

OVID TOWNSHIP PLANNING COMMISSION

OVID TOWNSHIP OFFICE, BRANCH COUNTY, MICHIGAN

February 16, 2021

SOLAR WORKSHOP MEETING MINUTES

The Ovid Township Planning Commission Solar Workshop was held via Zoom and was called to order by Andy AcMoody at 6:07 p.m.

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

Other attending online: Robert Hawley, Greg Gemmill, Joe Hass, Chris Khorey, Brian Walker, Brenden Miller, Lesley Magnabosco, Jim Haylett, Sam Gaglio, Lindsay Latre, Sean Stocker, Linda McDonald, Tom Shenefield, Chick Gerber, Stephen Estey, Laura Johns, Tom Gaglio, Matt Drennan, Nick Alexander, Brian O'Shea, Adrian Walker, Justin Vandenbrook

Chris Donbrock made a motion that we accept the Agenda; seconded by Sean Groves; motion carried.

The Planning Commission continued to discuss the various open issues that need to be resolved as they pertain to proposed changes to the current Solar Energy Ordinance. There was a lengthy conversation about the required setbacks and their impact on both participating and non-participating parcels.

Public Comments:

Brian Walker is an Ovid Township resident and potential participant in the Solar Farm. Brian does not agree with the setbacks as they've been proposed. He feels that they are an uncompensated visual easement. The proposed setbacks would cause Brian's land to sit idle and be too small to farm. He feels that the setbacks need to be re-evaluated and he thinks they are way too constrictive.

Brenden Miller is a County Commissioner from Lapeer County where they have one of the largest solar panel installations in the State of Michigan. Brenden said that, in regards to setback lines, theirs (in Lapeer County) are within 100 feet of the property lines. Brenden is also a farmer and he said that currently, farmers have a lot more flexibility in what they farm (and the potential impact to their neighbors) than what our proposed ordinance would allow. Brenden reminded everyone that solar energy, unlike other options currently available to farmers, does not have noise or smell. Brenden also shared that Lapeer County has seen property tax increases as a result of the commercial solar farm. He said that neither Lapeer Township nor Lapeer City have experienced any losses in property values and that those properties with good neighbor agreements are actually considered to be more attractive to buyers. Brenden said that their project has been fantastic for them and he strongly encourages us to consider it.

Lesley Magnabosco owns land on Rose Lake but lives in the Chicago area. Lesley shared that, in Illinois, they haven't had any issues with their solar projects. She has been a zoning paralegal for over 25 years. Lesley said that a 500 foot setback is a hardship on the landowner and, from a development standpoint, she thinks the setback is too large. Lesley suggested putting a cap on the setbacks and relying more on the landscaping. Lesley also pointed out that there is minimal effect to the environment from solar farms.

Jim Haylett feels that it should be required that the setback areas have to be maintained and the ordinance should require this. Jim would like to see the setbacks go back to the 2000 feet that were previously discussed.

Sam Gaglio believes the landscaping should be on the property line and not in the middle of the field where the solar panels are located as it will destroy the possible land use in the future. Sam said that this is agricultural land and they do not want trees and shrubs out in the middle. Sam also said that he disagrees with the proposed setbacks as they are too large.

Lindsay Latre stated that she does not believe solar is detrimental. The use of the land that is proposed is natural. Lindsay also does not feel that the setbacks which are proposed are normal and they are definitely not industry standard. Lindsay pointed out that the setbacks throughout our ordinance are nowhere near the same and she asked why the Planning Commission is setting the bar so high for solar farms. She especially does not understand since, as it has been pointed out, the setbacks for other industries such as junk yards, gravel pits and hog barns aren't as large and yet they could be considered a nuisance with noise, smell, sight, etc.

Sean Stocker of APEX does not feel that a 1000 foot setback is appropriate. Sean also addressed the interconnection final agreement process and said that requiring it as part of the special use application process is not appropriate as it will not be issued until the end of the project. Sean suggested that a condition of the special use application could be the requirement that a signed agreement is required before construction can actually start. Sean is also concerned with the language concerning drainage and when or how any damage has to be addressed.

Linda McDonald said that some people are very concerned with the idea that a company from Florida can come in and ask for smaller setbacks. Linda finds this very troubling and stated that she thinks the proposed setbacks are fair. She said that we aren't talking about theoretically just one hog farm, or one solar farm – this is a huge project that goes across multiple properties. Linda feels that people who have lived in Ovid Township for 40 plus years should have some say. Linda also does not feel that it's fair to those with small properties.

Tom Shenefield said that appreciates the Planning Commission's struggles with the setbacks but not everyone wants solar and he hopes we will error on the plus side for those who do not want to be involved.

Chick Gerber said that he turned down the solar company as a landowner. Chick contends that the people in the area of Lockwood Road like living in that location because of its agricultural aspect and he definitely feels that a project of 1600 acres will affect everyone. Chick is completely against the whole solar concept and he hopes we don't reduce the setbacks.

Stephen Estey is a Land Use and Zoning attorney and he has real reservations over the legality of the ordinance if it is adopted as proposed. Stephen said that the proposed ordinance, in particular the setbacks, is particularly restrictive and could pose a legal problem. He does not feel that the township has not treated other issues the same and he feels that the setbacks seem unreasonable and arbitrary and he stated that there needs to be a relationship to public health and safety. Stephen said that they will be found void if they are deemed to be arbitrary. Stephen also does not agree with the proposed increase or decrease proponent as he contends that doing this means that the applicant will have no way to know how the setbacks will actually be applied at the time of application because the possibility of increases and decreases would be at the discretion of the Township Board. Stephen feels that, if the ordinance is adopted as proposed, commercial solar projects would effectively be excluded. He asked the Planning Commission to step back and reconsider the ordinance completely.

Laura Johns said that while the setbacks might sound like a lot to the developers, she doesn't think we've ever had a gravel pit or hog farm try to come in and take 1600 acres for their project. Without the proposed setbacks, Laura feels that it's going to make for a very unhappy community. She believes the setbacks will allow the solar projects to exist and the neighbors to be happy.

Tom Gaglio said that he feels that landowners are being treated unfairly and he said that they are looking for fairness and reasonableness. He does not feel that the proposed setbacks are either. Tom traveled to look at the solar farms and then he researched them. He said that it disgusts him that people are saying such horrible things about solar farms. Tom also stated that when residents are 70% represented and the landowners are 30%, it's unfair.

Matt Drennan of ESA Solar addressed the issues regarding wildlife corridors and he said that they reached out to the DNR and asked for a tentative review. The feedback they received was positive and the DNR did not indicate that there would be interruption to the deers' habitat. The DNR also feels that the pollinators would be beneficial. Matt said that solar, in Michigan, is relatively new over the last five years but he asked that we consider what Brendan Miller, the Commissioner of Lapeer, said about their project and how well received it has been. Matt also referenced the visual aids he had emailed to the Planning Commission about the project in Eaton County which is near residences and they do not have any type of vegetative screening at all and yet, this project has been well received. Matt said that he agrees that having the landscaping at the property line makes more sense. Matt also said that the 500 foot setback is completely unprecedented and is not comparable to any other usage in our ordinance (junk yards, gravel pits, etc.) which can actually be considered nuisances.

Nick Alexander pointed out that noise and other criteria are already addressed elsewhere in the ordinance so he doesn't understand why it is addressed again with the setbacks. Nick also questioned language pertaining to "the view from most windows" and asked if we will be regulating the parcel lines and the setbacks or the number of windows in each home. Nick also asked what it means to "protect a natural feature" or to "render a property unusable"? He asked who decides that and what exactly is "negative impact"? Nick also feels that the increase and decrease criteria, as proposed, are still very vague.

Brian O'Shea of APEX is very concerned about the complexity of the ordinance. He asked where is the right starting point and then how do we leave some room for the Township Board to make changes? Brian pointed out that the setbacks originally started at 50 and 100 feet and now they are substantially more. He doesn't understand why they have changed. Brian encouraged us to leave ourselves enough flexibility to actually be able to review a proposal. He also invited the public to attend the upcoming Virtual meeting to learn more about solar.

Dean Diller is a resident on Lockwood Road and he wrote a letter which was read by Matt Drennan. Dean stated that some of his neighbors are against him using his property for a different land use. He doesn't understand exactly what it is that has the Planning Commission concerned and why we are against solar. Dean stated that just because neighbors don't want to look at it doesn't mean that he can't do it. There will be trees and landscaping and Dean asked the Planning Commission to please not interfere with his property rights.

Adrian Walker said that she is the next generation and she fully supports the idea of solar energy. Adrian thinks we need to look at the possibilities and stop being selfish. She feels that we need to look at what we are going to do personally and how we can help the world in general.

Justin Vandebrook of ESA Solar said that if buffering is done correctly, the visual impact of the solar panels would be minimized. He said that there is an inverse relationship between setbacks and buffering - you usually have one or the other. Justin also asked about the section of the proposed ordinance which would require an applicant to pay for the consultation of a third party. Justin suggested that the third party should be one which is mutually agreeable to both the applicant and the Planning Commission. Justin encouraged members of the Planning Commission (and anyone else) to travel to see a commercial solar project in person.

Chris Donbrock moved to adjourn, Tammi Schorfhaar seconded; motion carried.

The Solar Workshop adjourned at 8:02 p.m.

Respectfully submitted by Tammi Schorfhaar, secretary.