

Hayes Township Planning Commission
January 28th, 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: Roy Griffiths (Chair), Carey Cuddeback, Matt Cunningham, Alexander Curley, CT Martin, and Mark Snyder.

Excused: Rex Greenslade

Also, present: April Hilton (Deputy Clerk/Recording Secretary) and Todd Millar (Township Attorney).

Audience: Doug Kuebler, Maureen Parker, Kevin Willis, Andrew Wilson, LuAnne Kozma, William Conklin, Ellis Boal, Betty Henne, Tiffany George, Joellen Rudolph, Tim Boyko, and Sherry Baker-McCary.

REVIEW AGENDA:

Mr. Snyder made a motion, supported by Mr. Curley, to approve the agenda as presented.

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

Nays: none **Motion Carries**

DECLARATIONS OF CONFLICTS OF INTERESTS:

None

PUBLIC COMMENTS: Public comments opened at 7:01pm.

None

Public comments closed at 7:01pm

NEW BUSINESS

LEGAL REVIEW FEEDBACK WORKABLE RENEWABLE ENERGY ORDINANCES DRAFTS:

Todd Millar submitted suggestions on the Solar Energy System and Battery Energy Storage System Ordinance samples for the Planning Commission to review and discuss. Todd was present for legal counsel questions and recommendations.

Planning Commission discussed Todd Millars suggestions for the sample Solar Energy System Ordinance.

Discussion included:

- Mr. Griffiths asked Todd if the language from the state standards that states you can have numerous non-continuous parcels, however they must have a single connection to the grid.

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Does that mean they will need to develop a local area network in order to connect the different parcels to the grid?

- Mr. Millar stated that is how he understands it as long as the development is by the same entity.

- Mr. Millar responded to the question brought up on page 5, of what would happen if a land owner were to build within the 300-foot setback after an energy farm was developed. Mr. Millar stated the law sees it as the landowners discretion and does not create for a problem within this ordinance. The ordinance is written with language for setbacks from existing non-participating structures.

Planning Commission discussed Todd Millars suggestions for the sample Battery Energy Storage System Ordinance.

- Mr. Millar stated the Planning Commission needs to be specific with this ordinance, in terms of making the ordinance easy for people to understand what regulations their development will falls under. Creating language within the workable ordinance that directs applicants to federal guideline they must comply with will help make it specific. If a new federal and/or state guideline is created in the future an amendment to the ordinance may be necessary in order to enforce the specific compliance.

- Mr. Griffiths stated after speaking with the state fire marshall, they recommend using language from NFPA Code 1 and NFPA 855 within the ordinance, however the state updates these every 3 to 5 years. Therefore within the Ordinance it will state "to comply with the most recent NFPA code".

- Mr. Griffiths stated the last two pages include sections that should be addressed by the Board of Trustees. The Host Community Agreement and the Fee Schedule would have to be established by the Board of Trustees in order for the ordinance to be complete.

- Mr. Millar stated the Planning Commission may make a recommendation to the board.

- Mr. Griffiths asked the Supervisor, Mr. Conklin, if he would like the Planning Commission to submit recommendations to the Board of Trustees for the Host Community Agreement and the Fee Schedule sections of the Ordinance draft.

Mr. Conklin stated The Planning Commission is the most familiar with the CREO and it would make sense for the Board to follow the Planning Commission's recommendations.

Discussion included:

- Page #3, Creating Language referencing the current version of NFPA Code 1 and NFPA 855 and any future amendments.

- Page#3, Will reference 3.20 for Lighting.

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January 28th, 2025
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- Mr. Griffiths requested between the Solar Energy System and Battery Energy Storage System which is the Accessory Use and which is the Primary Use? Also can there be an Accessory Use on a property without a Primary Use?
- Todd Millar clarified an outside battery storage system that is intended to service the needs of the consumer on site is considered an accessory use, which is why it is included in the residential use section as an accessory use.
- Mr. Griffiths suggested to make the home size project for the battery storage system singular to be different from the larger scale commercial developments.
- Mr. Millar agreed to change the language for this section to singular.
- Mr. Griffiths stated the building codes from the NFPA regarding fencing is implemented into the ordinance specifically.
- Will reference 3.20 for Dark -Sky lighting.
- Mr. Griffiths stated depending on the size of the property the development may require more than the 120sq ft cumulative signage limit for safety. The Planning Commission will need to be able to amend this limit during the Special Use Permit hearing to be based on the NFPA requirements.
- Mr. Millar stated the Planning Commission can make reasonable accommodations and reasonable requirements through the Special Use Hearing process.
- Will include language for decibel modeling under item 16: Sound, The Planning Commission may require the applicant to provide a sound study as part of the Special Land Use Review process.
- Mr. Griffiths recommended to Supervisor, William Conklin the board discuss setting up a system within the application for bonding to cover the decommissioning cost of each project.

The Planning Commission came to a consensus to send the Solar Energy Systems and Battery Energy Storage System sample Ordinances with the amended language to the Charlevoix County Planning Commission for review.

SITE PLAN REVIEW- 6670 PEACEFUL VALLEY LANE:

Mr. Snyder made a motion, supported by Mr. Cunningham to remove the following items from the Shoreline Landscape plan review.

5.03.3 items G, H, K, M, N, O, P, I

5.03.4 items B, D, E, F

5.03.5 items A (4, 5, 6, 7, 8, 9, 10, 11) B

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

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Nays: none **Motion Carries**

Ms. Cuddeback made a motion, supported by Mr. Curly to approve the site plan review for 6670 Peaceful Valley Lane as submitted.

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

Nays: none **Motion Carries**

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 – FEBRUARY 18th, 2025.

Next Planning Commission regular meeting will take place on February 18th, 2025, at 7:00 pm.

PUBLIC COMMENT:

Public Comment Opened at 8:04pm

- Thanked the Planning Commission for all their hard work.

Public Comment Closed at 8:05pm

PLANNING COMMISSION and STAFF COMMENT:

ADJOURNMENT: Mr. Snyder made a motion, supported by Mr. Martin, to adjourn the meeting at 8:07pm.

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

Nays: none **Motion Carries**

Respectfully Submitted by:

April Hilton

Deputy Clerk/Recording Secretary