

**ONEIDA CHARTER TOWNSHIP
PLANNING COMMISSION MINUTES**

May 2, 2017

**MEMBERS PRESENT: WALTERS, SCHERER, STARR,
SCHROEDER, GREEN, AND SCHULTZ**

MEMBERS EXCUSED: KILGORE

**OTHERS PRESENT: ZONING ADMINISTRATOR
GOSCHKA, CLERK CAMPBELL, REPRESENTATIVES OF
THE GERONIMO ENERGY COMPANY, RESIDENTS OF
ONEIDA TOWNSHIP AND RESIDENTS OF THE
PROPOSED AREA FOR THE SOLAR FARM
DEVELOPMENT.**

1. Chairman Walters called the Meeting to order at 7:30 P.M.
2. The Agenda was approved IN A Motion made by Mr. Green and supported by Mrs. Schroeder. Motion Carried.
3. Minutes of April 4, 2017 were approved as amended in a Motion made by Mr. Starr and supported by Mr. Green. Motion Carried.
4. Public Comment: Chairman Walters explained that speaking time would be limited to three minutes and presentations to ten minutes for this first period of Public Comment which would be for non-agenda items. There was no Public Comment.
5. P.A. 116 Application Pomaville. Chairman Walters asked Zoning Administrator Goschka to discuss this request. She noted that the Clerk had worked with the State. He has sent the Application to the County, the City and the Soil Conservation District for review as outlined on the Application. The County has sent the Application back and said that the review should be done by the Planning Commission and Township Board. That is why we are

looking at it now. After the Review by all entities it will go to the State for comments and approval or disapproval.

Mrs. Scherer said she had gone to the site and there are houses all around and it is in the middle of a subdivision, in fact the one she lives in. She did not feel the land was being used for farming. She provided pictures for the Board to view that were taken by the Clerk. Mr. Green said that it did not meet the 51% requirement of agricultural use. He discussed the concrete area and the 5000-square foot barn, listed on the application as a shed. He said 2.4 acres was about all he could come up with as agricultural use.

Mrs. Scherer made a Motion to send the P.A-03062017 application on to the Township Board with concern that the property for which the P.A. 116 is requested appears to be underutilized and that this concern be passed on to the State with a copy of the pictures provided. Mrs. Scherer accepted Mr. Green's amendment to her Motion that the application does not meet the 51% requirement for agricultural use.

In discussion Mrs. Schultz asked if the property was zoned Agricultural. Zoning Administrator said that it was not. Mr. Green supported the Motion and Motion Carried.

Please note: This property has 2 parcels: House and land is zoned A-1 Agriculture, small piece of property is zone R-1A Residential.

6. Solar Ordinance Compile information and guidance for Township attorney to create a Solar Ordinance for Oneida Charter Township: Mrs. Scherer had prepared a document showing what she thought would be needed in an ordinance and presented her ideas for discussion if the commission so desired. She stated that the document was not meant to be all encompassing. (See the Document below.)

Solar Parks / Farms
From Carol Scherer

This document contains some items that I thought would be needed in an ordinance and I therefore present them for discussion if the commission so desires. This is not intended to be all encompassing.

Regarding the solar panels:

1. Need to specify the required distance of a group of panels from all other local buildings and other solar panels, whether on the site or off the site.
2. Need to specify maximum height permitted for the solar panel
3. Need to require that other properties or roads are not affected by glare
4. No above ground transmission lines should be permitted.
5. Specify minimum setbacks from roads and property lines for solar panels

Regarding the site in general:

1. Need to specify required setbacks and landscaping and screening
2. Need to specify pole height maxims for lighting in the area
3. Need to specify planned security measures to prevent unauthorized trespass.

Abandonment Requirements:

1. All aspects of the site must be kept in working order
2. If not used for (3 or 6) months it must be dismantled and removed from property
3. Ground must be restored to original condition
4. Security and escrow must be required for this
5. Must spell out enforcement consequences

Plan needs among other items.

1. Environmental impact should be conducted before permit is issued
2. Specific maintenance and repair requirement details must be in plan
3. Location of underground electric lines
4. Erosion and sediment control measures
5. Storm water management measures
6. Purposed elevations of all the areas to include relationships to structures, etc. of other adjacent lots.
7. Signed statement from energy provider to buy power generated by the system.

We may also wish to specify the size of solar parks permissible such as 20 to 100 acres as min. and max. This could play a roll in determining zoning in which they are permitted. We have seen examples of ordinances allowing solar/park/farms in "all" zoning in some townships, and in others more specific designated zoning. It appears that the most prevalent is agriculture followed by industrial. What ever the zoning(s) we allow per our ordinance it should be only as a special use approved by the Planning Commission/Township Board.

In the end result the township needs to have a great deal of freedom via the ordinance to permit it to determine whether each particular proposal is appropriate for our township. We need to be able to deal with the changing science.

Chairman Walters read Mrs. Scherer's Document. Section

Regarding the solar panels: After review and discussion Board felt that 3 areas of solar use should be addressed: Residential, Commercial and Solar Arrays.

Under Section: Plan needs among other items: of Mrs. Scherer's document, Mr. Starr pointed out that he had reviewed the Wind ordinance and felt that with a few word changes it could be adapted to a Solar Ordinance. He found 25 provisions of the Wind Ordinance that applied. Wind Ordinance Article 3. Section 15.04, (page 3, 4, 5, 7. 8, 9, 10, 11, and 12) paragraphs a, c, d, e, f, h, item 7, 8, 9, 11, and paragraphs j, k, l, m, n, o, p, q, r, s, w, y, and z. And Article 6 and 7. He felt that the Wind Ordinance was Lawyer tested and time proven. Mrs. Schultz liked the Continuing Security Section of the Wind Ordinance as did the Board. Section L, found on page 10. This requires surety that the project will be removed completely if not in use. The Board also felt that the size of Solar Arrays should be addressed.

Mrs. Schultz said she felt that Solar Arrays were Industrial Uses and should be located in an Industrial area. Mrs. Scherer asked if we had enough land in our current industrial area. Mrs. Schultz said no but rezoning was a possibility.

All of the Board felt that the requirement of a Special Use Permit in any district was a good plan. And the Board agreed with the Comments Mrs. Scherer made at the end of her Document. They also felt that the size of Solar Arrays should be determined as to what would be allowed in the different areas.

Mrs. Schultz asked Zoning Administrator Goschka to tell the Board of her finding on P. A. 116 land for Solar Array use. She said she had spoken with the State and Solar Arrays are not

agricultural or farm use. Therefore not allowed on P.A. 116 contracted lands. Chairman Walters asked if there were guidelines we should follow for P.A. 116 lands, Zoning Administrator Goschka said the State guidelines had to be followed.

Mrs. Scherer noted this is only our first attempt and input from the Commission and the Residents was very important.

Mr. Green liked the Oregon Township Solar Ordinance because it addressed the three levels of solar installations, roof, ground and solar array.

Mrs. Schroeder discussed the highest peak of a home in regard to the residential solar installation as addressed in the Oregon Township Ordinance. Some homes have several peaks. Zoning Administrator said the highest peak and place of installation would have to be determined. Chairman Walters noted that most commercial buildings have a flat roof so this would not apply to them.

Zoning Administrator Goschka discussed setback for solar arrays and installations and said that our accessory building requirements require an 8-foot setback and she felt that the accessory building requirement could be used for solar also. Mr. Green said he did not feel that solar should be installed in the front yard. Mrs. Schultz felt that completion of solar array installation should be required within 12 months.

Road maintenance was discussed and the Delta Township Special Use handling of Solar was discussed also.

Chairman Walters read the 5 points explaining why we need a Solar Ordinance:

1. Regulate Solar Farm establishments
2. Avoid exclusionary zoning challenges
3. Balance renewable energy interests and to preserve farmland.
4. Support the Township's Master Plan.
5. Control negative impact on Township Residents.

Mr. Starr asked if there were any other power types we should be looking at. At this time, there is none.

Motion was made by Mr. Green to recommend that the Township Board send all the information that we have discussed to the Attorney so he can prepare a Solar Ordinance document for review by the Commission. Support was given by Mrs. Scherer. Motion Carried.

7. Public Comment: Chairman opened the Public Comment session: Supervisor Cooley discussed the taxing of solar arrays. He said some would be taxed as personal property, some tax would be on the land and utility property is all up to the State right now. It is still being decided.

Mr. Coakley showed the Board a picture of the Grand Ledge Area to demonstrate the size the Geronimo Energy Company is proposing for our Township. He also addressed the Master Plan and as to size and area. Mrs. Scherer noted that her document addressed size.

A resident asked what benefit this proposed project was to the residents of the Township. Supervisor Cooley said it would be a

tax benefit. Resident wanted to know would we benefit from the power made by the solar array. Chairman explained we don't know the answer to that. Another resident wanted to know if there were any health risks. There was a question as to the ability of the company to return the land to its original state. Another resident asked about ground water and drainage. These are addressed in Mrs. Scherer's Document. There was a question from another resident as to what constitutes abandonment and how long before removal. It was explained that this is addressed in Mrs. Scherer's Document also, it is a time period of 3 to 6 months.

Clerk Campbell said the 33-foot rule for ingress and egress of emergency vehicles needed to be included in the requirement. Mrs. Scherer said that we do not have a lot of specifics, we want the Attorney to look around and investigate for us. This will only be a first draft, and may not be close to what we want.

Resident asked about lightning strikes and how it would affect the solar array. Also, why are we doing this, how long will a solar array last and what the cost would be. Chairman explained that we do not have the answers to these questions.

Mrs. Schroeder noted that currently utility plants are being dismantled and everything wears out and needs to be replaced. Chairman clarified the purpose of the meeting. The Township has decided to have a Solar Ordinance and the Planning Commission is charged with helping to decided what will be in the Ordinance.

Mr. Scherer noted that the idea of solar energy is new to all of us. We would not be here if a farmer had not sold land to a company for a solar array. We have no way to govern it. If we have no

Ordinance we could end up in court. That is why we need an Ordinance and your input.

Commissioner Mulder, the transfer station is under agricultural use, He was not sure we could require the Industrial Zoning.

Chairman Walters asked if there were any further comments, there were none.

Motion to adjourn was made by Mrs. Scherer and supported by Mr. Starr. Meeting adjourned.

Minutes respectfully submitted by Jan Schultz

APPROVED:

Mr. Michael Walters, Chairman

Mr.