

MONTCALM TOWNSHIP PLANNING COMMISSION SPECIAL  
PUBLIC MEETING MINUTES

November 12, 2024

Call to Order and Roll Call:

Meeting called to order by Chairman at 7:02 p.m. with Pledge of Allegiance.

Members Present: Chair-Richard Palmer, Vice Chair-Karon Baird, Bob Hemmes, Absent: Brian Cousineau, Secretary-Richelle Lentz; Recording Secretary-Barb Prah.

APPROVAL OF AGENDA:

**Motion to Approve Agenda as written** by B. Hemmes, **Supported** by K Baird. No opposition, changes or additions. Aye=All; Nay=None; Abstain=None. **Motion passed.**

APPROVAL OF MINUTES FROM OCTOBER 29, 2024 SPECIAL MEETING

**Motion to approve Minutes from October 29, 2024 Meeting** by K. Baird. **Supported** by B. Hemmes. No discussion. Aye=All; Nay=None; Abstain=None. **Motion passed.**

OLD BUSINESS

Wind, Solar, Battery Storage Energy, including possible Zoning Ordinance Amendments relating to recent State Statutes regarding Public Act 233 of 2023:

Chair provided a synopsis of the October 29<sup>th</sup> special meeting. The PC Board voted 5-0 to recommend that to the Twp Board that the township have a CREO (compatible renewable energy ordinance) Plus be created for wind, solar and battery systems, and join the Foster Swift lawsuit to appeal some of the PSC interpretations of the State Statute.

The Twp Board at their 10/30/24 meeting authorized joining the Foster Swift lawsuit/appeal and authorized the Planning Commission and Twp Attorney prepare a CREO Plus as was recommended. The Twp Atty prepared a draft for simple wind and solar CREOs, similar to surrounding what surrounding townships have adopted. Twp Atty will later prepare a more comprehensive CREO Plus adapted to our energy provisions and a battery storage energy systems ordinance with its own CREO provisions.

The proposed CREO is a separate Ordinance. The wind and solar are dealt this with in separate sections of the CREO. (7.24 Wind, Subsection E added) (7.25, Solar, Subsection F added). General provisions are similar in both Ordinances. Taken from the State Statute concerning height, setback and sound.

CREO Ordinance applies only when the State Statute is effective and only for projects subject to the State Statute. It modifies the Zoning Ordinance to become a CREO so that developers must seek approval from the Township under the State Statute. All Zoning Ordinances are still effective. No provisions concerning areas of land to be used for various kinds of energy facilities. Currently no battery storage provisions included.

R. Palmer: Read the proposed CREO Plus thoroughly and found some things that concerned him and discussed with the Twp Atty. A second version was created with changes concerning. The changes were read by R. Palmer and the PC Board members received a copy of the first and second draft to review. Changes made so that if a court or agency renders a provision makes it not a CREO, then that provision would not apply to applications under the State Statute so that we remain having a CREO. That would mean just about every provision of Twp solar and wind ordinance would not apply. Only those in PCS 226.8 provisions apply. Twp Atty will work to make an acceptable CREO from our current Ordinances. Discussion about removing subsection 2 for Wind and Solar, and whether it would make it a non-CREO. Version #3 has highlights of what was added/changed and would be just as effective. Discussion that it is important on what is decided as there is a possibility of a “Stay” on the lawsuit/appeal. States that if we believe as Foster Swift states, that a CREO as defined in the Statute 226.8 and that is it, and the rest is okay, then we should take that point of view in our CREO. That all the provision in the Zoning Ordinance that do not conflict in the CREO, remain in full force and effect. Only giving in on 226.8.

K. Baird likes the 3<sup>rd</sup> Version and feels it provides more protection. She would like to hear public comment and other commissioners.

B. Hemmes stated key element is what the public conceives. This is very complex and if we alter our Ordinance and take everything out, it would be disappointing. The public need to know we are still protecting our Township. Other townships are ahead of us and their CREOs are prepared. No need to go ahead with our Twp Atty, if other attorneys have already done this. And, it is important to have similar CREOs as surrounding townships and use their resources.

Board discussion about what is closest to what we want and only changing some of the language so we can move forward to a public hearing. Important to get something together now and approved to move forward. Must decide to leave in Subsection 2 or remove. Suggested to go with the Version 3 and move forward and set up Public Hearing and present the wording that the Twp Atty is working on. Need to present something that is considered a CREO to present. Need to also include other zoning amendments for approval for the Public Hearing.

Chair would like to get this to a public hearing and then to the Twp Board by the end of November and feels it is necessary to make a decision tonight. Public hearing must have 15-day notification.

**B. Hemmes motioned to approve the 3<sup>rd</sup> Version of proposed CREO Ordinance from Twp Attorney Eberle entitled “An Ordinance To Amend Sections 7.24 and 7.25 of the Montcalm Township Zoning Ordinance” and also to obtain from Twp Attorney Eberle alternative language for paragraphs E Sub 2 and F Sub 2 that would eliminate a CREO for Montcalm Twp if the circumstances occur that are stated in those subparagraphs. Seconded by K. Baird. No discussion. Roll Call Vote: K. Baird-Yes; B. Hemmes-Yes; R. Palmer-Yes. Motion passed.**

**R. Palmer motion that we send that proposed CREO Ordinance just approved to a public hearing, at the earliest available date, and that we also send to that same public hearing the**

**Zoning Ordinance amendments that have been approved by the Planning Commission in 2024. Seconded by K. Baird. No discussions. Roll Call Vote: K. Baird-Yes; B. Hemmes-Yes; R. Palmer-Yes. Motion carried.**

Board discussion about scheduling Public Hearing. 25 days will get us to December 7<sup>th</sup>. Need to talk to absent PC members about date for the public hearing. Twp Board meeting is scheduled for 12/11/24 and PC is scheduled for 12/17/24. Discussion of week of 12/9 and 12/16. Week of 12/2-12/6 is open by members present.

B. Hemmes asked if the members and their positions be indicated on the Agenda for reference. Also suggested have a logo on top for our Township. This would make the documents look more official. Chair will add this suggestion to the next agenda.

**PUBLIC COMMENT:**

Pam Hemmes, Greenville Rd.: Asked whether it is a CREO or CREO Plus that was agreed to.

P. Hemmes further stated that she feels we need protections in place. Wondered if the applications are submitted prior to the public meeting already written would be affected by this. Also, there are 75 municipalities participating in the appeal/lawsuit. Maple Valley recently joined the appeal. Sidney Twp did nothing but add battery storage drawn up by Foster Swift. They should have a copy of this Ordinance. She will ask for a copy.

R. Palmer stated that is supposed to be a CREO Plus. The developers can submit permits. The Statute states that the supervisor has 30-days after they request to respond to them whether we have a CREO. R. Palmer tried to obtain their documents but they were not approved yet.

P. Hemmes cont'd: Regarding Bob Scott, he and his wife did much research on this and has much information and listening to what they have would be helpful. Wondered about decommissioning. R. Palmer stated we do have this in our Ordinance. P. Hemmes wondered about vibration being included (across property lines, which is included).

**ADJOURNMENT:**

B. Hemmes **motioned for adjournment. Supported by K. Baird. No discussion. Aye=All; Nay=None. Motion carried.** Adjournment at 8:24 p.m.

Respectfully submitted,

Barbara Prah, Recording Secretary