

The special board meeting of Macon Township was held on Tuesday, November 22, 2022 at 7p.m. with Supervisor Dean Montrief presiding. Roll call: Dean Montrief – present; Julia DeJonghe Marshall – present; Beth DeJonghe – present; Joe Rine – present. The Pledge of Allegiance was said.

Next scheduled meeting: Monday, December 5th, 2022 at 7p.m.

Review of Agenda

Public Comment:

Sharon Douglas – public comment was heard. Topic: Elections

Dean Montrief thanked Lee Wagner and Ed Clark for their years of public service.

Dan Mills- public comment was heard. Topic: Organization

Dean Montrief: The current Township Attorney, Fred Lucas has resigned. Michael Homier from Foster and Swift has been hired as a temporary attorney. Dean explained the Request for Information that has been mailed to 6 attorneys and the advertisement that was placed in the Tecumseh Herald and will be in the November 23, 2022 edition

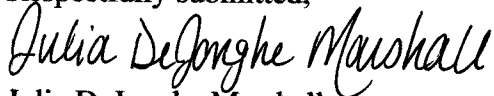
Beth DeJonghe moved, seconded by Joe Rine to enter into closed session at 7:09p.m. with our attorney. Motion carried.

Beth DeJonghe moved, seconded by Joe Rine to come out of closed session and enter into open session at 8:19p.m. Motion carried.

Joe Rine moved, seconded by Julia DeJonghe Marshall to approve Ordinance No. 2022-01 to impose a moratorium on the issuance of building permits for solar energy facilities. (the complete ordinance is attached to the minutes) Roll call vote: Dean Montrief – yes; Julia DeJonghe Marshall – yes; Beth DeJonghe – yes; Joe Rine – yes. Motion carried.

Julia DeJonghe Marshall moved, seconded by Joe Rine to adjourn the meeting. Motion carried.

Respectfully submitted,



Julia DeJonghe Marshall

Clerk

Macon Township

Present: Dean Montrief, Julia DeJonghe Marshall, Beth DeJonghe, Joe Rine

Guests: 38

**MACON TOWNSHIP
TOWNSHIP BOARD**

**RESOLUTION TO ADOPT AN ORDINANCE TO IMPOSE A MORATORIUM ON THE
ISSUANCE OF BUILDING PERMITS FOR SOLAR ENERGY FACILITIES**

At a meeting of the Township Board for the Township of Macon, Lenawee County,
Michigan, held on the 22nd day of November, 2022, at 7:00 p.m.

PRESENT: Dean Montrief, Julia DeJonghe Marshall, Beth DeJonghe, Joe Rine

ABSENT: None (One open trustee position)

The following preamble and resolution were offered by Joe Rine
and seconded by Julia DeJonghe Marshall.

WHEREAS, the Michigan Zoning Enabling Act, 2006 P.A. 110, being MCL 125.3101 *et seq.*, authorizes Macon Township (the "Township") to adopt reasonable regulations to control the establishment and use of Solar Energy Facilities; and

WHEREAS, a "Solar Energy Facility," for purposes of this moratorium, has the meaning set forth in the Macon Township Zoning Ordinance and includes large solar energy facilities (solar farms) and small solar energy facilities; and

WHEREAS, the Township previously amended Article VII of its Zoning Ordinance to regulate Solar Energy Facilities; and

WHEREAS, the Township is a party to a circuit court appeal regarding the amendments to the Zoning Ordinance and a special land use permit issued for a Solar Energy Facility, *Montrief et al v Macon Township Board of Trustees*, Lenawee County Circuit Court Case No. 21-6712-AA ("Circuit Court Appeal"); and

WHEREAS, the Circuit Court Appeal remains pending; and

WHEREAS, the Township wishes to maintain the status quo while the Circuit Court Appeal is pending and review the Zoning Ordinance with respect to Solar Energy Facilities; and

WHEREAS, the Township finds that it is necessary and reasonable to establish a temporary moratorium upon the issuance of any and all building permits for any property subject to or under the jurisdiction of the Township's Zoning Ordinance for the establishment and use of Solar Energy Facilities, including Solar Energy Facilities for which special land use approval has previously been granted, for six months; and

WHEREAS, the Township finds that adopting such a moratorium is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, the Township Board of the Township of Macon resolves as follows:

1. The Township adopts Ordinance No. 2022-01 An Ordinance to Impose a Moratorium on the Issuance of Building Permits for Solar Energy Facilities (the "Ordinance," attached as **Exhibit A**).
2. The Ordinance will be filed with the Township Clerk.
3. The Township Clerk must publish notice of adoption of the Ordinance (in substantially the form of **Exhibit B**) in a newspaper of general circulation in the Township.
4. Any prior resolution that conflicts with this Resolution is repealed upon the effective date of the Ordinance, but only to the extent necessary to give this Resolution and the Ordinance full force and effect.

A vote on the above Resolution was taken and was as follows:

ADOPTED:

YEAS: Dean Montrief, Julia DeJonghe Marshall, Beth DeJonghe, Joe Rine

NAYS: None

STATE OF MICHIGAN)
) ss.
COUNTY OF LENAWEЕ)

I, the undersigned, the duly qualified and acting Township Clerk of the Township of Macon, Michigan, CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Township Board of said Township at a special meeting held on the 22nd day of November, 2022.

Julia DeJonghe Marshall
Julia DeJonghe Marshall, Township Clerk

EXHIBIT A

**MACON TOWNSHIP
TOWNSHIP BOARD**

ORDINANCE NO. 2022-01

AN ORDINANCE TO IMPOSE A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS FOR SOLAR ENERGY FACILITIES

Section 1: Definition. A “Solar Energy Facility,” for purposes of this moratorium, has the meaning set forth in the Macon Township Zoning Ordinance and includes large solar energy facilities (solar farms) and small solar energy facilities

Section 2. Purpose and Findings. The Macon Township Board has determined the following:

A. The Township has become aware of an increase of Solar Energy Facilities in the region, which is a more recent and emerging land use.

B. The integration of these Solar Energy Facilities within the Township’s existing land uses requires suitable regulations and controls for protection of the health, safety, and welfare of all of the Township’s residents.

C. Pursuant to the Michigan Zoning Enabling Act, 2006 P.A. 110, MCL 125.3101 *et seq.*, the Township has adopted a Zoning Ordinance, including amendments concerning Solar Energy Facilities.

D. The Township is a party to a circuit court appeal regarding its amendments to the Zoning Ordinance and a special land use permit issued for a Solar Energy Facility, *Monrief et al v Macon Township Board of Trustees*, Lenawee County Circuit Court Case No. 21-6712-AA (“Circuit Court Appeal”). The Circuit Court Appeal remains pending.

E. The Township wishes to maintain the status quo while the Circuit Court Appeal is pending and review the Zoning Ordinance with respect to Solar Energy Facilities to better protect the public health, safety, and welfare of Township residents.

F. Imposing a moratorium on building permits for Solar Energy Facilities, on a limited temporary basis, is reasonable and necessary to maintain the status quo and allow the Township to review its zoning regulations for Solar Energy Facilities.

Section 3: Moratorium. A moratorium is hereby imposed upon the issuance of any and all building permits for any property subject to or under the jurisdiction of the Township’s Zoning Ordinance for the establishment and use of Solar Energy Facilities, including Solar Energy Facilities for which special land use approval has previously been granted.

Section 4: Term of Moratorium; Renewal. The moratorium imposed by this ordinance remains in effect for six months. Before this moratorium expires, the Township may by resolution extend the moratorium for up to an additional six months. If an extension is adopted, the Township will publish notice of the extension.

Section 5. Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such holding will not affect the validity of the remaining portions of this Ordinance.

Section 6. Repealer Clause. Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect. However, this Ordinance does not repeal or amend the Township Zoning Ordinance; rather, it is a temporary moratorium until such time as this Ordinance expires.

Section 7: Effective Date. This Ordinance takes effect immediately following publication.

EXHIBIT B

**MACON TOWNSHIP
TOWNSHIP BOARD**

**NOTICE OF ORDINANCE ADOPTION:
AN ORDINANCE TO IMPOSE A MORATORIUM ON THE ISSUANCE OF BUILDING
PERMITS FOR SOLAR ENERGY FACILITIES**

On November 22, 2022, Macon Township (the "Township") adopted Ordinance No. ~~2022-01~~ An Ordinance to Impose a Moratorium on the Issuance of Building Permits for Solar Energy Facilities (the "Ordinance"). The following is a summary of the Ordinance. A true copy of the Ordinance is available at Township Hall, 8320 Clinton-Macon Rd., Clinton, MI 49236, during the Township Hall's regular hours.

Section 1. Definition. This section defines "Solar Energy Facility."

Section 2. Purpose and Findings. This section describes the purpose and findings of the Ordinance.

Section 3. Moratorium. This section imposes a moratorium upon the issuance of building permits for any Solar Energy Facilities on any property under the jurisdiction of the Township's Zoning Ordinance, so long as this Ordinance is in effect. This includes Solar Energy Facilities for which special use approval was previously granted.

Section 4: Term of Moratorium; Renewal. The moratorium imposed by this Ordinance remains in effect for six months. Before the moratorium imposed by this Ordinance expires, the Township Board may, by resolution, extend the moratorium for an additional six months.

Section 5. Validity and Severability. This section provides that if any portion of this Ordinance is found invalid for any reason, such holding does not affect the validity of the remaining portions of this Ordinance.

Section 6. Repealer Clause. This section provides that any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give the Ordinance full force and effect. Notwithstanding, this section further provides that the Ordinance should not be construed as a repeal or an amendment to the Township Zoning Ordinance.

Section 7: Effective Date. This section provides that the Ordinance takes effect immediately following publication.