

Minutes: Mendon Township Planning Commission Meeting

Date: July 21, 2026

Time: 7:00 p.m.

Place: Mendon Township Hall

Call to Order was 7:01 pm

Kline: Welcomed Jason Bingaman

Roll Call: Hart, Kline, McClish, Ahrens, Bingaman all present

Approval of the Minutes from the Last Meeting: Ahrens, If there are no changes I'd make a motion to approve the minutes from the last meeting and Hart Seconded Kline: All those in favor signify with aye, any opposed motion carries 5-0.

Approval of the Agenda: Hart, if there are no additions or corrections I would move to approve the agenda. Ahrens: Seconded, Kline: All those in favor signify with aye, any opposed motion carries 5-0.

Public Hearings: Do not have one at this time

Public Comments as far as what we have those signed up for any public comments. It looks like we have one public comment that would be Robin Burpee of Park Township.

Burpee: podium during the initial comment period to lodge an immediate formal written objection regarding the full rate of statutory compliance. I see that we have added a board member I don't believe I've witnessed that in a public meeting that he was appointed and voted on by the Board of Trustees, unaware it happened and apologize for my hindsight. I had some of my comments actually regarding the fact that the Michigan Enabling Act **seal** 125.35 subsection 2 Strictly mandates a board size of five 7 or 9 members. Best of my knowledge this Board has operated since November of 2025 with only four members and stating it for the record. Additionally, the official website of Mendon Township misrepresented the Planning Commission Board of Trustees of appointed commissioners' severe legal conflict regarding the separation of powers and how we should be addressed by the person that manages the website. Second, your legal counsel is operating another global conflict of interest regarding the solar vast committees whether sending a junior firm associated instead of himself. Attorney Haas has a conflict of interest under MPC rule 1.10 if a partner is conflicted the entire law firm is disqualified from this project, I'm being explicitly listed under item 8A on tonight's agenda. Yet the Township

administration deliberately failed to notify or enlighten me of this meeting. Instead, created a fraudulent \$3,884.25 FOIA creating a barrier to block the Mendon Township community by inspecting underwriting financial ledger files before tonight's session available to public meetings. I ask you any of, do you have conflict of interest with items that are on this agenda? Any actions you take tonight under a disqualifying firm and invalid board seats will declare a complete legal knowledge in the Circuit Court. I request the solar FOIA items be immediately tabled, I am delivering copies of presentation that I put together for you in regards to these objects. I have a copy for each board member and Attorney Haas. If you can please pass them out. Thank you very much.

Kline: Robin, we do have a 2-minute rule I did allow you to continue. I just want to remind others that you were the only one signed up so I gave you latitude.

Kline: We have no one else signed up for public comments at this time so we will move forward to unfinished business

Marcia Saunders: I'm sorry I didn't realize I had to sign up

Chair Kline: Sure, so next we have Marcia Saunders out of Mendon Township

Marcia Saunders of Mendon Township: I just saw on your agenda that you had BESS and solar as topics. I'm not sure what your discussion is so I just wanted to give you some of my thoughts. Having worked in Economic Development in the past we always looked at what a company would into our tax base and job creation. I don't believe the benefits of having a faster solar farm or data center have the long-term benefits for our community this is just my opinion. To my knowledge our Township is paying its bills without shortfalls in the annual budget. I don't think when it comes to lithium-ion batteries that we are prepared to respond if there was an emergency, we have a large Amish community that can't quickly evacuate in an emergency. I would recommend raising brownfield sites and not placing these types of facilities on farm land. I would encourage you to do everything in your power to not allow these companies in our County. I would also encourage you to review an update completed on the zoning to put in place rules and regulations related to this disposal deficiency of these sites to ensure that our community is safe into the future. Some of the things I read that you can do is limit the amount of agricultural land for solar farms. It mentioned maximum of 1% for solar but I don't know what that equates to in Mendon Township. I would require setbacks with buffer zones between facilities and residential areas. I would advance certain technologies unless they meet strict environmental or safety criteria as suggested by the American Planning Association. I would require impact studies, noise vibration and I would argue that local control is essential to our community interests versus having the State do the review and make decisions for us. In

reviewing some of the MOU's that are out there for solar options on landing leases, in our county, it looks like there's over 2300 acres that either have some type of option on them.

Unfinished Business:

Kline: Thank you, Marcia. We have no one else signed up so we'll move forward then with unfinished business. Mendon Township fire station I reported in our last meeting that project was moving forward it's been a three-year process by the Township, specifically our Township Supervisor and our fire Chief. On July 13th, Supervisor Kine and Chief Oatley received a letter from the Congress of The United States House of Representatives that it has moved to its next phase.

“Congress for reaching out to provide an update on recent work to secure funding to improve critical infrastructure in Mendon Township. So, the House Appropriations Committee considers limited funding requests each year to support projects in communities across the United States that is why they work with local leaders such as Mendon Township to identify community needs and request funding for essential projects. Pleased to announce that the legislation recently passed by the House and includes funding for several projects within Michigan's Fifth District so on June 4th it went to vote. The house passed HR8646 Agricultural Rural Development Food Drug Administration and related agency appropriations act of fiscal year 2027 the legislation then contains funding for the new fire department in Mendon Township that will serve local community in St. Joseph County and southern Kalamazoo County”

So, I'll stop there but that is a huge for the fire department and a huge win for our community. Like I said it's been a three-year process, getting approved then kicked out by appropriations. Last year was promising but kicked out again. This letter is a big step that the project is now moving through appropriations and moving forward towards securing a \$1.1 million grant towards a new fire station.

New Business:

Kline: We have received a FOIA request from Robin Burpee of Park Township. That FOIA request is being handled by our FOIA Coordinator with Mendon Township. If there's any question about that FOIA request, that is being responded to as required by law.

Kline: Our renewable energy ordinance amendment will be lumped together with agenda item B & C to include the battery energy storage system. Legal has advised not to amend the existing zoning ordinance that would include wind and battery energy storage systems for the same reasons that the Township decided not to amend the solar ordinance to add any kind regulation regarding wind, energy or BESS. It is best to leave our ordinance as is and all others be addressed by the State pursuant to PA 233.

Joe Haas: Multiple conversations and discussions in regards to the effect of PA 233. If you recall, when the act was passed there was discussions that included Doug Kuhlman, who was the zoning enforcement officer at the time, about the idea of the Township exploring amending its current solar ordinance to be a CREO which is a comparable renewable energy ordinance consistent with the requirements of PA 233. That would allow inquiring things to come through the local government first before it would could ultimately go to the State. Discussion to be to become a CREO you effectively have to have your ordinance be identical to what the requirements of PA 233 are. There were some financial benefits that the State offered to the local communities to create these ordinances because it would take away less obligations on the State to oversee and regulate these projects. But to be clear there was not there was not much movement of any for the township's ability to create an ordinance that would be separate in the State from the requirements of the PA 233. At the suggestion of Doug Kuhlman at the time and in which I agreed with, it was both and I in my recommendation not to move to the next step; for one reason one that it wasn't going to accomplish the goals that the Township sought that it would be able to get around some of the requirements in PA 233 but just as importantly the Township simply doesn't have the manpower or the funds that will be required to administer an ordinance that would be required under PA 233. As we know PA 233 involves all renewable energy so it's solar but it also is wind and battery energy storage systems. If you created an ordinance involving wind and battery energy systems you also going to be subject to PA 233. For those same reasons that we recommended that the Township not explorer Mendon zoning solar ordinance because of PA 233. We shared the same opinion as to wind and battery energy systems now what I would say is that as we know PS 233 applies to large renewable energy projects. Our Township solar ordinance still applies to small projects that are under 5 megawatts. If the Township is interested in regulating smaller wind energy projects for smaller battery energy storage systems and that would be something that I would suggest the Planning Commission look at to determine what restrictions and regulations you would want to make similar to our solar ordinance that would apply to wind and energy and battery storage systems then I suggest that be something the Planning Commission review. But to look at creating an ordinance that would comply with PA 233 that would allow the Township to then regulate large wind projects and large battery energy system projects that's where our recommendation would be not in the Township to do that for all the same reasons that we recommended that did not do that from the solar ordinance.

Bingaman: so, first day on the job. We create ordinances all the time right and that's something that the Township does or Board does right?

Haas: I would say not all the time but yes that is a function that is one of the functions of the Township can do. The planning commission's function is in regards to zoning.

Bingaman: So, what makes creating a CREO or a CREO in our favor so much more expensive than any other ordinance that we would do?

Haas: It's the making of the ordinance isn't expensive it's the regulating and overseeing of the requirements of the ordinance that would be expensive. The amount of manpower, engineering and other professional requirements to make sure the project being submitted complies with all the State standards and State regulations. The Township enforcing officer does not have the expertise to meet State requirements so the Township would have to hire engineers both in regards to energy, geologists, environmentalists that the State already has that manpower to deal with Public Service Commission has to deal with. The Township does not and so the Township needs to understand that it's going to be expensive to manage. The biggest point though Jason to be clear is that the CREO is has to be identical to the requirements of PA 233 so the Township doesn't get the ability to say no to a project if the project comes forward and it complies with all the requirements of PA 233 the Township isn't in a position to say well, we still don't want it so we're going to vote no. That is one of the misconceptions that that many people have in regards to the ordinance is that they think that if the local government passes an ordinance, it can get around PA 233 that's not what's going to happen.

Bingaman: Why would any energy company then why would they mess with the board. Why wouldn't they go to the state right now?

Haas: Because dealing with the local government can get through it a lot faster.

Bingaman: My question is that if we restrict it a little bit, let's say we can't stop it, we can restrict a little bit so state ordinance 50-foot step back versus we say hey you have to have a 250-foot set back. If they want to come through us then why can't we negotiate that.

Chair Kline: I think there were five bullet points that we are have a stricter maybe it was a little bit more than that but it's as stated before by Jacob, that we are stricter than the State in a number of ways. I don't mind sharing that with the difference with you.

Haas: So, Jason to your question to why not do that? That's certainly one that's something for the Township to consider the decision previously was made that it was that potential advantage to be able to create a couple more restrictions was not something that the Commission and the Township made a decision that made it worth going through and developing in a whole another ordinance. If it wants to reconsidered and we review that certainly can. My final point, if in the end the power company still doesn't want to negotiate anymore with local government they get to go to the state and get it done anyways.

Supervisor Kline, I talked to the Michigan Township Association last week to weigh in on a moratorium that I had talked about at the last meeting. They say it's worthless to try to do that but what they did say is that Consumers Energy would rather as Joe suggested would rather deal with us than the Michigan Public Service Commission. They're suggesting the Township negotiate with Consumers Energy rather than going there and seeing if we can cut a deal that way. Joe you can jump in at any time.

Haas: So that that's always an opportunity in regards to if the power company is able to work out their arrangement in an agreement with the local community again even through the State process notice to the local community discussions and negotiations with the local community is required as part of the PA 233 process. If Consumers Energy and the community are able to work out an agreement, that is acceptable to both parties then they can present that to the Public Service Commission which is going to allow it to be streamlined and go through the process much more quickly. Now again to be clear that's not mean a moratorium that's not going mean a project doesn't happen it's going to be that there's been a negotiation between the community and Consumers Energy for using this as an example in which they've agreed to the certain restrictions that the communities asked for and Consumers Energy has agreed to those in exchange for the project being approved.

Matt Jorgensen, I'm the zoning administrator Joe and don't believe we have officially met. The main issue that Joe's talking about is manpower, to my knowledge the EDP project that went through Fabius Township and Cass County. The application is 8 ½ x 11, multiple pages and huge to complete. The options were more restrictive than the State but chose to bypass the State because it's faster. If Fabius hired in the entire engineering firm to go through that packet EDP gave them like \$15,000 escrow and don't believe if you have CREO you can require those huge escrows. I don't know that for a fact but I don't believe it required a kind of minority do you have to be able to substantiate what you're spending on. beyond so that's I think where the cost issue comes in is I'm not a geologist; I'm not an engineer you know certified to look at like watersheds and stuff like that and I and I would argue that probably no municipality zoning administrator short of maybe very large municipalities that was like large cities has those qualifications. So, I think that's where some of the concerns come in to be to fair, I mean the EDP project went through Fabius Township so there is maybe an argument for you can have an ordinance that's more restrictive than the State and if it's not too terribly restrictive they may choose to work with you anyway. But then you're the one permitting you guys supporting the ones permitting this to move forward. There there's two sides, there's the side of if we punt it to the State, it will probably take a long time and to date I don't know if any project has successfully moved completely through like to the point of construction with the state process yet. Last I checked was earlier this spring and there was like five of them that are considered

administratively complete means they have given all the paperwork to the Public Service Commission that that has been asked of them but as far as I know no actions been taken as of like March. I guess it comes down to what you feel your best way to protect your community. I think Fabius Township, Constantine, Mottville, Park I'll have similar ordinances as far as the language of what's in their ordinances the set back requirements are actually in those ordinances are for the property lines not for dwelling site says 250 feet from the dwelling well if you're if you're if your house is 50 feet into your property well, they can put solar panels 200 feet from the property line. Whereas Fabius it's from the property line of project right they can't encroach onto that property line so if there's no house here today somebody buys the land tomorrow, they're not going to end up with solar panels right next to the house. Because it's not so close lower noise requirements than what the state 100% funding of the decommissioning agreement before construction starts the state only requires 8 tiers and to my knowledge the state doesn't require them to never go back and update those bond amounts well, we know where inflation's gone in the last five years you tell me 30 years is the estimate decommission that project today going to even cover half of it. Fabius ordinance says every five years you have to come back with estimates from contractors and what the decommission cost is and pump your loft every five years as long as project stands. So, they got some they got some protections for their community but they would not have gotten with State permitting it but they also got the heat for being the ones who allowed this project.

Haas: The Fabias started before PA 233 so that's one thing to consider and two the bulk of that project is and is in cash count so there was there was an absolute incentive for the power company to try to work with Fabius Township. Again, Mendon Township does have a solar ordinance with very similar language to what's in Fabius Township in regards to the decommissioning requirements, the requirements to update the Commission so and we have an ordinance in place. So, if a power company wants and prefers to work with the Township versus the State, we have that ordinance in place and we have our restrictions in place and as indicated many of which are more restrictive than PA 233, if they want to do it. If they come forward with a project and it complies with the ordinance you don't have the ability to say what we still don't hold up that's how lawsuits get created and that's how townships lose lots of money to litigation because they passed ordinances and then don't follow them.

Kline: Next on the agenda is data centers. As far as data centers are concerned that's entirely different issue that is a hot topic not only here locally but nationally. I just recently read where the State of New York is trying to put through a moratorium on data centers. I think different states are looking at it from their perspective. Our group will be doing more research on the issue regarding data centers and then how we can regulate them within our own Township and that we also are going to recommend that the Planning Commission here cast Matt Jorgensen and

Haas Caywood to be able to look into this further and give your report back on any kind of positives or negatives that could affect our rural townships.

Joe Haas: That's just what I'm recommending. Data centers are not covered under PA 233 and data centers are not provided for currently in the Zoning Ordinance. So, it would be our recommendation that that the Township should take a look at that perhaps deciding where data centers are going to go. To be clear prohibiting data centers in the Township has done an option regulating where they go is and that's what that's what I we recommend that the Township takes serious look in regards to limitations as to where they can go and setbacks and restrictions. There is current pending legislation to be introduced in Michigan to try to regulate these data somewhat so once again there may be a public act that's put in place that would either limit or totally restrict the townships abilities to regulate the data centers but until right now there isn't and so it's within your enforcement under the enabling zoning act to properly zone and restrict

Jorgensen: Been in the conversations with Lockport to start with a master plan and address data centers and other Heavy Industries in your master plan and layout where you feel they're going to be the least impactful. I because unfortunately these are companies with deeper pockets than solar companies because they're tech companies like Meta, Amazon and AI companies like Claude with entire teams of attorneys. If you just arbitrarily passed a zoning ordinance and say you can have it in this zone designated as a heavy industrial zone over a swamp you will be drug into a lawsuit. When going to court the Zoning Ordinance should be in alignment with the Master Plan.

Kline: St. Joe County with a County wide Master Plan how is that affected.

Jorgensen: This is something the County should be addressing. Mendon Township can update their own master plan then update with the County.

Kline: What I'm proposing here to our Planning Commission is that when I get language back from both Joe and Matt that we set a special meeting, obviously it will be published as any special meeting is always published in advance, and then we'll set a date. I I'm anticipating because I think waiting until our normal quarterly meeting on October 20th we would lose our cadence. If we don't have a lot of we don't have a lot of activity that what we do we set special meetings and even when we went through the whole solar ordinance we were meeting regularly so we had changed our cadence to do that until we accomplished the goal so we didn't wait to just you know accomplish something quarterly but if there's nothing actually for the agenda we don't we don't want to tie it time that but it's unnecessary. At this point our next meeting and I always this is on every single agenda and has been for several years of what our uh cadences for our meetings and then if there is a change at all to the third Tuesday of each quarter then uh it's always aspect of the change and date of that as well it doesn't fall within there and then any

special meetings are as needed for Tuesday of the month except for holidays. Again, that is always published.

Pat Tompkins: What did you say about battery storage? On the agenda?

Kline: Before starting B on the agenda, I had announced we would be rolling B&C together because they fall into PA 233

Pat Tompkins: Have you had any applications?

Chair Kline: No applications, no communications. There was one inquiry through our website that was residential. There was one inquiry by Consumers Energy that was fairly generic in content and showed no merit of them moving forward with a solar plan.

Jorgensen: No inquiries either other than one person for residential and one inquiry for a copy of the ordinance.

Norma Switalski think I'm hearing that we might be better off if we can speak to it locally. Is there any way that we can somehow limit the amount of land that can be dedicated to solar or even to a data center. At this point is there any stopping solar to cover every acre of Mendon Township? Is there a way that a percentage of the Township could be protected in the same of the data center. **so, my question is there any anything is there any way to assist is it too soon is it too late to approach the amount of land in the Township has to be dedicated to solar?**

Joe Haas: I mean as you as you look at your go ahead and answer first, they're already into the local ordinance there is a restriction in regards to when solar can be placed cannot be placed anywhere in regards to the answer in regard to question regards that can you put any type of limit in regards to how much acreage again that's going to be up to the large renewable energy projects. That's ultimately going to be up to the State as they do that but that's where the importance of the local meetings and the local input that is required under the statute is going to come into play. That can be the opportunity for the local communities to say wait a minute we already have you know 500 acres on this solar project we don't need another we don't need another solar project. They can go find another community with their solar project. We can say we are agricultural community and have enough so we've dedicated enough towards the renewal energy. So, the Township shouldn't have to give up any more of its acreage for solar, wind, renewable battery storage system. So that's where politics come into play.

Norma: Can we be proactive say we're generous you can have 500 acres you may not have 5000 acres of Mendon Township?

Public Comments:

Burpee: (Chair Kline: It was extremely hard to understand her and captured what was thought to be said even after playing back several times) Actually can I ask you all what your names are because I don't recognize all of you. I'll hold you and I know that we have some guests here that probably don't know you as well I also ask that you request our website person to actually put our solar ordinance on the website I scoured the website and I can't find it. If there's a best ordinance, I also would attach an original document it would be helpful as well. When I requested basic accounting of charges for \$3884.25. The negligence on behalf of your FOIA coordinator with attempts to separate a citizen from thousands of dollars to hide zoning files from our community. The Township invoice is charging me for hourly rate of \$30.49 an hour and page 15 on the master FOIA based on clerical labor rate is strictly ***** in a \$12.00 an hour in the document the clerk also has use a link that is supposed to be the information that we use for ? as a public that goes to the federal player website we are state entity of any Township we are not governed by the federal government as far as ways are concerned the document then says its Mendon Township document was last edited in 2015 and has have some references to the tax assessment in 2015 and that's very disturbing that there was no attempt to properly edit this document on page 27 of your own newly published country guidelines specifically state that this country.

Marcia Saunders: It was mentioned solar companies have not approached the Township but there are on numerous memorandums of understanding with property owner and solar companies and consumer energy. It's in place these go back to 2024 agreements so we know approximately started with an approach. Somebody mentioned wetlands and I have a friend in New Carlisle with the data center they went from 16 buildings now they're doing 30 buildings so it's just an expanding and expanding. Neighbors' wells have dried up even though they say that doesn't happen they are filling up with current all they have to do is create that level somewhere else. So, as it was said they have deep pockets they can do those things so it just all there are so many pieces to it that I think we need to be concerned about and aware of.

Chair Kline: We have no other comments to this then I move to miscellaneous commissioner comment. I would like to personally state that anything that is made about comments of what wasn't actually properly enacted upon. We always look into that and make sure that we're doing things properly as public servants, obviously we're volunteers on this Planning Commission and so we do the best for our community that we live, work,

play and eat. We we do the best for our community and we are a small community we all generally within Mendon Township all know our neighbors pretty well so there are no malicious intent no illegal findings of no illegal intent by any way to deceive or to have some personal gain as a voluntary Planning Commission. We want to make sure that it's out there clearly and as far as our Township board as well we've taken oath to serve your community and serve it well. We do our best for the entire community of over 2000 people so you're serving that community best as possible. Any claims that are made in in public comments have their ability time to speak those public comments we're all free will to do so but just keep in mind that the merit behind that is not always accurate so I would like to make sure that that's a record that what is being stated is not accurate.

Ahrens: I would echo a lot on the settlements as well also I feel I always try to put my best effort forward to represent the community and everything that we discuss and I think we spent a lot of time diligently working on that solar ordinance to do just that because there was nothing there and I will guarantee we will do the same thing for data centers or anything else to try to put our best foot forward to represent Mendon Township and keep anything from being monstrously. But also keep in mind the people who are also the people as Patty talked about that are apparently being approached by these companies with offers, we certainly don't know who they are and that's their business but it's also their land so I respect that as well.

Jim Hart: Robin you are not our enemy. Robin: You are not my enemy.

Adjournment: Motion made by McClish and Seconded by Ahrens. Meeting adjourns at 7:59 PM.

Melissa Kline

Planning Commission