

PLANNING COMMISSION

WORK SESSION MEETING – Solar Ordinance Considerations

MAY 18, 2021

PRESENT: Dave Francis, Charlie Hogle, Tracy Korthase, Stu Scholl came into meeting at the end, Randy Wackernagel absent

Audience: 5 people including Supervisor Jeff King

Meeting opened at 7:05pm.

Francis discussed reason to meeting – to discuss implications of solar farms in our township, and how to control and regulate, possibly through written ordinances. He mentioned that the copy of White River Township's recent ordinance on solar farms, was geared more toward residential use, not commercial. The MacBeth/Sikkenga solar array may start as soon as May 31st. This solar farm was allowed by the Township Board, as it was deemed acceptable under "essential services" by the township attorney. Now, unofficially, the township has been approached by yet another solar company who wishes to place solar between Whitbeck and Ochs and south of Fruitvale Road.

Korthase read the definition of "essential services" aloud, as stated in our zoning ordinance.

Audience: didn't see solar as a 'fit' to essential services description. Felt it was more a commercial entity, serving the owner, not the community.

Audience: questioned how we developed our wind ordinance. We set severe restrictions on the placement of the towers, especially from lot lines. We were able to do that due to their size, as it created a large sphere of effect.

King said that he thought the township board could request a moratorium on acceptance of any new solar farms for the time being.

Korthase said King had the idea of possibly creating an ordinance that would restrict the number of commercial arrays in our township – by quantity or size. Korthase suggested we consider wording that protects the remaining farm land as 'pristine' and the farmland views as 'aesthetically worth preserving' due to the fact that we are a tourist area.

Francis pointed out that the Master Plan is probably key. He feels the Planning Commission should begin some meetings to review the Master Plan to make sure it still fits the needs and direction of the township. (Master Plans do not HAVE to be re-done on a periodic basis – but we as a Planning Commission and Township Board should renew them via meetings that, at minimum, state the Master Plan continues to meet the needs and direction of the township.)

Hogle felt that a commercial entity of a solar farm does not fit the "public benefit" terminology of the essential services description.

King commented that the Sikkenga array kind of fit in it's location, as it was butted up to our commercial corridor of US31.

It was agreed that we continue to have many questions, and that all questions listed within will be sent to Attorney Rachael Novak.

It was questioned whether the line capacity of the existing high voltage lines could even handle the Macbethe/Sikkenga array, plus this new potential company, plus White River Township's planned solar array. Korthase has a contact with Consumers who would be willing to come to our next meeting.

Audience: Solar does not promote the aesthetics of the community.

Audience: Instead of Agriculture land, how about sending them to Brownfield properties? Francis addressed that Hooker/OxyChem already has very tight new zoning that was created for the protection of the community to NOT build on contaminated land.

Francis said the story of Walmart is an example of how that township really had no ability to refuse Walmart to come into the area. Despite whether we want a business or not, we would have to have logical, sound reason to NOT allow a business. Our Planning Commission chose to at least have some control over the larger big box stores, such as anything over 10,000 square feet had to limit driveway and parking sizes, add trees, control outside lighting, etc. Basically, we need to justify our reasoning.

King read articles from Michigan Townships Association, and Michigan Zoning Enabling Act, stating that we cannot "totally prohibit the establishment of a land use withing a local unit of government in the presence of a demonstrated need for that land use....."

Audience: These are new companies – what do we know about them? Is there a "need" for 2 arrays in our township? What happens in 40 years? What if they simply 'leave town'?

Francis and King said there are decommissioning bonds that would force them to remove their structures.

Hoglund said at previous meeting, where we briefly met the owner of this possibly second array (Torch Corporation), that they are noting and building around the 'wetland area' that slopes slowly down hill from Fruitvale. Maybe this is something to look into – is it protected area? Wetland, wildlife (cranes) what are other environmental issues we could use to slow down and curb and control solar farms?

Audience: We should all write our local representatives.

Audience: How are they taxed and classified? At this point it is still unknown, although the lobbyists for the solar farm companies lost their bid to go to a PILT status instead of Personal Property tax identification.

Someone suggested we create a special 'tax' or 'fee' to put onto solar farm applicants, to cover our costs in attorney fees, testing, obtaining reports, consultants, planning, etc. An 'escrow' fee (?)

Francis said it comes back to devoting time to our Master Plan and finding out what people want. Surveys work but only a fraction of the township residents respond.

It was questioned if the actual definition of "essential services" could be amended.

It was questioned how to prove that commercial solar arrays ARE essential. Arguments for and against.

Next Planning Commission meeting will be Tuesday June 1st at 7pm, open to the public. The questions that came up tonight will be presented to Attorney Rachael Novak, and we should have answers for those questions by this next meeting. Also, Korthase to invite Consumer Energy contact to this meeting to answer questions. Also, at this meeting we will look at the Master Plan.

Hoglund mentioned that in some areas of scenic beauty where that view is compromised, the homeowners are compensated for having to look at the structures now before them.

Korthase to contact Leland for ordinances asking for how they keep solar and wind restricted or out of their area in their wording.

Hoglund, back to the wetland area that Torch is not building on, can we get a copy of any environmental study? Who to contact? Torch? MDNR?

Francis reminded us that we just want 'control', not necessarily to outlaw solar arrays.

Scholl said Montague Township is simply on the forefront of solar farms, and this is simply new ground for everyone.

Hoglund Last week the Planning Commission approved a home occupancy permit for a small business. Does a conditional use only apply to the applicant or the location? At that time, it was decided that it rides with the applicant, and others moving in would have to reapply. If Macbeth or Torch sell, do we require the new company to come in to access another Conditional Use again?

Scholl felt it was time to look at the overall picture of the township, reassess our needs, and overall direction. This is a good fit with our Master Plan review.

Meeting adjourned: 8:20PM

Notes by Tracy Korthase, Planning Commission and Township Treasurer