

## OID TOWNSHIP PLANNING COMMISSION

### OID TOWNSHIP OFFICE, BRANCH COUNTY, MICHIGAN

November 1, 2022

#### NOVEMBER MEETING MINUTES

The Ovid Township Planning Commission meeting was called to order by Andy AcMoody at 6:03p.m.

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

Others present: Matt Ashenfelter, Joe Haas, Brian and Tammy Walker, Connor Podkul, Brenna Gunderson, Steve Littley, Chad Harris, Max Benjamin, Doug and Judy Harris, Jim and Nub Haylett, Chris Khorey, Bruce Hauska, Linda McDonald, Sharon Kupp, Laura Johns, Steve Este, Zach Englin, Ryan Carrigan

Andy AcMoody suggested that we amend the Agenda to move New Business first; followed by Unfinished Business. Chris Donbrock made a motion to approve the Agenda as amended; seconded by Andy AcMoody; motion carried.

Chris Donbrock made a motion to approve the October 11, 2022 Barrows Public Hearing minutes; seconded by Sean Groves; motion carried.

Chris Donbrock made a motion to approve the October 11, 2022 Waligora Public Hearing minutes; seconded by Andy AcMoody; motion carried.

Jim Snivley made a motion to approve the October 11, 2022 Planning Commission Special Meeting minutes; seconded by Sean Groves; motion carried.

#### New Business:

- a. Teachout Open Space Preservation/Land Split – Chris Donbrock made a motion that we recommend this to the Ovid Township Board for approval; seconded by Sean Groves; motion carried.

#### Unfinished Business:

- a. Apex Solar – Coldwater River Solar Project. Chris Khorey, our consultant with McKenna, provided an overview of their interpretation of Section 15.38.D.5.b of the Ovid Township Zoning Ordinance (see attached memo). Conversation then continued as Jim Haylett said that he feels that the Zoning should be upheld to preserve the farm ground. Andy AcMoody explained that the State of Michigan allows solar under areas which are zoned agricultural. Steve Este, counsel for the applicant, said that he doesn't understand how the Littleys have more than two lot lines which will be bordered by solar panels as the property directly to the west of the Littleys is not theirs – it belongs to Nowickis. Sean Groves requested further discussion regarding the intention behind this Section of the Ordinance as a Board. Sean said that when we discussed this, we knew that there were three parcels that would be affected, and we didn't want these non-participating parcels to feel that they are being encroached upon by all sides. Sean feels that our intent was that, if there was going to be solar on more than two sides (including the other side of the road), we wanted to protect these specific lots by providing larger setbacks (1000 ft). Brian Walker said that he feels that Sean Groves's statement that this doesn't affect all landowners is wrong - everyone has an opinion. Zach Englin (landowner in the solar project) said that there are three properties which have a problem. He asked if we are really going to require changes for three people when there are a lot of landowners who do want this (either as participants or as good neighbor agreements). Chris Donbrock said that he does not agree with Sean Groves as far as requiring two 1000 setbacks. Matt Ashenfelter said that when we discuss side setbacks, we talk about sightlines. Matt feels that unless we change the language in the Ordinance, the necessary setback requirements are currently being met for all three parcels. Joe Haas, Ovid Township attorney, said that he agrees with both

Matt Ashenfelter (as far as measuring from sightlines) and with Chris Khorey on the interpretation of this Section of the Ordinance. Joe also pointed out that the Planning Commission has the right to suggest to the Township Board if we feel that anything needs to be increased or changed. Joe then provided a review of the Apex Solar Compliance Chart (see attached). As per the Chart, there are three areas of question (in yellow, marked "no" under Compliance). Discussion about these items was held.

Sean Groves made a motion to recommend the Apex Solar/Coldwater River Special Use Permit to the Ovid Township Board with the following parameters: the decommissioning and drainage bond paperwork must be completed; the items in section 19.03(A) of the Apex Solar Compliance Chart do not require additional attention; and we recommend that the setback of 500 ft be doubled from the house on the four parcels in question (Harris parcel # 110-005-400-002-00; Littley parcel # 110-005-100-001-01; Nowicki parcel # 110-005-100-001-02; Haylett parcel # 110-009-100-003-00). Seconded by Chris Donbrock. Roll-call vote: Jim Snivley - yes; Chris Donbrock -no; Andy AcMoody - no; Tammi Schorfhaar - no; Sean Groves - yes. Motion failed.

Andy AcMoody made a motion to that we recommend to the Ovid Township Board the Apex Solar/Coldwater River Special Use Permit knowing that we must have the decommissioning bond and the drainage bond squared away; we do not feel that the items in section 19.03(A) would be a hindrance to the project; and we ask that the Township Board take into consideration Section 20.06b1 setback increases for the Harris parcel # 110-005-400-002-00; Littley parcel # 110-005-100-001-01; Nowicki parcel # 110-005-100-001-02; and Haylett parcel # 110-009-100-003-00. We, as a Planning Commission, do believe that the application meets the requirements of our Zoning Ordinance to our satisfaction. Seconded by Tammi Schorfhaar. Roll-call vote: Jim Snivley - yes; Chris Donbrock - yes; Andy AcMoody - yes; Tammi Schorfhaar - yes; Sean Groves - no. Motion passed.

- b. Zoning Ordinance changes – updated by Chris Khorey. Chris Donbrock made a motion that we recommend the Zoning Ordinance be approved by the Township Board; seconded by Jim Snivley; motion passed.

Zoning Report: See attached report provided by Matt Ashenfelter

Public Comment: None

Next meeting is Tuesday, December 6, 2022, at 6:00p.m.

Chris Donbrock made a motion to adjourn; seconded by Andy AcMoody; motion carried. Meeting adjourned at 7:36p.m.

Respectfully submitted by Tammi Schorfhaar, secretary.