

**CHARTER TOWNSHIP OF CLAYTON
PLANNING COMMISSION MINUTES
APRIL 16, 2019**

ROLL CALL

Members Present: Kevin DePottey, Ed McCartney, Dennis Milem, George Sippert, Tom Spillane, Andy Suski

Members Absent: Dwight Dennings

Others Present: Ted Henry, Building and Zoning Administrator, Ken Tucker, Attorney; Sheryllynn Russo, Stenographer

APPROVAL OF PROPOSED AGENDA

Action Taken: Motion by McCartney, supported by Suski, to approve the proposed agenda for the April 16, 2019, Clayton Township Planning Commission meeting.

MOTION CARRIED.

APPROVAL OF MINUTES: March 19, 2019

Action Taken: Motion by DePottey, supported by Sippert, to approve the minutes of March 19, 2019 Clayton Township Planning Commission meeting with the spelling correction of Picket to Piggott.

MOTION CARRIED.

COMMUNICATIONS

1. ONE SOURCE

Genesee County Drain Commission

Clayton Township – Sanitary Sewer Lead L19-018

1st Site Plan Review for: One Source Printing & Graphics Shop – 4454 Elms Road

Mr. DePottey has resubmitted to Water & Waste and no approval has been received to date. Mr. Henry has met with the architect and approvals have been received. It was discussed that the DEQ is very strict and there may still be some issues. Mr. Tucker recommended adhering to State requirements. It was decided to review site approval at next meeting.

REPORT OF OFFICERS AND COMMITTEES:

None.

PUBLIC COMMENT:

None.

OLD BUSINESS / DISCUSSIONS

None.

NEW BUSINESS / DISCUSSIONS

1. Solar Farm Discussion

Mr. DePottey recommended creating a draft to begin working on for next meeting. He provided a preliminary list of definitions and a solar energy report developed by Montrose Township for purposes of discussion.

Question was raised if residential solar uses systems not U/L tested. Should this be addressed in ordinance or building code? It was determined that this should be U/L approved based on review by Building Department.

Mr. Milem recommended we begin by identifying a base acreage requirement, with easement and the ability to restrict if we want. What would be the Township position regarding large parcels owned by non-residents?

Mr. McCartney stated that economics would certainly enter into it since owner could collect monthly income of possibly \$1,100 per acre per month with the potential of going up after ten years then twenty years and that property taxes should be paid by the solar company. He continued to state his primary concerns of: how large, who gets rid of the equipment after no longer needed by company, and what are the implications of lease versus purchase?

Mr. Suski asked if the panels are considered hazardous waste and what is the process for disposal? Would this be a cost to the owner?

Mr. Suski and Mr. McCartney both questioned the benefit to the Township other than a potential property tax increase.

Mr. DePottey and Mr. Suski asked how we would track sale of property and should we consider putting a restriction requiring a yearly permit and how would we enforce it.

Mr. Suski stated that we need to make sure we lock down the requirement that land be converted back to original condition.

Mr. Tucker addressed the issue of obsolete panels – need to find out lifespan and address replacement/disposal process/requirements. It was noted that Wind Farms wear out before they pay for themselves.

Mr. Depottey noted that the majority of ordinances have been written to bring solar in not to restrict it.

Mr. Tucker advised the Board that Thomas Township's (Saginaw) bond is for the life of the project and insures that all the decommission requirements are the responsibility of the land's owner.

The question was raised, "what happens to abandoned land?". Mr. Milem stated we need to make this part of the solar company agreement. Mr. DePottey suggested that this be made an "equal" responsibility. Mr. Tucker will look into this as well as any time frame requirements.

Mr. Spillane stated his concerns relative to chemicals and any leaching impact. This will require additional investigation going forward.

Mr. Tucker made the Board aware that any decisions made by this Board relative to restrictions could have a significant impact on legal exposure.

Based on all of this discussion, Mr. DePottey summarized with the following bullets:

- Minimum/maximum size of property / easement / setbacks
- Sound decible (maximum)
- Annual Permit(s) to track Bond
- Zoning Districts
- Mutual disposal responsibility
- Ultimate land owner responsibility which includes a timeframe
- Contaminant identification / environmental restrictions
- Security Fencing
- Landscaping Requirements
- Runs from grids to substations

Action Taken: Motion by DePottey, supported by Sippert, directing Mr. Tucker to draft an ordinance addressing all the bullets identified for review/discussion at the next Planning Commission meeting.

MOTION CARRIED.

Mr. Milem suggest that he and Mr. Spillane go to Lapeer and observe their solar farm and talk to residents as well as see if City or Township have experienced any issues.

2. Future Ordinance Reviews

Mr. Milem cautioned the Board that to modify an ordinance is long and costly (publishing, legal, etc.)

Discission: None.

ADDITIONAL ITEMS

Mr. Henry advised that the developer at Cold Creek has submitted a request for ten additional developments.

ADDITIONAL COMMENTS

None.

ADJOURNMENT:

Action Taken: Motion by Milem, supported by Suski, to adjourn the Planning Commission meeting at 7:03 p.m.

MOTION CARRIED

Respectfully submitted,

Sheryllynn Russo, Stenographer

Kevin DePottay, Chairperson

Dennis Milem, Secretary