

**EATON COUNTY
ZONING ORDINANCE COMMITTEE MEETING
April 2, 2018**

Call to Order: Brian Ross called the meeting to order at 3:07 p.m. in the Board of Commissioners Room, Eaton County Courthouse, 1045 Independence Blvd., Charlotte, MI 48813.

Planning Commission Committee Members present: Brian Ross, Christine Barnes and Ben Tirrell

Additional Planning Commission Members present: Tim Catron, Jeana Rohrs and Barbara Rogers

Staff present: Claudine Williams and Brandy Hatt

Agenda Approval: A motion was made by **Commissioner Tirrell** to approve the agenda for the April 2, 2018 meeting with an amendment to include a presentation from Ms. Harmony Gmazel, from Michigan State University between items 5 and 6. **Commissioner Barnes** supported. Motion carried.

Minutes Approval: A motion was made by **Commissioner Tirrell** to approve the January 17, 2018 minutes as printed. **Commissioner Barnes** supported. Motion carried.

Presentation: Ms. Harmony Gmazel, Government & Public Policy Educator Land Use and Civic Engagement, from Michigan State University Extension, gave a presentation on solar facilities.

Commissioner Barnes thanked Ms. Gmazel for her presentation on Solar. She asked Ms. Gmazel if the actual cost to install a solar facility of \$1.11 per watt included the price of the land. Ms. Gmazel said no, the price does not include the land. **Commissioner Barnes** asked Ms. Gmazel if she knew what the price per acre is for a solar facility. Ms. Gmazel said she does not know; her data is from a US solar cost system. **Commissioner Barnes** asked Ms. Gmazel if she could share the formula used to determine setbacks with the Zoning Ordinance Committee. **Commissioner Tirrell** asked if the setback formula was per parcel or per project. Ms. Gmazel stated the formula is based on the parcel, but they may want to consider applying the formula for the useable area. **Commissioner Ross** asked Ms. Gmazel if the setback formula is easy to use. Ms. Gmazel said yes, she added the developer should have the formula for the setbacks figured out before submitting an application. A brief discussion was held regarding potential setback issues, houses, woods, road right-of-ways, etc. **Commissioner Barnes** stated the Zoning Ordinance Committee has been discussing setbacks and has tried to set an across the board setback of seventy-five feet; however what she is hearing is the formula would allow for a different setback from a residential development vs. a wooded area. Ms. Gmazel said yes, the setback formula is something the Zoning Ordinance Committee could embrace the setback formula. **Commissioner Barnes** asked if there are any results from the research done using the setback formula; have most communities used the formula or the hard setback requirement. Ms. Gmazel said both are being used by other communities; there isn't one used more than the other. Ms. Gmazel stated she likes to promote best practices. **Commissioner Tirrell** asked Ms. Gmazel what best practices have been used to identify marginal land. Ms. Gmazel stated off the top, freeway right-of-ways, brown-fields and vacant downtown areas are a few; however different land uses have different jumping points. She stated MSU Extension likes the idea of utilizing the edges of farm land. Ms. Gmazel stated there is a county located in the State of Washington that assigns a point value to property. **Commissioner Tirrell** asked if the point value has been used in Michigan. Ms. Gmazel said no. **Commissioner Catron** asked Ms. Gmazel if she could share more information on the county in the State of Washington and their point system. Ms. Gmazel stated they use the soils of the property and the type of drainage to determine the viability of the property; however they also use other criteria, points and tiers that may allow for solar use.

Commissioner Ross opened Public Comment. He stated public comments are limited to three minutes; each speaker will be timed by Commissioner Tirrell.

Ms. Williams read public comments submitted to the Community Development Department into record. The public comments were from Jeff and Tracey Gordeneer, Ben Kudwa, Sandy Payne, James Mock and John and Denise Forell.

Mr. John Coakley, 2100 E. Strange Highway, stated the poster boards in front of him are to give the Zoning Ordinance Committee and idea of what a five-hundred fifty acre solar development would look like if it were on top of the Village of Vermontville or over the City of Charlotte. He stated these developments are huge. He stated at the last meeting there was an argument made that this is not a land use issue. He stated it is a land use issue if ninety-five percent of the land is zoned agricultural. Mr. Coakley stated we should follow MSU's lead and look for marginal lands for these developments. He stated he also heard that we shouldn't look to the Master Plan and the preservation of farm land; preserving farm land is important. He asked the Zoning Ordinance Committee to look at the land use seriously. He stated the setback of a development next to a commercial use isn't as important as the setbacks next to a residence. Mr. Coakley stated he has heard the max distance and solar development could be located from a substation is three miles, but he does not believe that is true. He stated he has spoken with electrical engineers and they could be installed much further away from the substations.

Mr. Matt Zimmerman stated he is an attorney representing a couple of solar companies interested in Eaton County. He stated they like the ordinance as written, but has heard the body as a whole would like some compromise as to where solar facilities could be constructed. He stated the Zoning Ordinance Committee may wish to consider allowing solar development within three miles of a substation and one and a half miles from a transmission line. He stated the solar companies offer the suggestion as a way to be cooperative. He stated if limits are placed on the size of solar developments, Eaton County will not have a utility scale development. Mr. Zimmerman stated his proposed location limits the location of solar developments; sixty-six percent of Eaton County would never have a solar development. He stated he believes their compromise is fair.

Ms. April Stopczynski, 6621 N. Cochran Road, thanked the members of the Planning Commission for considering her suggestions to allow for more transparency and posting information regarding the Zoning Ordinance Committee on the Eaton County website; she asked that the proposed amendments also be placed on the website. Ms. Stopczynski asked the Zoning Ordinance Committee to adopt the Oneida Township Zoning Ordinance. She stated developers could apply to re-zone property as needed. She stated the discussions regarding the economy are baseless; there is nothing to require the developers to keep any investment in the county. Ms. Stopczynski stated a large solar project could have an adverse affect on our water, health and property. She stated there is a lack of research to show a successfully decommissioned property. She asked the Zoning Ordinance Committee to adopt the Oneida Township Solar Ordinance.

Mr. Darren Griffith, 505 Pleasant Street, Grand Ledge, stated he is a new farmer; he is also concerned about farm land and knows farmers struggle to make ends meet. He stated the health and safety of the farmer should be taken into consideration. Mr. Griffith stated he did research on solar facilities on his own and has now installed over five-hundred systems that are over ten years old. He said MSU has stated there are eleven point four million acres of available farm land; six point four are actually being farmed. Mr. Griffith stated there are three point eight million homes in Michigan; thirty-six thousand acres would be needed to produce solar energy for all of the homes in Michigan. He stated there is a lot of land in Eaton County that is not being farmed; even if the proposed ordinance were to pass, the developers are still required to go through studies environment impact studies. He stated he would like the commission to consider the proposed Ordinance as written.

Ms. Kat Webber stated she was going to discuss the MSU slides, but Ms. Harmony Gmazel already went over them. She stated she was able to assist in saving a snowy owl this past weekend with someone that had a differing opinion. Ms. Webber stated her solar company promotes the planting of pollinators. She handed out a sheet to the Zoning Ordinance Committee from Cypress Creek Renewables regarding their pollinator program. She stated she works with Cypress Creek because she wants to preserve farm land. She stated solar facilities do not add additional traffic to the area and farmers are still able to farm their crops. Ms. Webber stated there should be reasonable guidelines in place for setbacks.

Commissioner Ross asked if there was any further public comment. Seeing none, he closed the public comment of the meeting at 3:59 p.m.

Ms. Williams informed the Zoning Ordinance Committee there was information regarding soils from Commissioner Tim Catton, slides from Geronimo Energy, Eaton County Soils maps and Eaton County maps showing properties owned by Consumers Energy and Wolverine at their seats.

Commissioner Tirrell asked Ms. Williams if she knows of any other counties in Michigan using the Land Evaluation and Site Assessment (LESA) System to score properties prior to use. Ms. Williams said no. **Commissioner Tirrell** asked Commissioner Catton about the National Resources Conservation Service (NRCS) performing the land evaluation. **Commissioner Catton** stated NRCS uses the US Soils Survey to determine how much of a property is prime or non-prime; the local community develops a point system that gives a basis for decision making based on facts of the property. He stated the United States Department of Agriculture (USDA) does the technical part of the study, but the point system is assigned by the local community. Ms. Williams stated she has spoken with Erin Seager and Tim Reeder, with NRCS in Eaton County, who informed her LESA is possible to use. She also stated she spoke with the Eaton Conservation District, pending the approval of their board, LESA applications may be able to be run through their office. **Commissioner Tirrell** noted LESA would be transparent.

Commissioner Barnes stated the Zoning Ordinance Committee has approached the development of solar language in an effort to catch up with the interest of the community. She stated she would like to look at all of the information from Harmony Gmazel, Commissioner Tim Catton and Geronimo Energy before making a decision. **Commissioner Tirrell** stated he is concerned that not moving forward is not allowing for a use; anyone could make application to the Board of Appeals for an interpretation of our Zoning Ordinance. **Commissioner Ross** stated he is not against using LESA, but he believes it would be difficult for a property owner to know where their property stands without first having the point system. He stated he is more in favor of limiting or requiring a distance from a substation or transmission line. **Commissioner Ross** stated the limited distance restricts where solar facilities could be constructed and allows property owners to easily know what they can or cannot do with their property. He also stated they may want to add language to address potential new substations. **Commissioner Ross** stated he disagrees with Commissioner Barnes's statement regarding why or how the Zoning Ordinance Committee has developed the potential solar language; the Zoning Ordinance Committee has been working on the potential language for a year or more. **Commissioner Barnes** stated the Zoning Ordinance Committee is working on the solar language as a reaction to Geronimo Energy.

Commissioner Catton stated prime farm land is based on soils maps from the NRCS; a landowner could look at the NRCS Soils Maps he provided to determine what their property is. He stated according to the NRCS Soils Maps forty-three percent of Eaton County could be prime farm land if it were drained, twenty-six percent is prime farm land and twenty-four percent is farm land of local importance. He stated he is most concerned about the twenty-six percent of prime farm land. **Commissioner Catton** stated he likes LESA because it does exempt prime farm land from being used, but also gives an avenue to allow for non-prime farm land to be developed. He stated the definitions of the soils are included in his handout. He stated using LESA would also allow a local unit of government control over the evaluating system.

Commissioner Tirrell stated the proximity of the substations to a proposed project could be a part of the site evaluation. He stated we have discussed the soils of farm land, but the fact remains, there isn't one property in Eaton County with one soils type. **Commissioner Tirrell** stated if the Zoning Ordinance Committee is considering applying LESA to solar facilities, it should also be applied to other uses. **Commissioner Ross** stated LESA cannot be applied to surface mines as it is a protected use by legislation. He stated he believes surface mines are more evasive than a solar facility. **Commissioner Tirrell** asked Ms. Williams what other uses could be subject to LESA if it were included as a requirement in the Zoning Ordinance. Ms. Williams stated the Zoning Ordinance Committee could consider using LESA in conjunction with certain acreage of a proposed use; Ms. Williams gave the example of a forty acre golf course or a construction contractors establishment. She stated it is the acreage of the proposed use that would be considered, not the acreage of the property; if an applicant uses five acres of an eighty acre parcel as a construction contractors establishment, the property would not be required to meet LESA.

Commissioner Tirrell stated they could use the solar language as written or use LESA to evaluate sites; he is concerned with the evaluation.

Commissioner Rohrs stated LESA has the same feeling as the Time of Sale Transfer (TOST) implemented by the Barry-Eaton District Health Department; we are requiring the property owners to do the testing of their property prior to selling it.

Commissioner Rogers stated she came to the meeting to observe. She stated she agrees with Commissioner Rohrs; she likes to preserve farm land, but also knows they need to make way for solar. **Commissioner Rogers** stated she is trying to learn the good and bad and hopes to make the right decision.

Commissioner Tirrell stated he believes the goals of the Zoning Ordinance Committee are the same as before; we are trying to find a way to make it work. He stated he personally does not believe anyone cares more about preserving farm land than he does. He stated he is okay with looking into LESA, but he does not like that it would seem to make things more complicated. He stated he does not find anything in LESA that evaluates the economic viability of the land. **Commissioner Tirrell** asked Commissioner Catron if he is familiar with evaluating economic conversation. **Commissioner Catron** said no.

Commissioner Ross asked Commissioner Barnes if she has anything further to add. **Commissioner Barnes** said no.

Commissioner Ross suggested using two parcels of land located in Eaton County to submit to LESA, apply a point system and use the formula for the setbacks. **Commissioner Tirrell** stated the sliding setback scale sounds complicated. **Commissioner Barnes** stated the sliding setback scale may allow for more use of the property and could allow for more consideration to existing residential properties. **Commissioner Ross** stated he would like to have both systems applied to three parcels in Eaton County; he stated he does not feel comfortable making a decision without knowing the processes involved. **Commissioner Rogers** stated she knows of a parcel of land in Eaton County where setbacks wouldn't be an issue. **Commissioner Barnes** stated at least one of the properties should be located near a residential development. **Commissioner Ross** agreed. **Commissioner Barnes** stated she believes the Zoning Ordinance Committee received a lot of good information today; they have a lot of specific targeted information.

Commissioner Ross asked the Zoning Ordinance Committee when they would like to meet again; a discussion was held about meeting on April 30th, pending when the requested data could be compiled. **Commissioner Tirrell** asked if the proximity to a substation or transmission line could be added to the study for the properties. **Commissioner Catton** suggested appointing a subcommittee to work with NCRS on the study. **Commissioner Ross** stated this study will give us an idea if the tool will work. He asked the Zoning Ordinance Committee if they are comfortable with the information requested for the next meeting. **Commissioner Tirrell** stated he would like to have ten to twelve parcels evaluated with all criteria. **Commissioner Catton** stated too many parcels could be a pain to complete.

Commissioner Barnes stated she is concerned about the Planning Commission creating subcommittees without the prior approval of Ways and Means. Ms. Williams stated the formation of subcommittees is addressed in the Planning Commission By-Laws; she will look into them to confirm.

Commissioner Ross stated he would like to meet with Ms. Williams in the next couple of days to pick out properties to have the study done on. He stated they will be near residential and downtown areas as well as farm land. **Commissioner Tirrell** asked if the formula for the sliding scale setback will be used as well. **Commissioners Barnes** and **Ross** both stated they would like it to be included.

Commissioner Ross asked Ms. Williams to schedule a Zoning Ordinance Committee for the last week in April. Ms. Williams stated she will have a conversation with Ms. Harmony Gmazel to see how long the study process will take. **Commissioner Barnes** stated she has the next Zoning Ordinance Committee Meeting penciled in for April 30th at 3:00 p.m.

Meeting adjourned at 4:43 p.m.