



## WHEATFIELD TOWNSHIP

985 East Holt Road · Williamston, MI 48895-9754

Phone (517) 655-4161 · Fax (517) 655-9071

### REGULAR MEETING OF THE WHEATFIELD TOWNSHIP PLANNING COMMISSION *THURSDAY SEPTEMBER 15, 2022, 7:00PM*

**Call to Order:** The meeting was called to order by Chairman Kapp at 7:01PM.

**Roll call:** Violet Lentz, Mitch Adelman, Michael Kapp and Denny Kapp, present. James Sherer-absent. Supervisor Wayne Myer was also in attendance.

**Approval of agenda:** Motion by Lentz to approve the agenda, seconded by Adelman. All were in favor-motion carried. Sherer absent.

**Approval of minutes of August 25, 2022.** Motion by Lentz to approve the minutes of August 25, 2022, as presented, seconded by Adelman. All were in favor-motion carried. Sherer absent.

**Public comment:** Public comment opened at 7:04PM. Eleven people spoke—all comments were about large wind systems, which is the topic before the commission presently. Issues included—location, sound, tower height, setbacks, endangered species, shadow flicker, and construction concerns, among others. Chairman Kapp stated that he and any other members of the commission would be available following the meeting, as usual, to answer questions, as public comment is not the place appropriate for dialogue. Public comment closed at 7:33PM.

**Correspondence:** Electronic correspondence was received from Iza and Citizens of Leroy and Wheatfield Townships. Chairman Kapp commented on several items in the recent correspondence that were either incorrect or misunderstandings, for the benefit of the new planning commission members. His notes are attached to these minutes.

**Zoning Administrator report:**

- No report.

**Zoning Board of Appeals report:** No report.

**Board of Trustees report:**

- D. Kapp reported relatively slow activity this month, end of the summer tax season and paying the bills.

**New Business:** None.

**Old Business:** Wind Energy Systems Amendment. A lengthy discussion by members of the provisions of the second draft amendment followed. Chairman Kapp noted that the planner addressed everything requested by the commission in this amendment. The commissioners discussed provisions about the MET towers and referred to Supervisor Myer regarding enforcing the regulations. Myer said he will give feedback on this. They also discussed tower height as it relates to the discretionary fifty feet, possible during the special land use review process. It was noted that the current amendment was expanded to include 'protected' as well as 'endangered' species.

**Other matters:** Adelman put forth the idea of a special meeting conducted in the manner of a public forum consisting primarily of a question-and-answer period, perhaps with a facilitator. The commission discussed this possibility as a part of a replacement for the regular October meeting. Chairman Kapp will look into this option.

The next meeting of the Wheatfield Township Planning Commission will be on October 20 2022, at 7PM.

**Motion to adjourn:** By D. Kapp, seconded by Adelman. All were in favor-motion carried. The meeting ended at 9:01PM. Sherer absent.

**Respectfully submitted,**

**Denny Kapp, Board representative and acting secretary.**

## KAPP'S COMMENTS RE: ASSERTIONS FROM CORRESPONDENCE NOTED ON 09-15-2022

1. *The township should have notified citizens of Apex and sent out a survey*

2. *The township wrote an ordinance before notifying residents.*

**RESPONSE:** When the township receives notice of a potential development, we notify that property owner of the appropriate regulations. If the development requires a special land use permit, there is a specific process that includes notifying surrounding property owners, publishing a notice, and holding a hearing. All developments must be treated the same following established laws and procedures.

In the case of Apex, we noted that the township did not have any regulation in place. The Board directed the Planning Commission to create regulation. That process involves consulting the Master Plan and developing language that fits the need and is in harmony with the rest of the Zoning Ordinance. We began with a draft submitted by our professional planner, which gives the public and the Planning Commission something to react to. Residents can then provide written and verbal feedback to the commission as they work through the draft in public at the PC's meetings. We have had no problem learning the preferences of residents through public and written comment. This is the process that conforms to law and is recommended by the township's attorney and professional planner and is best practice per the Michigan Township Association. Having a formal, legal, and consistent process is in the best interest of the township and our residents.

3. *Public Comment is held with no response and comments are not included in the minutes.*

4. *Residents would prefer a reciprocal approach*

**RESPONSE:** Giving the public three minutes to communicate their feelings, thoughts, and concerns without entering discussion or debate is a best practice followed by most public bodies. Meetings of public bodies are not townhall style meetings. They are business meetings of the body with one portion set aside for the public to share their thoughts with the members of the body. The purpose and content of minutes is also established in law. They are not expected to be a transcript of comments.

I agree that there should be a healthy exchange between the public and their elected and appointed officials. Beyond making public comments and providing written statements, the public can reach out to township officials during their regular office hours. My phone number and email is freely available, and like all township officials, I will speak or meet with anyone upon request for as long as they like. It is the role of township officials to listen carefully and consider the information. It is then their responsibility to do what they believe to be in the best interest of the township according to their oath.

5. *Residents should not have to FOIA for any information*

**RESPONSE:** No one has ever been refused information that they simply asked for. To suggest anyone was forced to FOIA information is really *not true*.

6. *The township FAQ note on referendum said a referendum may result in consent judgement. The group's attorney said township officials can extend moratorium; they are negligent if they don't try to put supported regulation in place.*

**RESPONSE:** As stated by the attorney, I am in complete agreement that following a referendum the township board would have the option to extend the moratorium and that they would be negligent if they did not work to put regulations in place. In the FAQ I paraphrased a statement from a Michigan Township Association (MTA) publication that says, "A problem is created when a referendum is successful in overturning a rezoning, and the applicant subsequently files a lawsuit against the township's denial, by way of the referendum. Lawsuits are sometimes resolved as a result by an agreement between the parties involved. This is known as a "consent judgement." I said a successful referendum "**MAY** ultimately result in the township losing its authority to subsequently review and deny/approve any

specific large-scale WES development that may surface.” Both outcomes are possible. Following a referendum, the moratorium could be extended, *and* it could also result in a consent judgement. Someone might argue that they think a consent judgement is unlikely, but there is a reason that MTA warns of it in their materials, so it fair to point out the risk.

*7. The township hired a pro-turbine planner and have an attorney with no expertise*

**RESPONSE:** Regardless of the accusations, our planner and attorney—who have provided excellent advice to the township for over 30 and 20 years, respectively—are neither for or against wind turbines in their service to the township.

*8. The head planner is pro turbine and feels turbines are legal and there is a demonstrated need for them.*

**RESPONSE:** I assume the letter was referring to me, Mike Kapp, as the head planner. My role on the commission is as an appointed commissioner, selected by the members to chair their meetings. I have no greater authority than any other planning commissioner and have only the additional responsibilities this body has assigned and can freely take away.

I do believe that utility-scale wind turbines are legal and there is a demonstrated need as has been advised by many reliable sources. That is a matter of law, which I am sworn to uphold. I am sure my personal feelings about wind turbines are not known by anyone, and they are in any case irrelevant to my duty here to work toward regulations that fairly balance to the rights of property owners with those of their neighbors.