

**CHARTER TOWNSHIP OF CLAYTON
PLANNING COMMISSION MINUTES
October 26, 2021**

ROLL CALL

Members Present: Kevin DePottey, Richard Derby, Ed McCartney, Dwight Dennings, Rick Caruso, Andy Suski, George Sippert

Members Absent:

Others Present: Ted Henry, Building Official/Code Enforcer; Ken Tucker, Attorney; Sheryllynn Russo, Stenographer

APPROVAL OF PROPOSED AGENDA

Action Taken: Motion by McCartney, supported by Sippert, to approve the proposed agenda for the October 26, 2021, Clayton Township Planning Commission meeting.

MOTION CARRIED.

APPROVAL OF MINUTES: September 28, 2021

Action Taken: Motion by Derby, supported by Suski, to approve the minutes as presented for September 28, 2021 Clayton Township Planning Commission meeting.

MOTION CARRIED.

COMMUNICATIONS

All members of the Commission were given a copy of a letter received from Grant Stringer regarding Solar Farm in Hazelton Township, MI. It was noted that part of the issue stems from the fact that Hazelton does not have a Planning Commission.

Genesee County presented a bill for services provided supporting the Master Plan.

Action Taken: Motion made by Caruso, seconded by McCartney to approve and pay the bill of \$2,955.63. All in Favor.

MOTION CARRIED.

REPORT OF OFFICERS & COMMITTEES

Mr. Henry is still receiving calls from the Minnesota firm regarding commercial solar leasing information and Mr. McCartney received a letter asking if he had any interest in a 2-4 year leasing rights at \$1,000/year.

Mr. Henry also reported that he had recently been out taking photos of all the cell towers in the township. We currently have 5 – the one at 12340 Miller Road has been removed.

PUBLIC COMMENT:

NONE.

NEW BUSINESS

Mr. Tucker is preparing a draft of a foundation ordinance. He will provide it for review at the November Planning Commission meeting.

OLD BUSINESS

1. DISCUSSION OF THE SOLAR ORDINANCE

Attorney Tucker advised that he expanded the current residential solar ordinance to include all of the items/restrictions that the Planning Commission provided during discussions at earlier meetings. He advised the Commission that to also look at any changes they might want to make to residential at this time.

He was advised by several members that he needs to add “decommission” guidelines. Should look into the possibility that property owner signs an agreement and assumes liability and all costs associated with decommission.

There was much discussion about restricting zoning to M1 as opposed to RA. After reviewing a map, it was felt that this would not be feasible and it should be kept at RA and restrict through ordinance and/or site plan requirements.

Attorney Tucker recommended a possible yearly licensing requirement to monitor and determine if solar farm becomes unproductive. Clayton Township Building Department would determine abandonment, i.e., operating under 50% capacity. We could require a quarterly Energy Production Report.

Planning Commission requested the ordinance be changed to include an eight foot earthen berm (higher would require a variance) as opposed to any type of fencing. This berm to be installed 75 to 100' from property line, in accordance with the 100' set-back requirement. Also Section 3 Regulations item 1., o., p., and q. be change from 90 to 180 days on the draft.

Attorney Tucker advised that Ordinance 152.130 specific criteria for site plan development should also be reviewed/changed as well to support this solar ordinance.

It was confirmed by the Assessor that we can tax as personal property.

Mr. Henry will contact Joe W. of Pinegate Renewables and invite them to the November Planning Commission meeting to give their presentation on commercial solar farms.

Attorney Tucker will bring a revised draft of the Solar Ordinance to the November meeting.

2. CHICKENS – ORDINANCE FOR CLAYTON TOWNSHIP FARMS

Ordinance was sent back from the Board with two comments (1) change size from .5 acres to 1 acre and (2) do not charge. The Commission discussed at length the merits of the original ordinance since it is now a stand-alone ordinance and not a part of animal control.

Action Taken: Motion by McCartney, supported by Suski, return to the Board without any changes with explanation of Commission's position. Roll Call vote: 6 Yes / 1 No.

MOTION CARRIED

ADDITIONAL ITEMS

Mr. McCartney received a call regarding stench at 9407 Beecher Road. Mr. Henry advised him that the Supervisor had also been contacted and the Police Chief went over to investigate and nothing was found.

ADJOURNMENT

Action Taken: Motion by Dennings, supported by Suski, to adjourn the Planning Commission meeting at 7:38 p.m.

MOTION CARRIED

Respectfully submitted,

Sheryllynn Russo, Stenographer

Kevin DePottey, Chairperson

Rick Caruso, Secretary