

**EATON COUNTY
PLANNING COMMISSION MEETING
January 8, 2019**

Call to Order: Ms. Claudine Williams, Community Development Department Director, called the meeting to order at 7:00 p.m. in the Board of Commissioners Room, Eaton County Courthouse, 1045 Independence Blvd., Charlotte, MI.

Pledge: The Pledge of Allegiance was given by all.

Roll Call: Brian Ross, Blake Mulder, Tammy Halsey, Jack Owens, John Little, Barbara Rogers, Ben Tirrell, and Jeana Rohrs

Absent: Tim Cattron

Staff Present: Claudine Williams and Brandy Hatt

Agenda Approval: A motion was made by **Commissioner Tirrell** to approve the agenda for the January 8, 2019 meeting. **Commissioner Ross** supported. Motion carried.

Nominations and Elections of Board Chairperson, Vice Chairperson and Secretary.

Ms. Williams asked for nominations for Chairperson. **Commissioner Mulder** nominated Commissioner Ross. **Commissioner Rogers** seconded. **Commissioner Halsey** moved nominations be closed and a unanimous ballot cast for Commissioner Ross. **Commissioner Tirrell** seconded. Motion carried.

Commissioner Ross assumed the responsibility of presiding over the meeting.

Commissioner Ross asked for nominations for Vice-Chair. **Commissioner Rogers** nominated Commissioner Rohrs. **Commissioner Mulder** seconded. **Commissioner Halsey** moved nominations be closed and a unanimous ballot case for Commissioner Rohrs. **Commissioner Tirrell** seconded. Motion carried.

Commissioner Ross asked for nominations for Secretary. **Commissioner Rohrs** nominated Commissioner Owens. **Commissioner Rogers** seconded. **Commissioner Halsey** moved nominations be closed and a unanimous ballot cast for Commissioner Owens. **Commissioner Tirrell** supported. Motion carried.

Commissioner Halsey moved to close elections. **Commissioner Tirrell** seconded. Motion carried.

Minutes Approval: A motion was made by **Commissioner Rohrs** to approve the December 4, 2018 minutes as printed. **Commissioner Rogers** supported. Motion carried.

Public Comments: None

DCA-3-18-2: Request by Eaton County Planning Commission for a Comprehensive Amendment to the Eaton County Land Development Code (Zoning Ordinance) to clarify the intent, update language and improve comprehension. Amendments are proposed to the following: Article 5, Definitions and Interpretations (amend Section 5.3.19 S.), Article 7 Land Development Districts (amend Sections 7.3.4 and 7.6.4) and Article 14 Specific Provisions and Requirements (add Section 14.39 Solar Energy Systems).

Staff Report: Ms. Williams went over the history of the DCA and the information sent to the Planning Commission in their packet. She also went over the Zoning Ordinance Committee Meeting from December 11, 2018 with the Planning Commission.

Commissioner Ross asked the Planning Commission if there are any questions for staff.

Commissioner Ross invited any speaker in favor or opposition to the request to make public comment. He stated Commissioner Owens will set a timer for five minutes for each speaker.

Mr. John Coakley read a letter into record on behalf of he and his wife. He added they also support the letter that was submitted by Mr. Jim Green and would like Mr. Green's proposed language to be incorporated into Eaton County's language. Mr. Coakley addressed the petition that was signed by several residents in opposition of solar systems; the sampling of residents should have been a solid indication most residents are opposed. He stated residents overwhelmingly support the existing Master Plan which is in place for the preservation of farm land. Mr. Coakley asked the Chair why the goal of the Master Plan was no longer applicable; the goal to preserve farmland is not obsolete. He stated he supports Mr. Jim Green's letter.

Ms. Sue Dembowski, thanked the Planning Commission for their time; she realizes they have been working on this subject for a long time. She stated she believes there are continuing issues that should still be addressed. She stated she supports the letter written by Mr. Jim Green. She stated she knows there are a lot of issues to consider when talking about the future of the county and there could be other issues that override this issue. She would like the Planning Commission to think about what impacts this issue could have on the county; this is a really big project. Ms. Dembowski stated the way the language is written allows for a lot of acres to be used for solar development; hundreds of acres. She said neighbors think the small development off from Mt. Hope Hwy is a problem and it is really small compared to this one. She stated she has heard some people say locating solar energy next to an expressway would not be an issue, but it may be if you live there. She asked the Planning Commission to only allow for solar energy on industrial or brownfield properties. If property is taken from farmland, it cannot come back. She asked the Planning Commission to vote no this evening and continue to do the work needed on the language.

Ms. April Stopczynski, 6621 N. Cochran, stated she is not going to repeat information, but there are many citizens that are opposed to the proposed language. She stated there are hundreds, possibly thousands of letters and documents that have been sent in expressing opposition. Ms. Stopczynski stated some residents do not know how to have their communication become part of the public record. She stated she would like the Planning Commission to review and consider the letters submitted before anything further is passed.

Ms. Kara Bakke, Geronimo Energy, stated she has a few notes on the existing draft language for the Planning Commission to reconsider and discuss. She stated she would like screening and setbacks to have more flexibility depending on the sites and adjacent properties. She said each property is unique and would request these requirements be per the Planning Commission's approval per each individual site and include the options of opaque fencing, shrubs etc instead of evergreens. Ms. Bakke suggested lessening the setbacks requirements and noted other uses in the Eaton County Zoning Ordinance that required 100 foot setbacks included shopping malls and animal holding areas. She said solar is noiseless and odorless. She added lower setbacks would create a smaller footprint.

Mr. Lindsey Hoxie, 2698 Pinch Highway, stated the last time someone from Geronimo Energy spoke it was mentioned they would improve the drainage of the property; however he spoke with the Drain Commissioner and was informed there is no way to remove the water from the property. Mr. Hoxie asked why the last Zoning Ordinance Committee Meeting was cancelled. Ms. Williams stated the meeting to be held on December 18th at 3:00 p.m. was cancelled because the Zoning Ordinance Committee at their December 11th meeting decided to send the proposed text amendment to the Planning Commission. Mr. Hoxie stated all of the water runs over the roads. He stated everyone is aware of the TOST program, no one like it and it was rescinded; property owners were required to put one-hundred fifty percent into an escrow account for well and septic replacement. He stated he would like the amendment sent back to the Zoning Ordinance Committee; he stated the public will hire an attorney and there will be a referendum if this is passed, they will not sit and take it. Mr. Hoxie stated green power should never take up green space. He stated all members of the Planning Commission

who are realtor or developers should recuse themselves from hearing or voting on this matter because they have the potential to make money.

Ms. Jayne Hoxie stated she has a couple of questions. She stated she would like to know the difference between a use allowed on an agricultural permit and re-zoning a property to light industrial. If re-zoned, would the property go back to an agricultural zoning once the use is removed. She asked how land could be turned back into agricultural land after all the years of having solar panels on it; with all of the post pounded into the ground and the land not being turned, are we saying good-bye to our agricultural land. Ms. Hoxie stated they are concerned about shortening the setbacks; if you were to live next to one of these developments, the setbacks could not be large enough. She stated we do not need solar companies to bring in bee pollinators.

Mr. Brian Droscha stated he appreciate the fact that Geronimo Energy has had someone from their company attend every meeting, but they do not live here. He stated the Planning Commission is a board representing the citizens of Eaton County. He asked the Planning Commission to disregard Geronimo Energy because they do not work for them; the Planning Commission by way of the Board of Commissioners represents the people who live in Eaton County. **Commissioner Ross** said the property owners who wish to sell their property do live here. Mr. Droscha said that is correct, but this Ordinance needs to be written so it works thirty years from now.

Mr. Daren Griffith, 3617 Miller Road, stated he is a part time farmer who also works part time for a solar company. He stated he has heard a lot of input from many people who live near a location where a single project has been discussed; he understands their frustration. He reminded the Planning Commission they have had professionals from MSU, realtors, and appraisers in addition to farmers and property owners in favor of this ordinance. He stated solar may add tax revenues to the townships. Mr. Griffith stated other residents in Eaton County have sent in letters of support as have their townships. He asked the Planning Commission to not hold the request up any further; this Ordinance is not a green light for solar projects, it protects the citizens of Eaton County; the request as proposed does not require re-zoning of property, it paves the way for responsible development. He stated all other State of Michigan and Federal regulations such as MDEQ, Drain Commission, Road Commission, MDOT, DNR must all review before the Planning Commission makes a decision on an application. Mr. Griffith stated Mr. Green's letter does not protect property owner's rights. He stated the company he works for leases land, they do not purchase it. He stated farmers are in favor.

Ms. Kat Webber, 9075 Eaton Highway, stated she has lived in Eaton County for fifteen years. She stated she understands there are some neighbors that are upset about one project, but the Ordinance as written is a thoughtful ordinance. A lot of the people that have been speaking such as appraisers and realtors also live in Eaton County. Ms. Webber stated the bumblebee was just placed on the endangered species list this week; we cannot make food without them. She stated this is not about one project, it is about getting an ordinance in place; she is aware Oneida Township has an Ordinance in place, but they handle their own zoning.

Ms. Terrie Kosban stated she has had several conversations with Mr. Blake Mulder and has listened to Geronimo Energy, but she still agrees with Mr. Brian Droscha, we are an agricultural county. She is confused about the solar company stating the townships will receive money; the townships will only lose farmland. She stated think about who you are standing up for, it is the people who live here. She thanked Mr. Droscha, Mr. Mulder and Mr. Ross for their time.

Ms. Heather Dziedzic, 215 E. Hamlin Street, stated the ordinance before the Planning Commission is subpar; some items are undefined. She stated she could not locate the definition for utility scale solar. If the Planning Commission is interested in pursuing this for the residents there needs to be some means to protect the land owners. She stated from what she read, the decommissioning language is lacking; it states the ground shall be restored, but does not say what it shall be restored to. There are no acreage limits or technology restrictions. Ms. Dziedzic stated the Planning Commission should work

on the definitions and decommissioning language further. She stated she came to Eaton County due to the zoning and Master Plan.

Mr. Charles Meddaugh, 7621 Otto Road, stated he heard someone mention the employment this will bring to our area. He stated he has not seen on person at the solar facility located off from Mt. Hope. He stated he agrees with a point brought up earlier, a couple of members of the Planning Commission are realtors; this is a big conflict of interest as they may gain from land values increasing.

Public hearing closed: 7:49 p.m.

Commissioner Ross asked Commissioner Owens if there was anything he would like to add from the December 11, 2018 Zoning Ordinance Committee Meeting. **Commissioner Owens** stated the Zoning Ordinance Committee revised the setbacks and addressed the concerns as requested by the Eaton County Board of Commissioners.

Commissioner Ross asked Commissioner Owens to correct him if he misspeaks, but in reference to berms it is his understanding they were discussed but the Zoning Ordinance Committee decided berms were not appropriate because they would disturb the top soils located on the property. **Commissioner Owens** stated that is correct; in addition some of the properties have substantial hills, a berm is not going to work. **Commissioner Ross** stated Commissioner Cattron, who is a soils expert, was concerned berms would allow for top soil to be stripped from the property and it was with Mr. Cattron's knowledge and support that the Zoning Ordinance Committee did not approve the use of berms. **Commissioner Halsey** stated Commissioner Cattron also helped with the type of trees that can be used for the buffering as well.

Commissioner Rogers stated she believes any solar panel that is not for private use only should be a commercial use and have a one-hundred foot setback; even if they are only on twenty acres. **Commissioner Rogers** stated she does not have an issue with personal solar, but the commercial panels should be setback one-hundred feet from all property lines. Ms. Williams asked Commissioner Rogers for clarification; she is not saying the solar panels need to be located on commercially zoned property, but that if they are commercial scale they should be setback one-hundred feet from all property lines. **Commissioner Rogers** said yes, that is correct.

Commissioner Rohrs stated she believes there may be some confusion as to what happens to the proposed amendment after today. She asked Ms. Williams to explain the process. Ms. Williams stated the Planning Commission previously moved to send the proposed amendment to the Board of Commissioners for approval; Public Works and Planning, a subcommittee of the Board of Commissioners sent the proposed amendment back to the Planning Commission with suggestions to look at the buffering, screening, setback and definitions. She stated the Planning Commission decided to send the proposed amendment back to the Zoning Ordinance Committee for further consideration; the Zoning Ordinance Committee met, made changes as they thought necessary and sent it back to the Planning Commission. Ms. Williams stated if the Planning Commission moves to approve the proposed text amendment this evening, it will go before the Public Works and Planning Committee at their February 13, 2019 meeting.

Commissioner Halsey stated she addressed her concern during the last Zoning Ordinance Committee, that the proposed amendment has already been approved by the Planning Commission; if the Planning Commissioners like it or not, it was approved to move on. She stated Public Works and Planning asked the Planning Commission to look further into specific items of the proposed amendment; as far as she can tell, we are making recommendations on the setback and berms. She stated ultimately, the decision is not that of the Planning Commission, the ultimate decision lies with the Board of Commissioners. **Commissioner Halsey** stated the Planning Commission is only making a recommendation.

Commissioner Owens stated Public Works and Planning asked the Planning Commission to review specific items and they did. **Commissioner Ross** stated if the Board of Commissioners does not like the proposed language, they have the option to do something different. He stated the Planning Commission has gone to classes, held several meetings and presentations; there are disagreements, but none of the concerns have been taken lightly. **Commissioner Ross** stated the Planning Commission sending the proposed amendment to Public Works and Planning does not mean they are going to agree with it; they themselves could make changes.

Commissioner Mulder stated Commissioner Owens did a great job with the Zoning Ordinance Committee and they did what Public Works and Planning asked of them. He stated he would like the Planning Commission to send the proposed amendment back to Public Works and Planning, but would like to make an amendment to the setbacks for larger properties. **Commissioner Halsey** stated the setbacks were discussed at the Zoning Ordinance Committee Meeting; she did not think any of the setbacks were large enough. She asked what would happen if a solar facility were to be constructed next to an existing open farm field and someone wanted to build something on the property in the future. **Commissioner Mulder** stated the definition for a medium solar facility has different setbacks and is what Public Works and Planning asked for. He stated there is a difference in a system proposing to use ten acres versus one-hundred acres. **Commissioner Rogers** stated one of the solar companies stated they could not put a solar facility on a parcel that was less than twenty acres due to the required setbacks; she stated there should be a setback of one-hundred feet unless it is for personal use.

Commissioner Mulder stated he would like to make slight changes to Item E. Fencing and Landscaping, which is located on page seven to allow the Planning Commission some flexibility when rendering a decision. **Commissioner Tirrell** stated Commissioner Mulder's suggestion is similar to the language that was proposed in one of the first drafts. **Commissioner Owens** stated if a company is going to install solar panels on seven-hundred acres it is not too much to expect or ask of them to plant pine trees around the entire property. **Commissioner Tirrell** stated if he owned an open corn field next to a solar facility, he would not want pine trees to be planted. **Commissioner Mulder** suggested keeping the language for the screening where there are residences within three-hundred feet from a solar facility, but not on an open field. Proposed language was discussed. **Commissioner Owens** stated we do not give the exception to other uses or businesses. **Commissioner Mulder** stated most of the uses occur on a couple of acres; it is different when dealing with a couple of hundred acres.

Commissioner Ross asked staff what they recorded in the minutes for the proposed change. Ms. Williams read the proposed change into record. **Commissioner Mulder** stated he does not think it is necessary to require screening on the back forty acres of a farm field. **Commissioner Halsey** stated she believes screening should be required around the entire parcel. **Commissioner Tirrell** stated he believes the existing language is fine with the exception of the setback from a dwelling. **Commissioner Owens** stated he does believe it makes sense to have the requirement of the screening based on the location of a dwelling; what if the property is vacant, but they plan to build in the future. **Commissioner Mulder** stated at that point, the property owners or builders already know there is a solar facility located adjacent to their property. He stated it is important to screen where there are existing residences; his proposal is to remove the screening requirement if a house is not on the adjacent property. **Commissioner Mulder** stated he believes it is important to protect residences.

Commissioner Halsey asked if the Planning Commission should discuss setbacks. **Commissioner Mulder** stated the Planning Commission has given Public Works and Planning what they asked for.

Commissioner Halsey asked if the Planning Commission should have a discussion on placing an acreage limit on large solar facilities. **Commissioner Ross** stated previous discussions of the Planning Commission were that an acreage limit is not necessary because there is no difference between a two-hundred acre site and a six-hundred acre site. **Commissioner Halsey** stated that would depend on the surrounding property owner's opinion. **Commissioner Ross** asked the Planning Commission if they wanted to discuss size limitations. **Commissioner Tirrell** stated the subject of limiting the number

of acres has already been discussed several times and noted economics would dictate the size. **Commissioner Halsey** asked for clarification, a site using less than twenty acres is a medium solar facility. **Commissioner Ross** said yes.

Commissioner Ross stated for clarification the Planning Commission is considering the proposed amendment as sent on December 19, 2018 with changes suggested by Commissioner Mulder and Tirrell on page seven, item E. **Commissioner Mulder** stated he is comfortable with the changes made by the Zoning Ordinance Committee. **Commissioner Halsey** stated she has read through the decommissioning information and looked into surety bonds; she is comfortable with the wording.

Commissioner Mulder moved to approve DCA-3-18-2 as amended: Request by Eaton County Planning Commission for a Comprehensive Amendment to the Eaton County Land Development Code (Zoning Ordinance) to clarify the intent, update language and improve comprehension. Amendments are proposed to the following: Article 5, Definitions and Interpretations (amend Section 5.3.19 S.), Article 7 Land Development Districts (amend Sections 7.3.4 and 7.6.4) and Article 14 Specific Provisions and Requirements (add Section 14.39 Solar Energy Systems).

Commissioner Tirrell supported. A roll call was taken with five (5) voting aye and three (3) voting nay. Motion carried.

Ms. Williams stated there is a majority in favor of the motion; the proposed amendment will go before the Public Works and Planning Committee on February 13, 2019.

Other Business: None

Reports: Ms. Williams informed the Planning Commission they have received a communication from Delta Township regarding their intent to conduct a Comprehensive Plan Update, Covis Township regarding their drafting of a Master Plan, and Aurelius Township regarding their Master Plan Update.

Ms. Williams reported the Eaton County Board of Appeals meet this evening; they approved two variance applications.

Ms. Williams reported the Zoning Ordinance Committee met on December 11, 2018.

Upcoming Cases: Ms. Williams informed the Planning Commission are no applications to be heard at their February 5, 2019 meeting.

Public Comment: none

A motion was made by **Commissioner Rohrs** to adjourn the meeting. **Commissioner Halsey** supported. The meeting adjourned at 8:37 p.m.