

MONTCALM TOWNSHIP PLANNING COMMISSION PUBLIC MEETING MINUTES

September 19, 2023

Call to Order and Roll Call:

Meeting called to order at 7:00 p.m. with Pledge of Allegiance. R. Palmer indicating he was advised that B. Cousineau was going to be absent and was going to forward information to him, but it was not received. There is a quorum.

Members Present: Richard Palmer, Karon Baird, Jeff Dolphin and Bob Hemmes
Recording Secretary-Barb Prah; Absent: Brian Cousineau

APPROVAL OF AGENDA:

J. Dolphin suggested that more specific time be allocated for public comment on individual things being discussed instead of waiting until end of meeting due to what is going on with the State. Suggested having it during discussion, such as before New Business. **Motion to add new Public Comment before New Business** by J. Dolphin, **Second** by B. Hemmes. No discussion. Aye-All, Nay-None. **Motion carried.**

Motion to Approve Agenda by J. Dolphin, **Second** by K. Baird. No discussion. Aye-All; Nay-None; Abstain-None. **Motion carried.**

APPROVAL OF MINUTES FROM August 15, 2023 Meeting:

Motion To Approve by K. Baird; **Second** by J. Dolphin. No discussion. Aye-All, Nay-None; Abstain-None. **Motion carried.**

COMMENTS FROM ZONING ADMINISTRATOR:

M. Nelson indicated that he would like to address his items (non-conforming structure, etc.) to be covered in the New Business discussion.

COMMENTS FROM PLANNING COMMISSION MEMBERS:

K. Baird stated that she attended a webinar put on by the MTA in conjunction with MSU office regarding issues of planning/zoning. Several cases have been published to set precedence for cases to follow. Also some unpublished. There are some cases they are watching. It was geared toward attorneys.

R. Palmer also attended the webinar on legislative and case law update over the past year put on by MSU Extension. He also made copies of H. Kennedy's letter and provided to PC members last week. He obtained and sent to PC members a resolution form related to the legislative initiatives under New Business.

PUBLIC COMMENT CONCERNING AGENDA ITEMS:

Pam Hemmes, Montcalm Twp: Re: Solar Energy, she agrees with comments made by Chairman after the Public Hearing, that is a real shame that it was tabled. She would like it to go to the Board as written. It is important to protect the health and safety of all

people in our Township. She is fully in support of moving the Ordinance as written forward.

Rodney Nutt, Dickerson Lake Rd.: Concerning comments made back in November, indicating that the public clearly spoke about renewable energy. We want safe environments to raise our children and grandkids. We want a rural environment. Wind energy is being made bigger because that is what they need to generate energy. Concerned with sound of wind compared to solar. Health, safety and welfare of the community is important.

Dick Karnatz, Fitzner Rd.: Re his comments made at public hearing. He agrees with what Mr. Nutt has said. You do not need to add things into Ordinance that does no good, or gives someone a reason to sue you; or, have someone from Detroit to agree to what Lansing is trying to do, and take control of this type of stuff. Concerned with tile inspection. Is it tiled under solar panels or the field/array that the solar panels are on? Planting trees, he agrees, but if they are planted over tile, the roots will plug the tile. Also, solar cannot be done under PA116, but it is easy to get out of. Feels like this is a way to ask someone to sue the township.

Leslie Rydahl, Pine Twp.: Asks that the Ordinance be sent on to the Board as written.

Dawn Sweet, Pine Twp.: Since 1st priority is to protect citizens, it is best to send as written and protect people of our township and those adjacent. Wants the rural community/farm community preserved. Solar energy is not farming and keeping with overall character of community. Supports sending to Board as written.

OLD BUSINESS:

Section 7.25 Solar Energy and Tables 3-2 3-3, and 3-4: Was tabled at last meeting. Discussion as to whether to remove from Table, what was tabled and description of the items.

J. Dolphin **motioned to take Solar Energy, including three Sections off the table; Second** by R. Palmer. No discussion. Roll call vote: B. Hemmes-No; J. Dolphin-Yes; R. Palmer-Yes; K. Baird-No. **Motion did not pass. Matter remains tabled.**

Review of Master Plan: Discussion of Appendix C, "Demographic Features". K. Baird has 8 tables she is using to bring section up to date before decision to redo Master Plan. Township decreased in growth rate from 1990-2000 and increased in 2010-2020. Looks like we will increase in population. Tables are broken down by race, age, household type and employment. Basically since 2000, race is the same. Age has changed, more people 65+. Household type is basically the same. Feels there are enough changes that the tables need to be updated. Next move would be to look at the maps and what to do with Master Plan.

R. Palmer indicated that some areas are very similar when he Googled the information and some have changed significantly.

Members not surprised by the results. The Township, when compared with the State, has stayed fairly stable with demographics, where State has lost population and

manufacturing. State growth rate has been negative. We have more deaths than births, and couples starting families in 30s rather than earlier.

Appendix D needs to be discussed next, along with "Maps", and what needs to be done procedurally, and where to go from here at November meeting.

Application forms and procedures: K. Baird distributed forms, Special Land Use Application, Site Plan Review Application, and Rezoning Form (what questions should be asked).

- Site Plan Review Application:
Suggestion to add citation in addition to citation at the bottom: to add information about owner at top; add the Zoning Ordinance behind items with check box for reference; date application was presented; date fee was paid; and date application approved and signed, and formally by Secretary or Chair.
- Special Land Use Application: To be discussed at next meeting.
- Rezoning Form: Discussion about suggestions for those who are considering applying for rezoning. Gives directions to those applying--for the general public not knowledgeable about zoning.

Return to Old Business, Section 7.25 Solar Energy: B. Hemmes recommends that Board take moratorium off Solar so it can move forward, concerning personal solar.

B. Hemmes **motioned to take table off Section 7.25 Solar and 3-2, 3-3, and 3-4. Second** by J. Dolphin. Roll Call Vote: B. Hemmes-Yes; J. Dolphin-Yes, R. Palmer-Yes; K. Baird-No. **Motion passed.**

Discussion: B Hemmes: We need to move forward with changes as to solar. No applicants and something needs to be on books. Open to review changes after it is on the books. Does not want to look to more changes now.

J. Dolphin questions on commercial on how it would be enforceable regarding tree height. Strike of statement. He was referring to berms being 3 feet. Concerned with drain tiles with trees planted around them. R. Palmer referend 2.8 concerning landscaping and screening. B. Hemmes feels this needs to be dealt with now.

K. Baird suggested tabling, as we need to adopt Ordinance as presented at Public Hearing or start over and go through another Public Hearing. Must be voted on as written at Public Hearing.

R. Hemmes **moved to accept Ordinance as presented with no changes, and sending it to theTwp. Board and County Planning Commission for approval, including the 3 Tables to the Ordinance (3-2, 3-3, 3-4), Second** by K. Baird. No further discussion. Roll call vote: K. Baird-Yes; R. Palmer-Yes; J. Dolphin-No; B. Hemmes-Yes. **Motion carried.**

PUBLIC COMMENTS (NEW BUSINESS)

Pam Hemmes, Montcalm Twp.: Would like to say she is happy to be having discussion about the legislation and wants to keep township control. Winfield and Sidney Twps have already passed legislation. Some surrounding townships are having special

meetings to get it done quickly due to how soon the state legislature may be voting. Support recommendation to pass resolution.

Mike Nelson, Zoning Administrator: Questions about Rule 20.4, was the terminology taken out regarding the footprint. PC indicated it was not. He is concerned that regarding the lawsuit possibilities, that the lawyers may be picking that out.

Regarding Table 3-4 of setbacks. There is nothing concerning the setback regarding private roads. Currently using 20' from private road (20' from pavement of private road). Private roads are not maintained by the County, so they have no concern. R. Palmer read that the Zoning Ordinance which addresses this indicating that the "front lot line" is to be used. May be set as an issue to discuss at next meeting.

Mike Nelson: Resident asked about building an apartment complex and would like an answer about zoning as soon as possible. Nothing is designated as to this. This is on commercial property. Currently no multi-family zoning in our township. Should the zone be changed from commercial to RMF (rural multiple family)? Currently not listed under commercial or business structure. We have no zoning for this in RMHC or R3 or R4. Discussion about dwellings on commercial property with the definition being vague. Suggestion to discuss at next meeting. R. Palmer suggested for Zoning Administrator to send email to him with any questions about zoning to be addressed by PC.

Diane Fountain, Montcalm Twp: Recalls a request for multi-family dwelling and it went to the Zoning Board of Appeals, it was turned down.

Linda Reynolds, Douglas Twp.: Their township has talked about this and there may be a special meeting regarding legislative initiative. This includes gravel quarries and short-term rentals. This opens the door for more intervention. What happens in Detroit is not the same in rural areas. She requested definition for "non-conforming". Explained as a structure that was once conforming but is no longer non-conforming to zoning. Also depends on each township and their zoning ordinances.

Kevin Murphy, Winfield Twp.: Re statement about attorney that represents his township--that things are too restrictive. Big companies that have tried to push this have taken townships to court and have never won. It is time to take a stand and say that we are here and we do not need the State to step in. Don't be afraid. Stand up for all of Montcalm County.

Dick Karnatz, Fitzner Rd.: Re Legislative Initiative, which includes gravel pits. Talked to the county chairman/supervisor of the Road Commission to know what is going. There is a shortage of gravel. If gravel pits are shut down due to no longer allowing permits, it will be brought in from Traverse City. There will be many wind turbines if the State takes over. Asks PC to be reasonable.

Jemery Palmer, Shady Lane: Added that you can look at the Ordinances online. They have to be published.

Dawn Sweet, Pine Twp.: Stated that government, by nature, is a very greedy entity. The bigger it grows the bigger it wants to grow unless kept in check by the people. It is important for we the people to keep government in check. Job well done. Thank you.

Rodney Nutt, Dickerson Lake Rd.: To the PC - Thank you for serving a purpose that is needed. You will always have confrontation. You are doing the right thing.

Leslie Rydahl, Pine Twp.: Wind, solar and short-term rentals are just a “bite of the apple”. Zoning has been created so people can live happily with one another. If you don’t take a stand now and the State takes over without us even trying, we will not check a chance to speak out about this. As a PC, you can encourage your Board to have a special meeting to adopt a resolution that takes a stand against this ridiculous State takeover. Comment by J. Dolphin: Feels we have gone too far and made things too restrictive that we will have issue. 56,000 acres have been lost around Camp Grayling. They wanted 124,000. This is some of our best fishing rivers and best land. He feels if the State wants to do it, they will do it.

Rodney Nutt, Dickerson Lake Rd.: Follow up. It’s not about solar or wind. It is about central government grabbing power. Our Governor is following lead from our President who is following the European Counsel. What they will come after next is the farmers, which has been done in the Netherlands. This is part of the UN and WEF pushing this.

Helen Kennedy, Lake Rd.: She needs to respond. She is a reasonable citizen and a proud Democrat. She is a supporter of the UN and they are not wanting to overtake the world. Democrats are not awful, that they are part of “We the People” and working for the communities.

NEW BUSINESS:

Legislative Initiatives:

Discussion: K. Baird discussed the Resolution that has come out and aimed at the Twp. Board. Resolutions is to support local control and keeping in local control in our townships. Not having government overreach. It involves short-term rentals, sand and gravel mining, and energy. Would like discussion about recommending to Township Board enter the group that are signing the resolution and sending it on to the people who can make a difference.

J. Dolphin thinks we should keep local control. He thinks we go too far with local control and this is why they are going after local control. He would rather see balance.

R. Palmer suggested that if we take action it would be a recommendation to the Township. Discussion was about it being a consensus and it should be agreed to, so it can be presented to the Board.

K. Baird made motion that PC recommend that they sign and use the resolution that other townships have (which has already been presented to the Board).

Second by B. Hemmes. No discussion. Roll call vote: K. Baird-Yes, R. Palmer-Yes, J. Dolphin-Yes; B. Hemmes-Yes. Unanimous vote. **Motion passes.**

Section 20.4 Nonconforming Structures:

Discussion regarding subsections were confusing about non-conforming. K. Baird stated that she would refer to B. Hemmes about wording being ambiguous. B. Hemmes discussed #2 and #4 are not agreed on regarding interpretation regularly. Cannot have

common agreement on this. He would like #2 and #4 removed. The ZBA voted to ask the PC do something about this. Too many problems and may get us sued. Continued discussion about rebuilding. What if dwelling is damaged or destroyed? Subsection 2.A was read by R. Palmer concerning foundation/footprint. Must be same foundation/footprint as other structure. Also read from MTA regarding rebuilding non-conforming buildings. This is the only section that addresses this matter. M. Nelson would like to eliminate the footprint (due to definition) and foundation, and the 50% damage language. People would like to rebuild foundation anyway.

Further discussion: People are reluctant to tell people they can rebuild their house. Residents may need to seek an opinion from a qualified appraiser.

B. Hemmes **motioned to eliminate #2 and #4 of 20.4.A. No second.**

Further discussion from J. Dolphin. He would like to see replacement with new language. J. Dolphin and B. Hemmes will work on the language.

PUBLIC COMMENT CONCERNING ALL MATTERS:

D. Karnatz, Fitzner Rd.: Re the non-conforming structures. Houses around a lake that have been in the family for generations, which was originally built as a cottage, and then the current generation wants to tear it down and rebuild. Can you rebuild as non-conforming. You need to look at that. It will help the neighbors who have a new home and bring in more value and also bring in more taxes for the Township.

Pam Hemmes, Montcalm Twp.: Re this whole matter: she did some research and found that there has been disagreement on non-conforming by lawyers also.

ADJOURNMENT:

J. Dolphin **motioned to adjourn. Second** by K. Baird. Aye-All; Nay-None. Abstain-None. **Motion carries.**

Adjournment at 8:53 PM.

Respectfully submitted,

Barbara Prah, Recording Secretary