

**Lake Township Planning Commission
Special Meeting
June 5, 2024
4988 W. Kinde Rd, Caseville MI 48275**

Unapproved Minutes

The meeting was called to order at 6:05 by Siver at the Lake Township Hall.

Siver advised that this special meeting was requested by the Supervisor; the totality of the agenda is to do with the alternative energy ordinances and other issues will be addressed at the PC's regular meeting on June 12, 2024.

Roll call: Keith Hoffman, Bob Siver, Nicole Collins, Tim Quinn, Matt Pryor present.

Supervisor, Valerie McCallum present as well as four (4) in-person guests and one (1) guest virtually.

Approval of Agenda: Siver asked the PC members if they are satisfied with the agenda being limited to the alternative energy ordinances. Hoffman asked if the expectation of the PC is to act on this tonight and Siver advised that is what the Board would prefer. Hoffman stated he has an objection in that the material was just distributed to the PC members and there is no way to go through the material to check the information or do any type of research in this setting and it is an unreasonable expectation that the PC has to take action today. Motion by Collions to approve the agenda with Hoffman's objection, seconded by Hoffman. All ayes – passed.

Public Comments: Virtual guest asked if the PC was going to address any other items other than the alternative energy ordinances. Siver advised the agenda is limited to the renewable issue.

Siver stated McCallum has comprehensive understanding of the issue and asked that she explain the reason behind tonight's meeting. McCallum stated last November the State Legislature passed Public Acts 233 and 234 taking away communities' ability to regulate for wind, solar and battery storage facilities and they gave it to the Michigan Public Service Commission (MPSC). Based on that, in early 2024 there was an initiative filed with the State to put the issue to the voters to repeal that law to keep it in the hands of the communities. In order to make this November's ballot, as the law takes effect November 29, 2024, that initiative required over 500,000 signatures. The initiative was strictly volunteers collecting signatures who worked hard but did not get enough signatures to meet the requirement so the deadline had to be extended which will get the issue on the ballot in November 2026. McCallum stated that means the law will be in effect for two (2) years before the voters have a chance to vote on it. Based on this law, if townships want any say in the permitting process, it does not mean the township can regulate as far as setbacks, noise, etc. however, but the developer will have to apply through the township instead of directly with the MPSC and the township, at the least, will know what is going on so the township has to adopt a compatible renewable energy ordinance. McCallum stated that Mike Homier was the attorney that assisted the Township in creating the wind ordinance and the Board approved McCallum to contact him. The township's attorney also advised that Homier is the expert in this area. McCallum stated Homier has prepared draft amendments to the Zoning Ordinance (distributed to the PC members). McCallum stated this issue is on a very tight

timeframe and Homier advised that the Public Hearing should be held the very end of June, beginning of July in order to meet the November deadline. The Sleeper State Park Outdoor Center is available for July 2nd.

McCallum referred to the draft ordinances and advised there are a few corrections that need to be made in the drafts. McCallum referred to page 9 of the solar ordinance, Section D. "This subsection does not apply if PA 233 of 2023 is repealed, enjoined, or other not in effect..." McCallum stated this language needs to be the same in the wind ordinance. McCallum referred to the chart on page 2 of the solar ordinance and stated the "Commercial solar Energy System", "Renewable Energy Overlay Area" is something these ordinances will be creating, a renewable energy overlay area. Siver asked McCallum to explain an overlay area. McCallum stated the overlay area is where the township wants the renewable energy to be placed. McCallum stated that sections 35 and 36, a portion of those sections, would give the township approximately 320 acres to use for the overlay area and those sections would be the greatest distance from the shoreline to satisfy U.S. Fish & Wildlife recommendations which may or may not be followed by the MPSC.

McCallum stated the purpose for tonight's meeting was to get the paperwork, discuss it and schedule the Public Hearing.

Collins referred to page 4, item #4 of the battery ordinance and suggested 45 dBA; all PC members agreed.

After further discussion, Hoffman stated maintenance and transmission lines need to be addressed but the PC needs to move forward and has the responsibility to review the drafts and submit any questions to the appropriate people to get issues addressed. Quinn asked if the PC can approve the ordinances as a draft. McCallum stated the adoption is not finalized until the Public Hearing is held so there is time to make adjustments. McCallum advised any questions be submitted to her with a copy to Siver and she will forward to appropriate person.

Siver suggested the PC devote its next meeting to these issues and put the Zoning Ordinance amendments on hold.

Motion by Collins to schedule a Public Hearing for 07/02/2024 at 6:00 p.m. at the Sleeper State Park Outdoor Center, seconded by Quinn. All ayes – passed.

Public Comments: Guest asked how overlay area was determined. McCallum advised it was through consultation with the township's attorney.

Motion made by Collins to adjourn, seconded by Pryor. All ayes – passed.

Meeting adjourned at 7:03 p.m.

Next meeting Wednesday, June 12, 2024 at 6:00 p.m.

Submitted by Lisa Clinton