

Wales Township Planning Commission  
Workshop  
November 21st, 2022

Opening

- A. Call to Order. The meeting was called to Order at 7:00p.m.
- B. Pledge of Allegiance
- C. Roll Call: Present: Perry, Downey, **Affelt**, Minor, Kimmen, Watkins, Jewell, All Present

Approval of Consent Agenda. **Motion** by Watkins, **Second** by Kimmen to approve the agenda, Discussion- Kimmen moved Master Plan Review new business to February 2023 meeting. Correction of 2022 date in old business and correction to the spelling of WIND. Correction for the Next meeting date January 17<sup>th</sup> 2023 form 2022. **Roll Call- All Ayes**. Motion Carried

Approval of the Minutes from October 17<sup>th</sup>, 2022. **Motion** by Jewell, **Second** by Downey. Discussion- Correction to Jewell's name, add another L. **Roll call taken: All Ayes**; motion carried.

Correspondence and Announcements

- a. Survey Synopsis and letters from 10/17/2022- Kimmen Explained how she formed her Synopsis. She noted it does not need action, just made a breakdown of how all the surveys were answered.
- b. Memo from Supervisor dated 11/15/2022 Correspondence, FOIA requests, Application forms.
- c. John Minor's Memo/. Correspondence. John Minor read his memo.

Reports:

- A. Zoning Administrator- not present
- B. Planning Consultant/ Attorney- Present Via Telecommunications
- C. Township Board Representative- Carly Kimmen, Board of Trustee Minutes 10/4/22, 10/18/22, 10/27/22 (Draft), 11/1/22 (Draft). Oct 18<sup>th</sup>- hired Mike Homier, present on the speaker system, 10/27 moved all meetings to the community through end of January, Nov 1<sup>st</sup> the board motioned to have the Attorney present via electronic or in person for the Nov 21<sup>st</sup> and January 17<sup>th</sup> meeting for planning commission.
- D. Zoning Board of Appeals Representative- John Minor-Nothing to report.
- E. Committees- Nicole Downey- Parks committee. Nothing to report
- F. Other- none

Old Business

- A. Zoning Amendments sheet for hearing on January, Minor questioned if this sheet has been presented before. It was in the June 2022 packet and July 2022 Packet, also we discussed it with the professional planner on September 2022.

New Business

- A. Master Plan Review- Moved to February 2023 meeting
- B. Possibility to add Wind/ Solar Moratorium to the Public Hearing for January 17<sup>th</sup> 2023- Kimmen asked Homier if there was anything he would like to add about the topic. Homier stated that if Planning Commission would like to consider, there would have to be a public hearing on it first so it would make sense to include that along with the list of amendment changes being taken to the hearing. Minor asked if we have a draft of the Moratorium yet, answered no not yet. Jewell asked Homier if he will provide a draft of the Moratorium, answered yes a draft will be provided prior to the public hearing. Minor asked the attorney, is the draft that will be consider be across the board. Homier didn't understand the question

but stated if the township is looking to strengthen the ordinance, the moratorium would give the township time to do so. Kimmen made the **motion** to add the possibility of a moratorium on wind and solar to the January 17<sup>th</sup> 2023 Public Hearing. **Second Jewell, Roll call- All Ayes**

Public Comments- (3 Minute Time limit) Kimmen asked everyone to use the Microphone so that the attorney can hear them properly.

Gordan Ruttan- 7929 Lambs- Has the commission thought about an interim zoning ordinance? Kimmen asked the attorney if he wants to answer public comments, Homier replied he will do as the planning commission requests but if he understood the question correctly, he would reply an interim ordinance is put in place before the adoption of a permanent zoning ordinance. Once you have a permanent zoning ordinance, I've never had a township go back and adopt an interim ordinance.

Sandra Tanehill- 9219 Webb rd. – If a wind or solar company proceeds to build, without documentation or permits, what are the repercussions? Homier replied, every structure has to be approved in one way or another per building code and zoning ordinance. If a structure is built without the proper steps taken, it likely is a civil litigation.

Cheryl Bowersox 2166 Wales Center- November 1<sup>st</sup>, she submitted a moratorium to the twp board of trustees and she read off her letter to all present.

Anthony Okalski- 9716 Marquette Rd- 1<sup>st</sup> time coming to a meeting- work afternoons. I want to know if you are going to allow solar panels to be in my front and back yard. The company came to my farm in Lenox and wanted the same thing, I said no. I want to know how all the planning commission members stand on this issue. Went unanswered.

Jeff Weidner 9035 Ravenswood- I want you to answer Tony's question. A simple yay or nay. Kevin Watkins explained that we cannot answer how we would vote. Suggested he attend meetings and stay informed. We are not trying to disrespect and not answer your question, we just cannot. Jeff stated all Minor's memo was an opinion and he would like to go on the record and say everything Minor said is No, No, No. John Minor stated that what is said is what the law requires. We have to have a strong ordinance. Jeff felt as though Minor was speaking as an attorney and questions if he has a law degree. Minor stated his qualifications. Jeff asked Homier if Minor's statements are facts or opinions- Homier response- while its true township may not prohibit a lawful land use where there is a demonstrated need, it remains debatable if in your community or in any community for that matter, if there is a demonstrated need for a commercial solar project. Solar is a lawful use, the question is if there is a demonstrated need, so beyond a complete prohibition, then what is your ability to regulate them, the use may be regulated in the confines of Zoning enabling act. If it is no prohibited, it is therefore permitted, and therefore regulations would be lawful. We have zoning for a reason. These decisions fall in the hands of the appointed and elected officials.

Someone asked if this will come up on a vote. Jewell said ultimately yes. Will the Commission vote or will the community? Watkins answered the question with how planning gives recommendations to the board. The board can then accept or reject the recommendations. The man asked how the public is notified of meetings. Kimmen explained that it is on the website and posted at the hall. We cannot send flyers out for every meeting. Check the website.

Andy Flood- Goodells rd. – I would like a copy of the synopsis, and a copy of John Minor’s memo. Kimmen said she would provide those. “Proper and Reasonable is subjective”. Minor said our master plan states that we will protect the natural characteristics of our township.

Adam Agotesku- 380 Palms- question for the attorney- any data about solar, how many twp were able to reject this idea or that they had to go to court? Homier explained past experiences. Adam question to Minor- you mentioned Europe, what is the difference between Europe uses and the US uses? Minor answered they are mostly on buildings. Adam stated – Europe solar panels have to be recycled. It’s their law. Here we don’t have that law, here they can go to a waste dump.

Jody Moore- Wales Center- Question for attorney- can we take the vote away from the board and put it in the people’s hands? Homier answered, short answer no- if there is a zoning amendment, there may be a right of referendum. If there is an amendment that the populous is not in favor of, it can be taken to the board and an elector could file a notice of intent with the township clerk, if you get 15% (I believe) of the number of voters who voted in last Governor election, then you could put that issue on the ballot about that amendment.

Gordon Slate- 9464 Marquette- The substation is terrible. Makes noise all the time. Could they get around our amendments? Homier answered, planning commission has the hard work on this issue of providing recommendations to the board. Board can adopt the recommendation, adopt it with their own changes or but until there is a draft by Planning, it is difficult to answer that. Kimmen- attorney is working on a draft for us to review. Minor- We have been working on this subject for years.

Kevin Glass- 10106 Hill Rd- It’s reasonable to remember where they want this project is not zoned for industrial. 95% of the people in this township, don’t want it. I think that should be the focus. I hope you represent us all.

Someone asked “What is the Master Plan?” Minor explained. Encouraged everyone to get the plan and read it. It’s online or at the township.

Don Anderson- 8350 Lambs- Can an entity come in and override our plans? We have our own plan made overtime, we have our own rights and decisions. Some other entity shouldn’t be able to come in and trample our plan. We have a plan and they should stay out of our plan. Minor explained there was speculation for leases for ago with other resources. Watkins stated we zone for the plan.

Ernest Maynard- 940 Cove- Would the attorney know how many townships are dealing with this in South East Michigan? Homier replied he doesn’t have a specific number. His clients are around 6-10. Are any connecting to Wales? Homier- no.

Larry Morden- 2993 Wales Center- Gave his opinion on DG. The board can override planning. We have a good attorney in his opinion, ordinance should be updated and stronger. Public puts board in place, thanked planning commission for their duty. Minor explained DG decision.

Norm Stephens- Almer Twp. Has dealt with Mr. Homier before. Public is lucky to have this commission. Nextera sued Almer twp, judge said Nextera never showed a demonstrated need. Gave list of statements from Mark Trumbauer from other meetings in other Townships. Decommissioning costs have changed drastically over time from Nextera. Explained all this past experiences with Nextera and Mark Trumbauer. Asked planning to grab the sheet handed out to

them. "it would be totally unacceptable to state: Shall not Exceed- means Nextera can average the sound. Nextera left off the "it would be totally unacceptable to state".

Mike Rosenow- 10208 Hill rd- Question- if this goes to court and costs become an issue, do the residents get to decide if they want to the township to persue, or will the board decide that? Kimmen answered, it would be up to the board to decide how much would be spent. Masters replied the decision of the board would be made in public meetings and we also have insurance. Was the decision to hire the attorney done by the board? Kimmen replied there was only 3 present but all voted yes. Minor added the township has always had attorneys and planners.

Tom Griskiewicz- 911 Fitz. I have a produce farm. They call this a "Solar Farm" which it is not a farm. I take offense to that statement. Something fishy about calling it a farm. The drainage is going to be coming from that solar field right to my farm. All locals eat my produce. Think about what will be coming off that field and what you all will be eating.

Norm Stephens- It is not a farm because all a solar farm grows is animosity and discontent.

Jeff Weidner- Why can't we put an ordinance saying no to all? Kimmen explained we cannot be exclusionary. What are the zones for solar large scale? Kimmen replied Zoning is in industrial.

Gordon Ruttan- Wondered how many farmers are enrolled in PA116. Kimmen is unsure how many are enrolled but will look into it.

Susan Holmes- reminder that our fire departments would not be able to handle a fire of that magnitude if there was a solar fire.

June White- Stapleton- doesn't understand how they have leased their land if they haven't given the township paperwork. Seems like they have planned farther. Kimmen replied there has been leases in the past and nothing ever came of it. They are lease options. Minor stated other resources have been leased in the past and never actually drilled. Elisha explained they are lease options and how lease options work.

Adjourn. Motion by Kimmen, second by Watkins, to adjourn. All in favor. Meeting adjourned at 8:40pm

Next meeting date- January 17th at 7pm- Regular Meeting/ Hearing (Goodells County Park)

Respectfully submitted

Judy Duncan, Recording Secretary