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Hearing on Certain Expiring Tax Provisions

To Whom It May Concern:

This is our nightmare; a sequential account of how our small community will be forever changed. We feel our Township officials illegally approved two Special Use Permits to construct sixty-eight 40+ story industrial wind turbines in our township. To the best of our knowledge a group of land owners actively sought out wind companies some time beginning in 2008, possibly earlier. Residents were unaware that anything was taking place until we received the Public Hearing notice fifteen days before the Planning Commission voted to approve the first sixty-three wind turbines on December 12, 2011. Prior to this, a new zoning ordinance had been written and leases had been signed. Had we known about the project at its inception we would have been better informed and better prepared to defend our position at the Public Hearing. We believe we were intentionally kept in the dark while land owners *secretly* signed leases starting sometime in 2009. How can you plan something that is supposed to impact a person's life and not talk to that person? Big Wind railroaded our naïve township officials, promoting tax revenue and economic growth, without thoroughly explaining the many implications a project of this magnitude would have on all residents in our small agricultural community.

The following is a specific list of irregularities we found that did not comply with our Township Zoning Ordinance.

We believe that the Special use permit was not complete at the time of the vote on December 12, 2011. Chapter 7.2.a of our Zoning Ordinance states:

- 1) **CONTENTS.** *The application package consists of a Special Use Permit **Application form completed in full by the applicant**, accompanied by a fee as established by the Township Board.*
- 2) **APPLICATION DEADLINE.** *The **complete application package must be submitted to the Zoning Administrator at least thirty (30) days before the Planning Commission meeting at which it will be considered.***

The Special Use Permit application was not dated. We found that a revision was made to the application on November 14, 2011; the Public Hearing was on December 12, 2011; this was less than 30 days from the application date. The application lacked the insurance requirement. It did not accurately state the boundaries of the project; the boundary map included all leased parcels, when only those with turbines or turbine components necessary to this particular project should have been shown. The necessary environmental permits were not secured at the time of the public hearing, and we still aren't sure whether they have been approved and submitted. Residents were not treated fairly at the hearing. The township hall could not accommodate the number of people wanting to attend; many could not even get into the building. Several residents requested that the meeting be rescheduled at a larger venue, but their requests were ignored. **Chapter 7.2.4 of the Zoning Ordinance says: The public shall be given the opportunity for input on both the rezoning and Special Use decisions.**

This Special Use is inconsistent with "maintaining protection of the health, safety, comfort convenience and general welfare of neighbors and the community at large. **Chapter 7.1 of the Zoning Ordinance states: The purpose of designating special uses is to allow practical latitude for a property owner or developer to use a parcel of land while maintaining protection of the health, safety, comfort, convenience and general welfare of neighbors and the community at large.**

On November 30, 2011, two Planning Commission members, both whom we believe were key players in soliciting Big Wind in our township, and who signed leases, resigned from the Planning Commission. We believe this was a calculated move on their part so it would not appear they had a conflict of interest, even

though they were present, from the beginning, for all the planning and discussion leading up to the Public Hearing. Two new members were then appointed, leaving only 12 days for them to become informed and vote on the Special Use Permit. When residents spoke to both following the hearing they admitted they had no idea of the scope or implications of what they were voting on, they were merely instructed to vote yes if the application met the criteria of the zoning ordinance, (which it did not). In addition, there was a township trustee that remained on the Planning Commission, even though he had signed multiple leases. He was present for all planning and discussion, but recused himself from voting at the last minute. **Chapter 10.4.e of the Zoning Ordinance states:**

CONFLICT OF INTEREST. A member of the Zoning Board of Appeals shall disqualify himself or herself from discussion and voting in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.

Chapter 10.7.1.3 states: Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located. Our property values will be affected if our community becomes an industrial wind park. A township resident and real estate appraiser has reported that property owners could suffer as much a 40% loss in the value of their homes if they are surrounded by industrial wind turbines.

An application to construction 8 industrial turbines in a neighboring Township, to the west of us, was not approved, so Big Wind was back at our door again wanting to build them in our Township. Again they submitted an application with no date on it. The same errors that occurred the first time around were repeated with the new Special Use Permit Application. We found a copy of the application that was at our township hall that *did* have March 8, 2012 as the date on it. A notice was sent to residents that a hearing would take place on March 27, 2012, and again it did not meet the 30 day review requirement stated in the zoning ordinance. This was brought to the attention of the township supervisor; he acknowledged the error, and the date of the public hearing was rescheduled to April 17, 2012. This was the first attempt by the township to actually follow our zoning ordinance. The same irregularities that

did not comply with the zoning ordinance the first time around were repeated again with the new Special Use Permit Application.

At the Public Hearing on April 17, 2012 the majority of residents spoke against the additional turbines being constructed. There were union workers, from other parts of MI, that attended the hearing as well. They monopolized the public comment part of the hearing, and again, all residents did not have a chance to speak. These outsiders (**not** Gilford Township residents) also tried to **intimidate**, argue with, and pick fights with residents. Residents were confronted in the restrooms, and were afraid to leave the auditorium.

Residents were suspicious of the all the texting that Big Wind representatives, the Engineering Firm representatives and one of our Planning Commission members were doing during the hearing. We also believe a note was passed from a Big Wind attorney to our Planning Commission before the vote was taken.

The Planning Commission again voted in favor of the additional turbines, with the chairman abstaining and resigning when it came to casting his vote. Because of conflict of interest, another member also abstained, and the remaining three members decided our fate. Our Zoning ordinance states in ***Chapter 9.1.b: The Planning Commission shall be composed of seven (7) members, comprised of***

- a) One member of the Township Board selected by the Township Supervisor as an ex officio member, and***
- b) Six residents of the Township, representing, insofar as possible, different professions or occupations, who shall be appointed by the Township Supervisor, subject to the approval of a majority of the members elected to the Board.***

Twenty-seven appeals were filed within one week of the hearing, and the same reply was received by all:

This is to advise you that the Township Zoning Ordinance does not vest the Zoning Board of Appeals with jurisdiction to review the Planning Commission decisions to grant special use permits. The Zoning Board of Appeals has the authority to review decisions of the Zoning Administrator or a body concerning enforcement, of the zoning ordinance. This authority does not include the review of Planning Commission decisions regarding special use permits.

Therefore, Gilford Township will not convene a meeting of the Zoning Board of Appeals to act on your appeal, since it lacks jurisdiction to review the decision of the Planning Commission to grant this Special Use Permit.

I spoke to the Township Supervisor and was told the same thing, that our Zoning Ordinance does not provide an appeal process for a Special Use Permit even though ***Chapter 10.5 states: METHOD FOR APPEAL. Any appeal from a ruling of the Zoning Administrator or body concerning the enforcement of the provisions of this Ordinance shall be made to the Board of Appeals within 10 days after the fate of the Zoning Administrator's decision which is the basis of the appeal.***

WHO MAY APPEAL. Appeals to the Board may be taken by any person aggrieved, or by any officer, department, or board of the Township. Any party may appear in person or by agent or by attorney at a hearing considering his request or appeal. Don't we have a Constitutional right to review?

Our Zoning Ordinance states: ***Chapter 8.c.1: APPLICATION DEADLINES. If a zoning application requires a Site Plan Review by the Planning Commission, a complete application package must be received at least thirty (30) days before the date of a Planning Commission meeting in order to be reviewed at said meeting. If a Site Plan Review is being conducted for a Special Use Permit or subdivision plat, the application timetable specified for that process applies.*** A Site Plan review was scheduled and conducted seven days following the Public Hearing.

Our group has consulted with and hired numerous lawyers, some experts on wind energy, but we have very little hope of anything being decided in our favor. Apparently following your own Zoning Ordinance is not an option when it comes to BIG WIND. Our township meetings were a charade, a mockery of public participation. We knew that it had already been decided before we walked in the door. Once these sixty-eight massive 40 story turbines are constructed we will have no other option but to abandon our homes. This same scenario is repeated over and over in communities all over the United States. When will common sense and scrutiny prevail? If wind power made sense, why would it need a government subsidy in the first place? It's a bubble which bursts as soon as the government subsidies end. It enriches a few at the expense of many.
Please end all government incentives to wind energy.

Sincerely,

Nancy Taylor