the Township Board, and that residents cannot install solar on home until this is revised or good to go the way it is? Karnatz to summarize current solar ordinance and making suggestions for concern to Abandonment time; Decommission language add 'no wetland disturbance"; Fence and Gate if green barrier would be considered; Article D -1 remove Industrial zoning; D -3 is 14' enough or should it be 20' for grazing animals; D -6 Noise, move from 65 decibel to a lower requirement; E Bond Requirements?; F -10 remove 1000 square feet to verbiage that covers just the rooftop of dwelling.

Board discussion: Palmer points out that a solar farm is a minimum of 20 acres and questions why ground mounted solar doesn't cover less acreage in Point G of ordinance 7.25? Asks that added verbiage specify residential specifically. Also addresses that we currently have 1 Agricultural area now vs. 2, that used to be Prime and not-so-prime agricultural areas. Would like to see language to Restrict Solar in Prime agricultural areas and not so much restriction in Area 2. Would like to research provisions that are available to protect our township, would like to see a current ordinance from other townships to be able to pick and choose to make ours. Asks that the PC Board review a couple of websites that he will send links to.

Karnatz answers Palmer's question to 'under 20 acres' that it would be subject to approval under "special land use" requiring a zoning permit and approved by the Planning Commission.

Karnatz asks if we can separate residential solar from Solar Farms? A resident agrees with this decision.

**Motion** by Hemmes to table review of Solar 7.25 until next meeting

**Second** Dolphin. **Motion Carried**

### Review of Master Plan Review

Karnatz reads from the recommendations by the Attorney in reference to the Master Plan 2003, to replace maps and concerns, Goals and Objectives (page 3 of 7) 1) Farmland and is concerned with growth of housing as it pertains to people selling off 'acres' of farmland to turn it into residential dwellings. (page 7 of 7) In Summary read about future Plan bullet points. He would caution future ordinance planning to minimize litigation and lawsuits.

Hemmes cites that the Planning Commission listens to the people of the Township and encourages Township residents to participate and keep coming to PC Meetings.

### Training

Karnatz encourages all New PC members to look at MTA or MPA, MSU available training for them to learn as much as they can to get on board with current events. Master Plan Online works well, it is a 12-hour course that can be taken to get up to date instruction for ordinance writing and to minimize litigation.

### **OLD BUSINESS:**

#### Review of WECF Zoning Amendment comments from LANDPLAN INC.

**Motion** by Dolphin to table Old Business until New PC Board takes control

**Second** Hemmes; **Motion Carried**

#### Commercial WECF Zoning Amendment

**Motion** by Dolphin to table Old Business until New PC Board takes control

**Second** Hemmes; **Motion Carried**

### **PUBLIC COMMENT: --- Please limit to 3 minutes.**

- A resident requests ordinance 7.25 be posted to the website. Karnatz states a moratorium verbiage needs to be added.

- A resident is upset that resolution to ordinance 7.25 is not passed because he wants residential solar for his home and the moratorium prohibits his plan for that in time for 2022 tax credit.
- A resident states that the moratorium is only for 6 months and that the Township Board may pass a resolution sooner and remove the moratorium before the end of the year.
- A resident asks that the ordinance be split so that residential and commercial are separated then the moratorium won't affect residential solar.
- A resident is concerned about a resident owning 19 acres creating potentially multiple solar units and wants to know if the ordinance will prohibit that.
- A resident suggested that the PC look at Bushnell township solar ordinance and see if verbiage could possibly be used for Montcalm township. Karnatz cautions that Bushnell doesn't have zoning and could potentially be cause for concern to Montcalm township.

#### ADJOURNMENT

**Motion** by Dolphin for meeting adjournment

**Second** Karnatz; **Motion passed 4-1** Palmer - No