

**OVID TOWNSHIP PLANNING COMMISSION**

**OVID TOWNSHIP OFFICE, BRANCH COUNTY, MICHIGAN**

**January 5, 2021**

**PUBLIC HEARING (VIRTUAL MEETING)**

The Ovid Township Planning Commission Public Hearing was held virtually via Zoom and was called to order by Andy AcMoody at 6:04p.m.

Members present: Andy AcMoody, Chris Donbrock, Sean Groves, Jim Snivley, Tammi Schorfhaar

Others present: Gregg Gemmill, Robert Hawley, Chris Khorey, Joe Haas, Matt Drennan, Linda McDonald, Jim and Margaret Haylett, Chick Gerber, Sam Gaglio, Chris Barker, Bill Benjamin, Larry Weikart, Rachel Kaiser, Jerry Hage, Amy Tackett, Larry Omo, Laura Johns, Tom and Sharon Shenefield. There were 58 people on this Zoom call at one point.

The item brought forth was the various changes to the Ovid Township zoning ordinance for Solar Energy Collectors. Andy AcMoody provided a brief summary of what the Planning Commission has been doing in the last three months as we have reviewed additional changes to the current Solar zoning ordinance. Chris Khorey, our consultant from McKenna, then provided an overview of potential changes to our current ordinance – addressing various concerns that have been raised by the public.

**Public comment:**

Matt Drennan, of ESA Solar, questioned what the purpose would be of having internal setbacks between two participating parcels and he noted that this would require a lot of additional land for a large project. Matt noted that Coldwater Township had recently amended their zoning ordinance to remove this requirement. Matt also said that requiring a special use permit for each parcel, rather than one special use permit for the entire project, would be extremely problematic for a solar company. Finally, Matt spoke to the approximate maximum height of the project and estimated that 20 feet would be sufficient (the panels would only be at this height for a short while during the day). Matt said that this would allow the very best panels to be used and he noted that the better the equipment, the smaller the footprint on the environment.

Linda McDonald posed a question to Matt Drennan and asked why, since Matt has gone to each property owner to obtain leases for this project, would he feel that he now wants it to be treated as one great big land mass instead of it continuing to have it treated as individual projects. Linda stated that she does not agree with this and feels that individual special use permits should, in fact, be required.

Jim Haylett said that he was speaking on behalf of the group of residents that aren't really interested in negotiating. They simply do not want to see this type of project in our township period. Jim said that he would suggest doubling the setbacks and other requirements. "We" don't want this project here. Jim feels that there are a lot of other issues to be addressed – drainage; view, etc.

Chick Gerber asked why, since Ovid Township already has zoning for industrial and commercial areas would it be considered to take productive agricultural land out of production.

Greg Gemmill (Ovid Township Supervisor) wanted to address the fact that there have been a number of questions from people who have contacted him regarding drainage. Several people have commented with questions as to some of the agricultural fields that currently have drain tiles in them and people have asked what would happen if/when the solar panels are installed and how does the installation not damage current drain tiles. They are concerned about how any potential damage would be repaired.

Sam Gaglio (representing Gaglio Farms) stated that he wants to maintain his father's legacy and said that it's very difficult to hold onto the land when it goes from family to family. Their family wants to keep their land for

generations to come and allowing solar is one of the ways to do that. Sam also spoke to the value of the land and pointed out that the solar project would have a flora ground cover – not stone or cement so, in essence, the land will be rested which is very good for the land. Sam continued by stating that converting to solar would no longer require irrigation which would make the Ovid Township watershed last longer and the area would be greener. Sam noted that the contracts do include a restoration clause which states that the ground must be returned to its former state. Questions have been raised about a solar company going bankrupt and equipment, therefore, not being removed. Both Ovid and Coldwater Townships would require bonding of the Solar Company to provide for restoration. Finally, Sam said that woodland areas will NOT be leveled for this project and he noted that his family values those areas and are all hunters.

Chris Barker asked where the power that is generated goes once it goes to the grid. Chris wanted to know why the solar company chose Branch County and in specific, Ovid Township. Chris does not feel that our rates will go down at all with this project in place.

Bill Benjamin said that it is his impression that power that goes to the grid is simply gone - it goes where it is needed. Bill raised a question regarding the height of solar panels and said that when he was building his home a few years ago; there were restrictions that limited the height things could be. Bill feels that we should consider this since we have restrictions on residential buildings – why can't we have the same kind of restrictions on solar panels.

Larry Weikart had a question about the setbacks and what they would be.

Rachel Kaiser asked if there are any provisions for the impact on wildlife.

Margaret Haylett asked why this entire thing can't be put on hold until after the Covid restrictions are lifted so that we can hold meetings in person and discuss everything further.

Jerry Hage said that Michigan isn't known as being the sunshine state and so he wondered why here? Jerry said that on average, we get 71 days of clear sunshine a year (only six states are below us).

Linda McDonald spoke again and said that she wants neighbors to be friends and feels that this is creating hardships between neighbors. Linda is very concerned about a potential height of 20 feet in the solar panels. Linda feels that with the increase in the height of the panels, the shrubs around them would need to be higher. Linda said that they want to leave things to their children as well (per Mr. Gaglio), but she said that all of this is really hard to digest.

Amy Tackett said that they are fearful of who would want to buy their home if they are surrounded by solar panels.

Larry Omo addressed his comment to Sam Gaglio and said that what bothers Larry is that when you fence in all of this property; where is the wildlife going to go? Larry feels that there is already a problem with the deer population destroying farm land and he feels that this problem would grow substantially. Larry also asked what is going to happen to the neighboring farmer who is across the street from a participating property and has damage to their drainage tiles.

Chick Gerber spoke again and asked if, once the Planning Commission presents the ordinance to the Township; does the public have any more opportunity for input?

Jim Haylett spoke again and asked why does the Township need to proceed with this? Why can't they go ahead and establish it in Coldwater Township and see how it goes? Or let's see how things go with the other solar projects that have already been started first. Jim asked once the solar panels are no longer in use, where do they go? He also asked if anyone has checked into the credibility of ESA Solar and finally, Jim stated that there are also health issues. Jim said that the panels give off a radiation and their home will be in the middle of 240 acres and that is a big concern of theirs.

Laura Johns said that while she understands that we need a way stricter ordinance, she thinks we should hold off until we can review what happens with the other projects. Laura also asked about the wildlife and whether

or not there would be walkways between all of the fenced-in areas. Laura wants to know where the deer would go and she said that she feels that there will be a lot more car/deer accidents.

Larry Weikart spoke again and said that he understands that there is no benefit for the Township; only for the homeowners. Larry asked how the tax assessor would assess this.

Greg Gemmill spoke again and said that 80% of the suggested changes which have been presented on the ordinance came to Greg from the public. Greg has been getting emails and phone calls since the last meeting and he has passed them on so that they can be addressed. Greg said that we (the Planning Commission and Township Board) represent the public – Greg assured everyone that we have no loyalty to ESA Solar or any other company. We want to have an ordinance which can protect the citizens of our township.

Bill Benjamin spoke again and said that he had provided a lot of the comments noted in the suggested changes and Bill said that he appreciates that they are being passed on and reviewed.

Robert Hawley stressed that we have a current solar ordinance in place and if a project was presented at this time, we would be required to consider it under the current ordinance which is, in fact, far less restrictive.

Jim Haylett spoke again and said that he has 170 signatures of concerned citizens of the Township; they are very concerned about the devaluation of the property. Jim asked if we can add to the zoning that there would be a guaranteed value of the residence by the solar company. Jim then stated that he actually doesn't think this would do any good when the solar company goes bankrupt. Jim also asked why, if the energy can be sent to the west coast; why aren't the solar panels located in the desert and not on prime agricultural land.

Laura Johns spoke again and asked if ESA Solar or any other company applied for a special use permit tomorrow, can the Township put them on hold until we have the new ordinance in place.

Larry Omo spoke again and said that Ovid Township has been primarily agricultural and he asked if we really want to look at solar panels when driving up and down the roads. Larry doesn't believe that the land will really be put back into production. Larry said that our Township is currently beautiful and he feels that we will drastically alter that and we should consider what we are doing to the Township.

Linda McDonald spoke again and asked for clarification on the dates of the documents which are contained on the Township website. Chris Khorey confirmed that the documents are the most recent version.

Tom Shenefield said that he has been a resident of Ovid Township for 41 years and in the long range planning, he hopes we will consider the beauty of our Township. Tom does not feel that anyone really wants the solar panels as neighbors.

Larry Weikart spoke again and asked if ESA Solar had previously come to the Township Board and offered to pay for some of the legal and consulting fees if the Township we would consider moving forward.

Bill Benjamin posed a question to Sharon Shenefield (a former real estate appraiser) as to the financial impact of solar farms on landowners.

Greg Gemmill spoke again regarding the solar company offering to pay our legal and consulting fees. The Planning Commission was originally going to put this in a moratorium for a year and our legal counsel said that doing so would most likely result in a law suit against the Township. Therefore, in exchange for not putting in a moratorium and agreeing that we would continue to work on amending the ordinance; ESA Solar offered to provide assistance with our fees with absolutely no guarantee of anything in return.

Jim Haylett spoke again and said that he doesn't think there is anything wrong with each parcel being looked at separately as far as special use permits.

Matt Drennan spoke again and said that they (ESA Solar) had submitted a letter of support with almost 100 signatures that they had obtained in only three days. Matt said that the suggested maximum height of 20 feet is to give them a little "wobble" room and that is why it is being requested. Matt stated again that this maximum height would reduce the amount of land used for the project.

Andy AcMoody closed the Public Comment portion of our meeting at 7:26pm.

Respectfully submitted by Tammi Schorfhaar, secretary.