

Hayes Township Planning Commission
January 7th, 2025
Regular Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

CALL TO ORDER: Chairperson Roy Griffiths called the meeting to order at 7:00 p.m.

Members present: CT Martin, Roy Griffiths (Chair), Carey Cuddeback, Matt Cunningham, Alexander Curley, and Mark Snyder.

Excused: Rex Greenslade

Also, present: April Hilton (Deputy Clerk/Recording Secretary), and Ron VanZee (Zoning Administrator).

Audience: Jim McMahon, Diane McMahon, Doug Kuebler, David Zipp, Ellis Boal, LuAnne Kozma, Kevin Willis, Tim Boyko, Laura Nachazel, Bill Conklin, Liz Dekorne, Andrew Wilson, Winnie Boal, William Savory, Steve Hassell, and Sherry Baker- McCary.

Mr. Griffiths made an announcement the Zoom Equipment is not working properly tonight, the sound is working however the camera is not.

REVIEW AGENDA:

Add item 12a Public Comment.

Mr. Snyder made a motion, supported by Mr. Martin, to approve the agenda as amended.

Yeas: Alexander Curley, Carey Cuddeback, Matt Cunningham, Roy Griffiths, CT Martin, and Mark Snyder.

Nays: none **Motion Carries**

DECLARATIONS OF CONFLICTS OF INTERESTS:

None

APPROVAL OF MINUTES NOVEMBER 19TH, 2024 REGULAR MEETING

Ms. Cuddeback made a motion, supported by Mr. Curley, to approve the November 19th, 2024, regular meeting minutes as corrected.

Yeas: Alexander Curley, Carey Cuddeback, Matt Cunningham, Roy Griffiths, CT Martin, and Mark Snyder.

Nays: none **Motion Carries**

PUBLIC COMMENTS: Public comments opened at 7:03pm.

- Happy New Year! Gave some words of praise to Ms. Cuddeback and her survey team. Thought the new Master Plan survey was great and reached all residents township wide. With an option in the mail, online and in person at the hall. Looking forward to seeing the results. Stated they would like a new survey like this for the Parks and Rec Master Plan.

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- After looking over the annual report, they found the Planning Commission failed at amending the Zoning Ordinance after 4 years of working on it. They believe the slow movement of this project is to blame on the leader of the Planning Commission and feel the Chair should be replaced by another member.
 - Happy New Year, They are disappointed every year in the annual report for it is only a half page and the planning commission was busy and plans to be busy again. You can find examples of how Planning Commission across the state makes their annual report. Would like to see the draft of the zoning ordinance that was sent to the planning consultant. Would like to see more details in the annual report.
 - It is extremely hard to hear on zoom tonight.
 - It is hard to hear on zoom tonight. Feel there should be some kind of financial report included in the annual report.
- Public comments closed at 7:16pm

REPORT OF TOWNSHIP BOARD REPRESENTATIVE TO THE PLANNING COMMISSION:

Matt Cunningham gave an oral report of Board of Trustees activities. Next regular scheduled Board meeting is January 13th 2024.

REPORT OF ZONING BOARD OF APPEALS REPRESENTATIVE TO THE PLANNING COMMISSION:

N/A

ZONING ADMINISTRATOR REPORT:

Ron VanZee presented a written report. Report is available on the Hayes Township website and for review at the Township Hall.

NEW BUSINESS

ANNUAL ORGANIZATIONAL MEETING AND ANNUAL REPORT TO THE BOARD:

The Planning Commission came to a consensus to submit the Planning Commission Annual Report to the Board of Trustees as presented.

The Planning Commission came to a consensus to submit to the board that Rex Greenslade will continue to serve on the Zoning Board of Appeals as the Planning Commission Representative.

Roy Griffiths opened nominations for Vice Chair of the Planning Commission at 7:23pm.

Mr. Martin made a motion, supported by Ms. Cuddeback to nominate Mark Snyder as the Vice Chair of the Planning Commission.

Yeas: Alexander Curley, Carey Cuddeback, Matt Cunningham, Roy Griffiths, and CT Martin.

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abstain: Mark Snyder.

Nays: none **Motion Carries**

Mr. Martin made a motion, supported by Mr. Cunningham to close Nominations for Vice Chair of the Planning Commission.

Yeas: Alexander Curley, Carey Cuddeback, Matt Cunningham, Roy Griffiths, and CT Martin.

abstain: Mark Snyder.

Nays: none **Motion Carries**

Mr. Griffiths opened nominations for Chair of the Planning Commission.

Ms. Cuddeback made a motion, supported by Mr. Snyder to nominate Roy Griffiths as the Chair of the Planning Commission.

Yeas: Alexander Curley, Carey Cuddeback, Matt Cunningham, Mark Snyder, and CT Martin.

abstain: Roy Griffiths.

Nays: none **Motion Carries**

Ms. Cuddeback made a motion, supported by Mr. Snyder to close nominations for chair.

Yeas: Alexander Curley, Carey Cuddeback, Matt Cunningham, Mark Snyder, and CT Martin.

abstain: Roy Griffiths.

Nays: none **Motion Carries**

CREO DRAFTS FOR COMMERCIAL SCALE SOLAR AND BATTERY STORAGE FACILITIES:

At the last Planning Commission meeting, the members discussed language to create a CREO (Compatible Renewable Energy Ordinance), and approved the CREO draft to be sent to the County Planning Commission. This has been reviewed by the County Planning Commission, therefore the Township could implement this draft if they decided to. However Mr. Griffiths encourages the Township to not implement it at this time and to just keep it on hand in case an application comes in which they will need to approve it then. The long term plan is to develop workable ordinance for all three CREO areas.

Tonight the Planning Commission will be reviewing drafts for Solar and Energy storage. These drafts have been provide by MTA.

Mr. Snyder asked if a parcel owner on the shoreline submits an application for a CREO development, would the applicant have to go through the Shoreland Review process?

Mr. Griffiths thinks it would, however will do some research on the details because the landscaping and foundations for the CREO projects change daily and the Township needs to develop a workable ordinance so they can discuss such things as shoreland protection.

However, if the ordinance is not found to be workable the applicant can go to the state and the Township is cut out of the discussion. One question that has not been answered by the state is if the Township has to be notified when a utility company does work on an application with

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PUC. It is important for the Township to know about an application or meeting in advance to seek legal guidance and research a response for cases at the state level.

Mr. Griffiths stated this is why it is so important to try to keep the applications at the Township level.

Mr. Snyder stated this is not something real manageable and wants the residents to understand the Planning Commission is aware this is a very controversial subject and the Township is trying to do the best they can with the circumstances and they are working hard to get educated however there are many unanswered questions and daily changes at the state level right now. Requested the residents to be understanding with expectations through this process.

Mr. Griffiths stated there will be a point when the township will need to seek professional knowledge and help when dealing with applications and discussion for the CREO developments. Planning Commission began reviewing the Solar Energy ordinance draft:

- The CREO section of the Ordinance for Solar will be labeled 6.1.
- This is an amendment of Section 2 of the Township Zoning Ordinance.
- Section 2.02 of the Hayes Township Zoning Ordinance for definitions.
- This is covering a variety of definitions that have been proposed for specifically for Solar Energy.
- Mr. Griffiths questioned under the definition for "Principal-Use Solar Energy Systems", when it states "A principal-use solar energy system may be located on more than 1 parcel of property, including non-contiguous parcels. But shares a single point of interconnection to the grid." does this mean they would need to create own local network of transporting energy from the various parcel to the single point of interconnection to the grid?
- Mr. Snyder stated there is definitely a technical part to these projects that they will still need to ask questions about.
- Amendment to section 7 "Supplementary Regulations" of the Hayes Township Zoning Ordinance is hereby amended by adding a section 7.0122 titled "Solar Energy Systems General Provisions". This new section will provide General Solar Energy requirements.
- Amendment to section 7 of the Hayes Township Zoning Ordinance to add a new subsection to provide standards for principal-use solar energy systems as a special exception use. Section 7

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"Standards Required of Special Exception Uses" of the Hayes Township Zoning Ordinance is hereby amended by adding a subsection 7.0122 titled "Principal-Use SES".

- Mr. Griffiths questioned if the township should limit this to only Agriculture parcels, or should the township consider adding Commercial, Rural Residential, and industrial districts.
- Mr. VanZee stated he is concerned with RR districts because of the range of parcel size; suggested setting an acre minimum in RR districts for Solar developments especially with the state draft having a 300 feet setback from any existing non-participating dwelling unit.
- Mr. Griffiths stated they also have a setback of 100 feet from any property line of a non-participating lot. He also stated it is hard to determine whose rights are more important and we do not have to answers at this time to determine how to meet this criteria.
- Mr. Snyder stated this may end up as a legal question if this circumstance happens.
- Item #3 of this section covers what needs to be included in an application for a Solar Energy System. Specifically the variety of legal and environmental laws through EGLE, DNR and fire/public safety laws.
- One conflict found with the Hayes Township Ordinance, is the fencing height of 7 feet, the Hayes Township ordinance has a height restriction of 6 feet. However the Planning Commission feels they should use 7 feet in regards to the solar panels.
- Under item #5 Screening / Landscaping will follow the Hayes Township section of the Zoning Ordinance for Site Plan Review.
- Item #12 for Lighting will reference the Hayes Townships Lighting Ordinance in section 3.20.
- Item #15 for Signage will reference the Hayes Townships Signage Ordinance in section 3.21. Unless determine necessary for public safety a larger signage area.
- Item # 16 for Sound, Planning Commission will research the latest PBC to reflect if it is less than 55 dBA.

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- Item #18 for Decommissioning, applications process should include pictures and a topical survey before the development is started for reclamation purposes.

- Also under Item #18 Decommissioning if a site has not operated over a year, a decommissioning request can be made.

- Amendments to section 4 “supplementary Regulations” for a host community agreement has to be determined by the Board of Trustee for they make the decisions for any money exchange within the Township.

Planning Commission began reviewing the Battery Energy Storage System Ordinance.

- The CREO section of the Ordinance for Battery Energy Storage will be labeled 6.2.

- This is an amendment of Section 2 of the Township Zoning Ordinance.

- Section 2.02 of the Hayes Township Zoning Ordinance for definitions.

- This is covering a variety of definitions that have been proposed for specifically for Battery Energy Storage Systems.

- Section 2 of the draft for “Off-Site Battery Energy Storage System Regulations will be in the new section 6.2 of the Hayes Township Ordinance.

- This section includes “Small Off-Site” and “Large Off-Site” Battery Storage Systems. They have them allowed in Agricultural, Industrial, and Rural Residential. Planning Commission discussed adding Commercial districts for both ‘Small and Large Off-Site Battery Storage Systems’. Discussed if these belong in Rural Residential districts.

- The Setbacks for the Battery Storage Systems is consistent with the Largest set back and increase the rest of the set backs within the Hayes Township Ordinance.

- The Fence requirements for the Battery Storage Systems are regulated by the National Electrical Safety Codes.

- Under item #7 of this section regarding “Sound”, recommended adding to the Solar Ordinance the language from the Battery Storage ordinance that states “ Decibel modeling shall use the A-

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weighted scale designed by the American National Standards Institute. The Planning Commission Shall require the applicant to provide a sound study as part of the special land use review process.”

- Item #8 for Lighting will reference the Hayes Townships Lighting Ordinance in section 3.20.
- Item #9.B for any site-specific basis pursuant to the standards for special land use approval as specified in Article 3.24 or the standards for site plan approval as specified in Article 5 of the Zoning Ordinance.
- Mr. Griffiths recommended implementing an Insurance Bond Requirement for applicants for both Solar and Battery Storage developments. This will insure the decommissioning cost will be covered.
- Add the Language from Section 13.B of the Battery Storage Ordinance to the Solar Ordinance.
- Item #14 for Special Land Use Permit and Site Plan Application Requirements Applications for special land use permit approval shall comply with articles 5 and 6 of the Zoning Ordinance. A formal application for site plan approval for this land use shall comply with section 9.02.
- Will seek legal advise for item # 15 for a Waiver.
- Item# 16.K will be determined by the Board of Trustees for the Community Host Agreement.
- Section titled On-Site Battery Energy Storage System Regulations will be added as section 6.201 to the Township Zoning Ordinance.
- Amend Section 4.13 of the Township Zoning Ordinance Concerning the permitted uses of Residential Districts, which will be limited to Rural Residential only.
- Each Zoning district section of the Hayes Township Zoning Ordinance permitted for Battery Storage Systems will be amended.
- Will recommend to the Board of Trustees to use some of the money raised by the projects to hire a special enforcement officer for the CREO developments.

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- Will seek legal advice for the Severability section of the Battery Storage System Ordinance.

The Planning Commission came to a consensus to submit the CREO Drafts to the Hayes Township Attorney for review and comments.

SET/CONFIRM PUBLIC HEARING DATES:

Set a public hearing for February 18th, 2025 to review a Rezone request on Burnett Road and a Special Use Permit for a Kennel and Dog Day Care center.

SET/CONFIRM DATE OF NEXT PC MEETING –JANUARY 21st, 2025.

Next Planning Commission regular meeting will take place on January 21st, 2025, at 7:00 pm.

PUBLIC COMMENT:

Public Comment Opened at 8:40pm

- After hearing the discussion about noise tonight, would like to bring about AI Noise that maybe something coming to Hayes Township in the near future. Requested if the Zoning Administrator knows of any in the Township. Suggested the Planning Commission research adding something the Ordinance for AI noise.
- Disappointed the Planning Commission did not discuss the Planning Commission Annual Report more. Would like to see training information and Zoning Permit information. Feel the Residents deserve more information. Would like to see the draft and know when it was sent the consultant and who the consultant was.

Public Comment Closed at 8:46pm

PLANNING COMMISSION and STAFF COMMENT:

Ms. Cuddeback stated the survey results are coming in, received about 340 responses so far. She is hoping to receive about 400, it has been very interesting seeing the results as she compiles everything.

Mr. Martin stated they visited four Shoreline Review sites last meeting.

ADJOURNMENT: Mr. Snyder made a motion, supported by Mr. Curley, to adjourn the meeting at 8:45pm.

Yeas: Alexander Curley, Carey Cuddeback, Matt Cunningham, Roy Griffiths, CT Martin, and Mark Snyder.

Nays: none **Motion Carries**

Respectfully Submitted by:
April Hilton

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clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Kozma comments for PC meeting Jan 7, 2025

1 message

LuAnne Kozma <luannekozma@gmail.com>

Tue, Jan 7, 2025 at 4:20 PM

To: Roy Griffiths <rwgriffitts3@gmail.com>, kristin baranski <clerk@hayestownshipmi.gov>

January 7, 2025

TO: Hayes Township Planning Commissioners

FROM: LuAnne Kozma, resident, [9330 Woods Road, Charlevoix](#)

My comments are about the so-called "PC 2024 Annual Report."

1. Regarding this statement in your report:

"It has addressed a review and update of the zoning ordinance which has resulted in a draft of several changes sent to our planning consultants for further development."

I have some questions:

☐ What draft? Let's see it. The public has not seen this entire draft. Has the Commission?

When was this draft sent to "our planning consultants"?

Who are these planning consultants? Under what contract, to do what, for what amount of money?

2. This report, as in the past few years, is thoroughly unprofessional and inadequate. It is not a summary of what the Planning Commission has done over the past year. There are no lists of meetings that were held. Permits issued. Public hearings held. Decisions made. Trainings attended. Money spent. No data. No specifics. It is a half-page of nothing.

The statute says:

(2) A planning commission shall make an annual written report to the legislative body concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development."

☐ The Board and the people of the Township, through the PC's Annual Report, should be told the specifics. The report should be an accurate account of all of the Planning and Zoning activities of the Township, including what the zoning administration has done. Who the commissioners are, what precise meetings were held, what precise decisions were made, and should include all shoreland landscaping plan decisions as well as special use permits, public hearings and those

results, and any ordinance language adopted. What trainings did commissioners attend this year? What zoning permits were issued, violation notices issued? Violations resolved? All zoning and planning decisions should be reported.

How much money did taxpayers spend on the PC and all planning and zoning activities this year, including the costs of the Zoning Administrator and assistant, recording secretary, meeting pay, training, costs and supplies... everything?

The Annual Report is so inadequate and does nothing to tell the Board or the Residents what happened last year. Saying you're "busy" and that 2025 is "shaping up to be another busy year" just doesn't cut it.

Teachers would give this kind of report a "D-minus" if that.

--LuAnne Kozma