

## Douglass Township Planning Commission

3521 W. McBrides Rd

Stanton, MI 48888

989-762-8014

### Special Meeting Minutes

September 11, 2024

7:00 pm

**Call to order:** Jon Bailey called the meeting to order at 7 pm.

**Pledge Of Allegiance** recited.

**Roll Call:** Present: Eric Tester, Matt Moorman, Jon Bailey, Mike Swan, Melissa Bannen, Kathy (Craig) Rasmussen. Also present: Mike Homier, township attorney.

Absent: Rick Baldwin

**Approval of agenda items:** Eric Tester requested an addition to the agenda of a board liaison report. Kathy (Craig) Rasmussen made a motion to add this, seconded by Eric Tester. Ayes: 6 Nays: 0 Motion passed.

**Board Liaison report:** Eric Tester reports that the board directed the PC to work on the enforcement of ordinance violations timeline. It is currently 45 days to correct a violation.

**Approval of Minutes from July 31, 2024 regular meeting:** Eric Tester made a motion to accept the minutes from the July 31, 2024 regular meeting, seconded by Melissa Bannen. Ayes: 6 Nays: 0 Motion passed.

**Public Comments on agenda items:** Jon Bailey opened public comments at 7:07 pm. None offered and closed at 7:07 pm

#### **New Business**

The PC and the township attorney had a discussion on the proposed amendments to the current township solar and wind ordinances, as well as adding an ordinance regarding battery storage facilities. The township currently does not have a battery storage ordinance. These amendments and ordinance are in response to Public Act 233 going into effect in November of 2024. Questions from the PC included liability issues for the township in the event of a lawsuit or injury, the location and size of possible projects, pros and cons of adopting these amendments versus leaving our current ordinances as written, potential variances, effect on crops, crop dusters, wildlife, wetlands, how the energy is stored in battery facilities, transmission lines, and timeline for researching this.

The ordinance amendments and battery ordinance would designate an area in the township that would allow for wind, solar, and battery storage. This would bring the township into compliance with the state law PA 233 while also recognizing the desire of residents of the township regarding renewable energy projects.

- **Location:** The ordinance amendments and battery ordinance would designate an area in the township that would allow for wind, solar, and battery storage. The attorney recommends an overlay district of nine parcels in the northern section of the township, that would encompass just over 500 acres. This area is recommended as it offers close proximity to Day Township's proposed solar project, would limit deforestation, and offers a space large enough for a Wind project of 100 MW or Solar project of 50 MW .
- **Project Size:** The designated overlay area would follow the state's rules for projects over 100 MW for Wind and 50 MW for Solar, (limited to fencing, height, noise, lighting, setbacks, shadow flicker, radar interference, environmental regulations, and host community agreements). Any part of the township ordinance that is not specifically addressed in PA 233 would still be in effect in the overlay district. The existing township ordinances would be in effect for the remainder of the township.
- **Environmental:** The existing township ordinances' requirements for environmental impact and endangered species studies will still apply
- **Landowners:** Land owners of the parcels in the designated overlay area will be under no obligation to do anything regarding any projects. It is an additional permissible land use. Parcel owners, as well as land owners within 300 feet of the overlay district will need to be notified in writing of any public hearings.
- **Liability:** The township has governmental immunity as well as insurance to cover a variety of things.
- **Attorney recommendation:** While the township is under no obligation to adopt these, the township attorney recommends that the township pursue these options, as they support the township's current ordinances as much as possible. If these are not adopted, the state's rules will apply to all sections of the township as opposed to an overlay district.
- **These amendments would only go into effect if the PA 233** does indeed become effective in November of 2024. If for some reason PA 233 does not go into effect, then our current ordinances in all areas will remain in effect as they are right now.

Kathy (Craig) Rasmussen made a motion to hold Public Hearings on the amendments to the Wind and Solar ordinances, as well as the Battery Storage facilities ordinance on Oct. 9, 2024 at 7 pm, seconded by Melissa Bannen. Ayes: 5 Nays: 1. Motion passed.

Attorney presence is requested for the Public Hearing.

### **Old Business**

The previous violation of the ordinance timeline for correction was 45 days. PC reached consensus that 21 days would be preferable.

Matt Moorman made a motion to recommend that the violations timeline be changed from 45 days to 21, seconded by Eric Tester. Ayes: 6 Nays: 0 Motion passed.

Eric Tester made a motion to send the violations timeline recommendation to a Public Hearing to be held following the Wind, Solar and Battery public hearing on Oct. 9, 2024, seconded by Matt Moorman. Ayes: 6 Nays: 0 Motion passed.

**Public Comments** opened at 8:58 pm and ended at 9:10 pm

Resident	Comments
Rick Harris Clifford Lake  <b>*Attorney responses in parenthesis.</b>	Questions on FAA rule for height (FAA only determines if it is a hazard), if the parcels are contiguous (yes), how would the transmission lines work (a landowner would have a private contract with a company for transmission lines), if the area designated is covering both wind and solar projects (yes), litigation issues, profitability of projects (not likely profitable without subsidies), and if there is a chance of new state rules not going into effect (unlikely). Supports the amendments.
Tom Koepke Clifford Lake	Liked the PC discussion-though it was thoughtful and he learned alot from it. Recommends a condensed version to share with people. Supports moving forward on this.
Ben Reynolds Clifford Lake	Question on if acres can be split or if has to be all one area.

**Further commission discussion**

Matt Moorman brought up an issue from a township resident on a tabled ZBA variance for an increase in height of 2.5 feet on a peak. ZBA needed more input from the PC to make a decision. Resident Brandon Stilwell was present and explained the issue. PC looked at zoning rules and reached consensus it met the conditions for variance. Matt will reach out to ZBA to clarify.

**Next meeting date:** Public hearings on Oct. 9, 2024 at 7 pm, regular meeting Oct. 30, 2024 at 7 pm

**Adjourn**

Kathy (Craig) Rasmussen made a motion to adjourn seconded by Eric Tester. Ayes: 6 Nays: 0 Meeting adjourned at 9:30 pm

Respectfully submitted,  
Kathy (Craig) Rasmussen  
Douglass Township Planning Commission Secretary

