

**EATON COUNTY  
PLANNING COMMISSION MEETING  
March 6, 2018**

**Call to Order:** Brian Ross, Chair of the Eaton County Planning Commission, 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, Jack Owens, Barbara Rogers, Christine Barnes, Ben Tirrell, John Little, Tim Catron, Jeana Rohrs and Tammy Halsey.

**Staff Present:** Claudine Williams and Brandy Hatt

**Agenda Approval:** A motion was made by **Commissioner Rohrs** to approve the agenda for the March 6, 2018 meeting. **Commissioner Tirrell** supported. Motion carried.

**Minutes Approval:** A motion was made by **Commissioner Owens** to approve the January 9, 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 read the staff report, Site Plan Review responses from the Townships of Bellevue, Kalamo, Roxand, Carmel, Eaton, Vermontville and Hamlin and public comments from Matt Doolittle, Katy Noeske, Mary Noeske and David Shiflett into record.

**Commissioner Ross** invited any speaker in favor or opposition to the request to make public comment. He reminding the public comments will be limited to five minutes and asked everyone to be respectful.

**Speakers in opposition:** Mr. John Coakley, 2100 E. Strange Highway, stated he would like to make seven points regarding voting on an ordinance that has had no public input. He stated a solar facility located on hundreds of acres of farm land disregards the Eaton County Master Plan for protection of farm land and residential properties could be surrounded on three sides by solar panels. Mr. Coakley stated agricultural property would be drastically affected if we don't require the use of marginal farm land, which is required by the farm bureau. He stated the change calls for and needs to be subjected to a larger separation between these developments and residential properties. Mr. Coakly stated the project in Oneida and Benton Townships stretches out a mile in each direction. The time to address this matter is now and it is not being done. He stated he is asking the Planning Commission to address the issues. He asked that they look at the e-mail he sent; he asked that the Planning Commission not approve the text amendment. Mr. Coakly asked that the Planning Commission send the text amendment back to the Zoning Ordinance Committee for further review.

Mr. Jack Caughey, 7749 Benton Road, stated he sits on the Benton Township Planning Commission. He stated he believes Benton Township sent a letter regarding the text amendment, but he didn't hear it read into record. Ms. Williams stated the Benton Township response was received and included in the Staff Report packets mailed to Planning Commission members. Mr. Caughey quoted information from an MSU Study in reference to corn production removing carbon dioxide from the air and converting over nine-hundred tons of carbon dioxide into oxygen. He stated corn can be used as fuel, food and

even feed for animals, he said the feed alone would provide most of the residents in Eaton County with two eggs a day per year. Mr. Caughey stated he did a science experiment when he was younger that involved a turtle living in a glass jar for a year with moisture and grass; he stated the turtle survived the entire year. He stated we are currently focused on solar energy, which is good, as long as it is in the right place and not taking away farm fields.

Mr. Tom Devries, 4581 Windsor Highway, quoted Thomas Jefferson and stated he lives and operates on an equestrian property. He stated he would like the change to stop because he is concerned about emanate domain, Geronimo Energy is not the only solar company looking to develop in Eaton County. He stated the Planning Commissioners were voted into office to protect their property and noted tax credits are only good for five years. Mr. Devries stated a company could construct a solar facility and then sell it; there is no guarantee the facility will be maintained. If the facility isn't maintained who will pay for it? He stated once the topsoil is removed from the property, the property cannot be used for farm land in the future. He stated he is concerned property values will plummet. Mr. Devries stated he is also concerned about ground water contamination. He asked everyone to remember the Erin Brockovich movie; there are chemicals in the panels that could cause cancer. He stated the Planning Commission should act on behalf of the constituents.

Ms. April Stopczynski, 6621 N. Cochran Road, stated she is opposed to the text amendment as she stated in the e-mail she sent to the Planning Commissioners. She stated they purchased a home in Eaton County after being raised here. She stated they have lived her for twenty years; they purchased a foreclosed home and renovated it to bring back economic value to the community. Ms. Stopczynski said they purchased their property to raise their children. She stated the property around them provides food, nature and lessons for their children. She stated she is concerned about the amendment going against the Eaton County Master Plan and noted the amendment comes on the heels of local townships spending time and money to carefully craft an Ordinance. She said she does not see where the county has sought out environmental studies and if so they should be provided. She stated as a resident she looks to the officials to make decisions based on a range of expertise, as well as input of residents. She also spoke in reference to conflict of interests. She said she is not against solar energy, but would like it to be in a commercial or industrial zoning or on existing buildings and with appropriate regulations. She asked the Planning Commission to vote no on the text amendment.

Mr. Ben Kudwa, 7808 Oneida Road, stated he would like to add to Ms. Stopczynski's statement, it is very important and why don't we see more technology issues. He asked why this issue doesn't appear in the 2018 Farm Bureau Policy Book. Mr. Kudwa stated there are several training opportunities regarding solar facilities, he is attending one in Ionia. Mr. Kudwa stated sometimes we get the cart before the horse, but in this case, he believes there is a cart, but no horse at all. He stated he would like the amendment tabled until there is more information and education. He stated there are other items he would like to address regarding drainage in the area, but he can see from looking around that is already an issue. He stated he might learn something different at the class on March 21<sup>st</sup>, but he doubts it.

Ms. Nancy Gensel, 5388 Carls Ridge Drive, asked why the county and township master plans are being ignored. She asked why the Planning Commission isn't looking at existing brown field sites for solar facilities instead of taking green space out of production. She asked if the public was made aware of the thousands of acres that could change the landscape. She stated the current text amendment allows for panels that could raise fifteen feet in height and no acreage limit. She stated the current area being looked at in Oneida and Benton Townships could account for two-hundred city blocks or five-hundred football fields. Ms. Gensel asked how a lower taxable value will affect the property owners. She stated this is uninformed decision making. She said the county will be covered with stripped land and when the contouring is removed, the potential to farm will also be gone. Ms. Gensel stated there is no procedure in place to monitor the before and after affects of a property. She stated they do not want this. She stated they stand together from Benton, Kalamo, Chester, Oneida and Roxand Townships. She stated they are here to preserve and protect the Eaton County farm land.

Mr. Jordan Munsters, 6206 Mallard Drive, stated when this conversation first began he thought, great, but then researched the topic himself. He stated he was interested in installing solar panels on the roof of his home, but found there are chemicals in the panels that can cause harm if the panels are damaged and they leach out. He stated he is not against solar energy, but it seems the Planning Commission could be creative and figure something out. He stated he has always been given ideas about his own property with reference to the Master Plan and offered alternatives, this is no different. He stated he sees some benefits, but also sees the downfalls. He asked the Planning Commission to not take the easy way out and look at the long term plan for solar and be creative about where to put it.

Ms. Sue Deer Hall, 2480 E. Strange Highway, stated she is opposed to the text amendment. She stated allowing for a solar facility isn't going to solve the county's money issues and isn't going to enhance the quality of life for residents either. She stated this isn't an issue with the right to farm or the rights to do what you would like with your property, it is a land use issue. After a year of deliberation in Oneida Township, their board gave a twenty-three page Ordinance regulating solar facilities. She stated the Ordinance proposed by Eaton County isn't very large and does not address all of the issues. Ms. Deer Hall stated they have talked about one project with one company, but we are talking about the entire county. Ms. Deer Hall said she know the Planning Commission takes their job seriously and noted it is probably scary to think about how many people are in attendance tonight. She stated her father was the County Commissioner in Blake Mulder's district in 1971; at that time the Board of Commissioners passed a resolution that stated something to the effect of once exploited or destroyed, there is no replacement for farm land, therefore, it should always be protected.

Mr. Richard Deer, 308 Fourth Street, stated he keeps hearing comments about people using their land for what they would like, but zoning rules overrules what people want. He said that is why the Planning Commission is here. He stated agricultural zoning is meant to preserve farm land. He stated twenty-two percent of jobs in Michigan are agriculturally related. Mr. Deer stated he understands the property located in Oneida and Benton Townships is due to the proximity of the existing sub-station, but sub-stations can be built.

Ms. Theresa Wells, 7661 Oneida Road, stated she is in agreement with everything said so far. She stated if she wants to put an addition on to her home, she has to contact her neighbors. If she wants to change school districts, she has to contact her neighbors and go to court. Something this large is not up to the residents, no one asked them. She stated her property is within five-hundred feet of the property being looked at for solar development currently. Ms. Wells stated she is concerned Benton Township's response to the amendment was not mentioned. She stated she would have to change the zoning of her property if she would like to open a store. She stated the citizens of Eaton County should be able to vote on this matter.

Mr. Lindsey Hoxie, 2698 Pinch Highway, stated he watched the high tension power line go through the county; at the time they were told it was good for the people. He stated General Motors wanted to put solar panels on the roof, but after discovering the fire and chemical hazards they didn't. Mr. Hoxie stated his wife is a lineman for the Lansing Board of Water and Light, solar facilities keep creating power, there isn't a shut off even in the event of a fire. He stated the Benton Township Fire Department doesn't know anything about the amendment; and that he was told they would have to use a blanket to put out a fire. Mr. Hoxie stated he knows the fire risk is low, but his granddaughter lives across the road from one of the potential solar facility sites. He stated there is an old landfill at the end of Windsor Highway that would be perfect for this use. It may not be perfect for Geronimo, but they don't live here. He stated there are other areas that could also be used. Mr. Hoxie also discussed emanate domain and the taking of property for the highway project. He stated the company that is pursuing this change isn't even from Michigan. He stated MSU doesn't give up their farm land for solar; they installed it in their parking lots.

Mr. Josh Kosbar, 7460 Benton Road, stated he is concerned about the panels being removed and the farm land going back to how it is today. He stated family farms were stripped when the pipelines went

in. He added they are having problems in North Carolina with run-off and leaching of chemicals. In twenty years the acidity of the soil will be too toxic to produce crops again without contaminating them.

Mr. Scott Wilson, 8165 E. Clinton Trail, stated he will be speaking on behalf of Eaton Rapids Township, in support of the application later on, but he also wanted to give his personal opinion, which is in opposition of the amendment. He stated he would like the size of the facility and location to be further considered. He stated he will support his township board, but also feels it is important to disclose some of the Eaton Rapids Township Board members have signed preliminary leases with solar companies.

Mr. Charles Meddaugh, 7621 Otto Road, stated he is opposed to solar, but he is also opposed to any industrial use on agricultural property. He stated if we say yes to one industrial use on agricultural property, what will stop the next request. He stated the Planning Commission should be careful with what they will allow.

Mr. Victor Toman, 1949 Toman Trail, stated there are two things you should do fast in life, pay your taxes and save a life. Other than that, everything else should be taken slowly. He stated Oneida Township took their time with their Ordinance. Mr. Toman stated his property could be surrounded on all four sides with solar panels. He stated he has every right to enjoy his property as it is with a view of farm fields, but he could wake up one day with solar facilities all around his property. He stated he understands the property owner and the developer have rights to make money, but not at his expense. He stated he does not like the proposal on the table. He said Geronimo doesn't live here, he does and stated something needs to be worked out.

Mr. Tim Gale, 3248 Yellow Brick Drive, stated he sells real-estate for a living. He stated his clients wouldn't even get out of the car to view a home that has a solar facility surrounding it.

Ms. Gail Milock stated she has thirty acres in Vermontville Township. She agrees with everything everyone has said so far. She also stated there are several types of pollution to consider; a solar facility could also create visual pollution.

Ms. Karen Wilson, 431 E. St. Joe Highway, stated she is concerned with what happens when there is no more farm land to farm. She stated there are better properties located in the city for solar facilities. Ms. Wilson stated these facilities should be placed somewhere else other than in agricultural.

Mr. Clarence Shriver, 8340 Benton Road, stated no one has addressed how much energy will be produced by a solar facility. He stated he knows it is more than two-hundred ten or two-hundred twenty. He also stated no one has mentioned how far the energy will travel. Several years ago he was near the I-94 when the high voltage line went across the road; it created sparks when vehicles got close to it. Where ever there is power, there is also stray voltage. He stated it is like a runaway man or woman. Mr. Shriver stated this will not benefit our area. The voltage could be shipped to Texas or Florida.

Ms. April Myers, 7140 Oneida Road, asked Commissioner Ross where his favorite place to eat is. **Commissioner Ross** declined to respond. Ms. Myers asked Commissioner Barnes the same questions. **Commissioner Barnes** stated her favorite place to eat is the Eaton Pub. Ms. Myers stated her favorite place to eat is the Side Street Deli, but she cannot go as often as she would like because her electric bill is too high. She stated she is all for solar energy, but would like the Planning Commission to think of the jobs that may be lost in the area if we lose farm land. She asked if solar could be brought to a residential area. She stated if the Planning Commission would work with the citizens, they would work with the Planning Commission. Ms. Myers stated if the citizens were able to find a solution and could save money on things like their electric bills they would have more money to put back in to the local economy, like going out to eat.

Ms. Rose, Vermontville Township, stated she is opposed to the text amendment and only found out about the meeting recently. She stated she purchased her property thirty years ago because of the

land. Her father taught her the land is important and cannot be replaced. She stated the solar panels could ruin the land and there are other places solar facilities could be constructed like the roof of the old OI property in Charlotte.

Ms. Cindy Coakley, 2100 E. Strange Highway, stated the citizens against the text amendment have a lot of support here tonight, however she understands it may not be easy for everyone to stand and express their words. She asked if everyone in opposition could please stand. Several members of the audience stood.

Mr. Nathan Hartley, 4254 Glenburne Blvd., stated he is a fan of solar energy. Solar energy is the future, but it is hard to beat the actual use of farm land. He stated a solar facility should be aesthetically pleasing. This change should be implemented carefully.

**Speakers in favor:** Mr. Matt Zimmerman, attorney representing several solar companies, stated he has attended several of the meetings in the past. He stated the companies he represents support the proposed amendment. He noted the proposed amendment actually addresses and covers every concern that has been raised this evening and is stricter than most in and out of Michigan. He stated the notion of limiting solar facilities to industrial properties is a waste of industrial property. Mr. Zimmerman stated industrial uses require more infrastructure than solar. It has been asked what will happen when the solar facility is no longer in operation; the proposed amendment requires the applicant to provide a decommissioning plan before they even apply. Mr. Zimmerman discussed what the panels used by Geronimo Energy are made of. He stated he has a list of actual hazardous chemicals from the EPA, he stated none of the chemicals listed by the concerned citizens are on the EPA list. He stated all of the topsoil is left on the site, plants and pollinators are grown. Mr. Zimmerman stated safety is always a concern; Geronimo Energy is required to address safety issues. He stated a comment was made that the developers are from out of state; however the property owners are from here and they are tax payers that deserve the right to do what they would like with their property.

Mr. David Eddy, 403 Beech Street, stated he is not sure if he is in favor or opposed to the amendment, but he is in support of progress and individuals property rights. He asked if the amendment were to get tabled, passed or denied, how big is the problem really? No one has considered total available acreage versus what could actually be developed for solar facilities. Who better than a farmer to speak to the use of farm land? The land owner would be the best person to ask about the value of their land. Mr. Eddy stated he has seen farm land sit idle. He stated wildlife and views should not be considered if the person doesn't own the property. Mr. Eddy stated we are tasked with providing cleaner and renewable energy; while farmers feed America, they do not do it without gain. He asked if anyone believes housing developments will not show up on some of the farm land being proposed for solar energy. Who decides what is visually appealing? He stated we may not agree, but it is a subjective opinion. Mr. Eddy stated there is a balance between preservation and the use of property; zoning responsibility and property owner rights.

Ms. Kat Webber, 4780 Auory Lane, stated she works for a solar company. She said when her company is contacted by farmers who wish to have their property evaluated for solar projects they look at portions of the land only. She stated they only like to use the portions of land that cannot be farmed. Ms. Webber pointed out, not all farm land can be farmed. She added some farmers have to get two and three jobs to pay back their farm loans. Ms. Webber stated the company she works for also plants green pollination plants; the soils on the property are rested and can be used for farming again. She stated her company doesn't use concrete, they use pile drivers, therefore at the end of life of the solar facility it can be removed. She said they are creating America's energy independence; we can create our own energy. There is so much urban sprawl, such as in Okemos. She stated we are protecting farm land; forty years from now this land will be a farm, it will not be a mall. She stated her company recently met with community colleges in the area; as they are looking to put a lot of people to work. Ms.

Webber addressed the project in the desert; they used mirrored panels, which is old out dated and bad technology. She stated her company has removal bonds in place; the property can be farmed again.

Mr. David Shiflett, Geronimo Energy, Northport, Michigan, stated he grew up and worked on a farm outside of Flint, Michigan. He said solar encourages pollinator plantings. He added you could also raise lamb and sheep on properties where they have installed solar facilities. Mr. Shiflett stated he supports the amendment as written. He stated the Michigan State Legislature is requiring more renewable energy; there will be no more coal plants and natural gas is expensive. He noted we have to put energy products somewhere. He said the shift to cleaner energy allows us to encourage new technology. He asked if anyone would like to have their electricity come from somewhere locally or far away. He stated his company looks for property near sub-stations with flat soils, which allows the property to revert back to farm land and preserve it from sprawl due to residential developments.

Mr. Darrin Griffith, 505 Pleasant Street, asked if anyone knows a farmer that has lost their farm to foreclosure or anyone that is a farmer that has had to take on a second job to keep their farm afloat. He stated he is a solar engineer; there are a lot of misunderstandings when it comes to solar facilities. Mr. Griffith stated the biggest attack on farm land is urban sprawl. We are afraid of what we do not know; we can wait to have solar energy locally, but we have been waiting since 1979. He stated if this amendment passes at the county level, you still have to have the use approved at the local township. The company he works for develops two to twenty acre sites; farmers reach out to his company. We only develop the non-farmable land and preserve the good farm land for the future farmers of America. He stated there is less soil erosion because his company plants pollinators between the panels. He stated technology has changed over the years; if we look at the energy needs of Michigan it would take one fifteenth of one percent of the ten-million available acreage to meet our needs with solar energy. He stated he understands the concerns of a five-hundred acre development. Mr. Griffith stated this is a way for farmers to keep their farms.

Ms. Charamy Cleary, stated she is not sure if she is in favor or opposed, but realizes the Planning Commission does not have the option to vote no on the matter. She stated she would like to clarify Eaton Townships comments on the matter; Eaton Township appreciates a lot of things being required up front such as the drainage and landscaping. She stated they would like solar to be kept off from our good farm land, but do realize there is some marginal farm land in Eaton County. Criteria should be laid out in Planning and Zoning to separate the use in prime and non-prime farm land. She stated the need is here, but would like to make sure we do it right.

Comment made, no name given, stated there are numerous ways to make electricity; all should be considered.

**Commissioner Ross** invited those opposed to rebut if they would like. He asked that the rebuttal comments be limited to three minutes.

Mr. Jack Caughey, 7749 Benton Road, stated the Benton Township Board receives the Planning and Zoning News Publication; last month's edition was on solar energy. He stated the prime farm land should be inventoried. The absorption of carbon dioxide is important. He stated he realizes they need to have places for solar energy, but he would like them to be in commercial or industrial districts. He stated he doesn't want solar facilities to be like pay phones, which are now obsolete. He still doesn't know what happens to the components that are put in the ground. We need more answers.

Ms. April Stopczynski, 6621 N. Cochran Road, stated she would like the Planning Commission to consider the residences of those who spoke in favor. She stated she is opposed to the planting of invasive species; how would a neighboring farm prevent the spread.

Mr. John Kosbar, 7460 Benton Road, stated he has an issue with the planting of invasive species. How would a farmer control the thistle if planted?

Mr. Tim Gale, 3248 Yellow Brick Drive, stated nothing breaks his heart more than when a new drain gets assessed to the property owners; they get charged for twenty years and are required to pay it off if the property is sold or sell the special assessment. He stated he looks at this like an assessment, if this is allowed and adjacent property is sold, the owner may not get the money they invested in their property to pay back their mortgage. He stated the land division act does not allow for urban sprawl; this is industrial sprawl.

Comment made, no name given, read a document regarding the construction of the actual solar panels and the chemicals housed in the panels themselves.

Mr. Chuck Meddaugh, 7621 Otto Road, stated he has heard about all the jobs these solar facilities will create, but he has yet to see one human on site at a solar project.

Ms. Sue Deer Hall, 2480 E. Strange Highway, stated the comment regarding one fifteenth of the farm land would be used for solar energy concerns her. She stated the current location being proposed is a large area. Even though one fifteenth doesn't sound like much land, if it is all in Eaton County it is a lot of land.

**Commissioner Ross** invited those favor to rebut if they would like. He asked that the rebuttal comments be limited to three minutes.

Mr. David Shiflett, stated he is also a licensed real estate broker and that he provided a property value stated that was done over three years to the Planning Commission. He stated the surrounding property values increased.

**Public hearing closed:** 8:59 p.m.

#### **Discussion:**

**Commissioner Owens** stated he does not see a reason to allow a solar facility in a Limited Agricultural Zoning District. He said you will not see wind or solar energy facilities in Charlevoix or Torch Lake. He stated he doesn't understand why a farmer would sell their property for this use. He stated MSU installed solar panels in their parking lots; he believes this is a perfect installation of a solar facility. **Commissioner Owens** added solar facilities could be located on industrial properties. He noted the push for solar and wind energy is the green aspect; he stated that is a misconception. The blades created for wind turbines are made of fiber glass, the towers are steel, it is not green energy. If fossil fuels are used to create something the end result is not green.

**Commissioner Barnes** stated she is pleased to see so many friends and neighbors in attendance and thanked them for taking the time to come. She stated a year ago several residents were approached about the sale of their property for solar facilities. She stated she was recently threatened over the matter. She stated she does not believe this is a personal property rights issue; every person has the right to sell their land, but what they can do with that land is regulated by zoning. She stated the Planning Commission has heard several applications, one farmer wanted a silo too close to the road, another wanted a larger building for his buggy shop and another wanted to operate a facility for rabbits. **Commissioner Barnes** stated the outcomes were different, but all decisions were made based on the Zoning Ordinance. **Commissioner Barnes** stated she would like to vote no on the amendment and ask for it to be sent back to the Zoning Ordinance Committee for further consideration.

**Commissioner Tirrell** asked the public to keep in mind the members of the Planning Commission are volunteers. He stated some of the members of the Planning Commission have been taking up this issue for more than a year. He said the Zoning Ordinance Committee did look at Oneida Township's Solar Ordinance and held public meetings all throughout the process. He stated he believes what Eaton County has written is better. **Commissioner Tirrell** stated he does not believe this is a property

rights issue and feels there is a lot of misinformation. He said he likes Eaton Township's comments and does not want to be exclusionary. He stated this is not a permanent conversion of farm land. He said the Planning Commissioners took a lot of their own time and also attending trainings on solar energy. He stated the public should take pride in having a local unit of government that goes above and beyond. **Commissioner Tirrell** stated the comments made by the townships were great, as were the comments made by the public. He stated the use probably has to be allowed for to some degree on some agricultural properties, even if it is only allowed on marginal farm land. He stated he thinks the proposed ordinance is good, but is fine with looking at it again. He said can set regulations and conditions for developments but must have an area for the use. He reminded everyone the ordinance is for solar in general not a particular project.

**Commissioner Rogers** thanked everyone for coming to the meeting. She asked all Planning Commissioners to please use their microphones when speaking.

**Commissioner Halsey** stated she is new to the Planning Commission; she has attending a few of the meetings and is aware of solar facilities, but not to the depth of other Commissioners. She stated she can see both allowing and not allowing solar facilities on farm land. She stated solar energy is something we need and she believes agricultural property should remain agricultural, but also knows we have the Zoning Ordinance.

**Commissioner Rohrs** stated she is very torn on the issue and has been for a long time. She stated she is the Clerk for Benton Township and has heard comments as the Benton Township Clerk and as a member of the Planning Commission. She stated solar is coming and we need to make provisions to make it work for us. She stated she grew up on a farm where all you could see was corn. **Commissioner Rohrs** stated some people do not understand how much time we as volunteers spend working on issues like this and taking everything into consideration. We are not the bad guys, we have received several e-mails and we have read them all. She stated the Planning Commission has received statements as well. Some of the e-mails were in support. She stated the Planning Commission is not taking this issue lightly. She stated she hopes the community considers the time they are putting into this.

**Commissioner Catron** stated he counted the five mentions of prime farm land and six mentions of farmland preservation. He stated he has read several environmental impact studies. Not all Limited Agricultural property is prime farm land; some of it isn't even farmable. He stated he would like to see a separation between prime and non-prime farm land.

**Commissioner Little** stated he is not against solar facilities. He stated when he lived in town he had a thermal panel on his home. He stated he is currently planning to put an array on his property now. He stated he believes solar energy is good, but agrees we need to look at the property we are using. We are going to need land more than we are going to need energy in the future.

**Commissioner Rogers** stated the Planning Commission has spent a great deal of time on the amendment and they want to handle it properly. She asked if a vote is needed to send this back to the Zoning Ordinance Committee.

**Commissioner Ross** stated he would like to support Commissioner Tirrell and Commissioner Rohrs statements; the Planning Commission has spent countless hours on this matter. He stated many people have commented on the master plan and how we need to abide by it. He stated no one currently seated on the Planning Commission was here for the revisions in 1994, he was on the Planning Commission then, and remembers a lot of concern regarding urban sprawl and a lot of push back from the public at that time. **Commissioner Ross** stated there were several people that wanted to require larger lots when dividing property; they wanted preserve open space at the expense of the farmers. Farmers came to the Planning Commission, angry, asking why we were considering it and telling us it was their right to divide their property. He stated the realtor side of him wants to say, if you don't like something that could be on a property, buy the property. He stated operations like surface

mines can be operated in a Limited Agricultural Zoning District; once mined, a property cannot be brought back to be used as a farm. In addition, he stated, the setbacks required for a surface mine are closer than the proposed for solar facilities. **Commissioner Ross** stated there are other ways to allow for solar, but the Planning Commission is trying to be ahead of the game and not have to allow a solar facility to be a Community Service Facility, which has very little regulations or conditions. He stated the Planning Commission has been working on solar for about a year now; we have put a lot of time into this. He stated farmers do not want us to tell them what they can plant on their properties or if it can be mined or not.

**Commissioner Tirrell** agreed with Commissioner Ross, but stated the Planning Commission may have failed at engaging the stake holders.

**Commissioner Barnes** stated seven of the nine Planning Commissioners disagree with the current amendment or at a minimum believe more work needs to be done on it.

**Commissioner Barnes** moved to send **DCA-3-18-2 (text amendment)** back to the Zoning Ordinance Committee for further consideration. **Commissioner Owens** supported.

**Discussion: Commissioner Ross** stated he is on the Zoning Ordinance Committee with Commissioner Barnes and Commissioner Tirrell; he asked what needs to be discussed further other than the setbacks and zoning district solar facilities are allowed in, he thought they were in agreement on the rest of the language. **Commissioner Barnes** stated she has attended all three Zoning Ordinance Committee Meetings; she stated she never agreed with the setbacks or the allowed zoning districts. She stated her husband is a volunteer firefighter, if there is a fire at one of these facilities and there is a dc current, the fires are hard and unsafe to combat. She stated she would like more information on the access roads and education for emergency responders. **Commissioner Ross** stated some of the issues are addressed at the time the Conditional Use Permit is submitted through the Site Plan Review and at the Planning Commission Meeting. **Commissioner Barnes** stated the local fire departments do not get a chance to comment on the applications. Ms. Williams stated all applications are sent to local fire departments for Site Plan Review comment. **Commissioner Barnes** stated there is still an issue with the setbacks and zoning districts proposed in the amendment.

**Commissioner Owens** stated farmers are selling their properties for housing developments, but that is similar to the surrounding landscape; allowing for a one-hundred panel solar facility is not fair to the existing property owners surrounding it. He stated he is okay with allowing the use in an Industrial Zoning District. **Commissioner Tirrell** stated he has no problem looking at the amendment again at the Zoning Ordinance Committee level, but wanted everyone to know he asked staff about the number of acres currently zoned Industrial. He stated he was informed we have approximately nine-hundred acres of property located in the Industrial Zoning District; we do not know how many of those acres are vacant. **Commissioner Tirrell** stated he would like to prevent the solar companies taking Eaton County to court for being exclusionary. He stated there may be a better way; that's what we need to figure out.

**Commissioner Rogers** asked if the setback of one-hundred feet is from an exterior property line of a project; she read portions of the amendment out loud. Ms. Williams stated the proposed setback is seventy-five feet to all property lines and public right-of-ways. **Commissioner Rogers** asked if the amendment should go back to the Zoning Ordinance Committee. She stated if the amendment isn't tabled tonight, the Planning Commission could discuss the changes. **Commissioner Ross** agreed.

**Commissioner Tirrell** stated the Planning Commission has offered the information, but looks at this as an opportunity to provide more information. He stated he has no problem looking at the amendment again on the Zoning Ordinance Committee. **Commissioner Halsey** stated there has been a lot of time put into this amendment; there is a concern on both sides of the fence. She stated solar facilities must be provided for, but she is not sure everyone will agree with what language is proposed. She stated she agrees the amendment should go back to the Zoning Ordinance Committee.

**Commissioner Barnes amended her motion**, she moved to send **DCA-3-18-2 (text amendment)** back to the Zoning Ordinance Committee for further consideration and postpone a decision to the June 5, 2018 Planning Commission Meeting.

**Commissioner Owens** supported. A roll call was taken with seven (7) voting aye and two (2) voting nay. Motion carried.

**Commissioner Barnes** stated she knows the Zoning Ordinance Committee Meeting are noticed in the local newspapers; she asked to also have the Zoning Ordinance Committee Meetings posted on the website in an effort to offer transparency.

**Other Business:** None

**Reports:** Ms. Williams informed the Planning Commission the Board of Appeals did not meet this evening due to lack of business.

**Upcoming Cases:** Ms. Williams informed the Planning Commission there are three cases to be heard at the May 1, 2018 meeting.

**Public Comment:** Ms. Charamy Cleary stated she admires and appreciates all of the hard work the Planning Commission has put into this amendment. She stated she has the utmost respect for them.

Ms. April Stopczynski stated she would like to address an issue with conflicts of interest and lack of transparency on the part of Planning Commissioners. She stated there are large land owners involved with this amendment; there is a difference between legal CYA and actual transparency. She stated someone here could gain from not limiting the size. She stated she has lived in Eaton County her entire life, but couldn't locate anything regarding the issue of solar facilities on the Eaton County Website; issues like the new Dairy Queen and the development of Crandell Lake were very public matters. She stated she is thankful residents votes are not based on the number of acres they own.

**Commissioner Ross** stated while they may not be legally obligated to post notices of sub-committee meetings, they have noticed the meetings and have heard a lot of public comment on the matter. He asked Ms. Stopczynski who on the Planning Commission has a conflict of interest. **Commissioner Ross** stated either Ms. Stopczynski been misinformed or he is misinformed because he does not know of a conflict of interest for any of the Planning Commissioners. **Commissioner Tirrell** stated he is offended by Ms. Stopczynski's statement; he stated he hasn't gained anything from this.

**Commissioner Barnes** called for point of order.

**Public comment closed:** 9:39 p.m.

A motion was made by **Commissioner Rohrs** to adjourn the meeting. **Commissioner Owens** supported.

The meeting adjourned at 9:40 p.m.