

final

## Douglass Township Planning Commission

3521 W. McBrides Rd

Stanton, MI 48888

989-762-8014

### Regular Meeting Minutes

April 26, 2023

Immediately following Public Hearing scheduled for 7 pm.

#### **Call to order**

- Meeting called to order by Rick Baldwin at 7:15 pm

#### **Pledge Of Allegiance**

- Recited during public hearing

#### **Roll Call**

- Rick Baldwin, Matt Moorman, Melissa Bannen, Eric Tester, Kathy Craig all present.
- Mike Swan and Jon Bailey absent.

#### **Approval of agenda items**

- Eric Tester made a motion to approve agenda as written, seconded by Melissa Bannen.  
Voice vote: Ayes: 5 Nays: 0 Motion carried.

#### **Approval of Minutes**

- Eric Tester made a motion to approve the April 3, 2023 Special Meeting minutes as written, seconded by Matt Moorman.  
Voice vote: Ayes: 5 Nays: 0 Motion carried.

#### **Public Comments on agenda items**

- Rick Baldwin opened public comment at 7:17 pm. No comments offered and public comment was closed at 7:17 pm.

#### **New Business**

##### Committee Reports

- Eric Tester (Board Liaison): there is nothing new from the board other than they would like us to finish the wind and solar ordinances.
- Dave Kelsey (Zoning Administrator): in March there was 1 permit issued for home office/home gym, 1 complaint of a satellite dish on easement, and 1 denied pole barn due to height.
- Zoning Board of Appeals: Rick Baldwin reported that the recent ZBA meeting was rescheduled to May 31 due to the applicant being unable to attend. It is regarding a variance for the pole barn height issue at 5365 Clifford Court. Rick wants to address some recurring issues from the ZBA in the future, such as variances.

#### **Old Business**

##### • **Solar Ordinance Discussion**

Rick Baldwin suggested using the Pine Township solar ordinance as a template for a starting point, since it has been sent to their attorney three times. If we tweak it for Douglass, it would save a lot of time and money. The PC members agreed. Kathy Craig brought up her recusal in the previous meeting regarding residential solar due to potential conflict. The situation has

changed, and after reviewing the bylaws, and per the recent training attended by several PC members, the PC determined that she does not have a conflict and can participate.

- **Residential (level 1) discussion**

**1. Setbacks:** PC discussed existing zoning setbacks, with input from Dave Kelsey, in Agricultural, Low Density Residential, and Medium Density Residential zones. PC agreed that the setbacks from side lot lines be increased to 20 ft for ground mounted systems, measured from the panel closest to the lot line.

**2. Height:** Discussion occurred on the height of the ground mounted systems. Consensus was reached that 14 feet is too high, and that 8 ft would be a better height with less impact on neighbors.

**3. Greenbelt screening:** Issues surrounding the height and quantity of greenbelt screening were brought up. The PC decided that the greenbelt screening should be the height of the solar panels, including the possibility of combining a fence, berms, trees, with a waiver option for neighbors to sign if they agree to lower height. They also agreed that the language of “maintain trees for the life of the project” needs to be added to that section.

- **Commercial (level 2) discussion**

**1. Height:** PC discussed the height for these panels and came to the agreement that 10 ft is an appropriate height.

**2. Sound:** PC recommended adding language for sound limits to the ordinance that is the same as the wind ordinance, as that language is protective of people.

**3. Greenbelt screening:** Discussion of greenbelt screening resulted in adding language “adjacent to neighbors” and adding the greenbelt screening language to level 2.

**4. Lot coverage:** limits were discussed and it was recommended that the coverage be decreased to 20% of the total lot.

**5. The decommissioning** time period was agreed upon not to exceed 6 months.

- **Industrial (level 3) discussion**

Concerns regarding the potential for groundwater contamination from the components of the panels, and property damage resulting from storm, rock throw, or fire damage were raised. Concerns about the impact on neighbors from the health effects of PFAS, drainage issues, effects on neighboring farms/properties, and economic fallout were raised. A water quality testing chart regarding PFAS testing in the USA was referenced. In our area, the water tested as good quality, while in Rockford and Flint areas, where PFAS contamination is known to have happened, the water quality was not good. The concern remains that toxicity could become a problem here with high concentrations of solar panels. Rick reiterated that we (the PC) need to write a good ordinance and take extra precautions to curtail the problem. We will try to make this as safe as possible to keep everyone safe.

**1. Coverage:** The PC looked at coverage area limits. It was agreed upon that consistency would be kept by decreasing coverage area to 20%.

**2. Setback** comparisons from other townships were reviewed. Health issues brought up again, and that increasing setbacks could help limit issues. PC agreed that setbacks from front/sides/and rear lot lines should be increased to 500 ft, with a waiver option for nonparticipating property owners. Eric pointed out that in listening to the people, they do not want industrialization. **Lot size:** To accommodate the increased setbacks, the PC recommended that the minimum lot size be increased to 40 acres. This is all in an effort to protect people. The PC also recommended adding language to have setbacks be 100 feet from **drains**.

**3. Access drives/roads** were brought up and the PC agreed that there needs to be a minimum setback of 450 ft. from neighboring properties.

**4. Setbacks from the wetlands (including creek beds)** should remain at 2640 feet, to be consistent with environmental and wildlife protections in the wind ordinance.

5. The PC discussed **setbacks from lakes and rivers** and decided to keep it at one mile from rivers to match the protections in the wind ordinance, and specify one mile setback from lakes. This is less than the wind ordinance but takes into account that the wind ordinance addressed seaplanes.

6. **Height** was addressed using comparisons from other townships. The PC suggested setting 12 ft as the limit.

7. Rick liked the idea of **retention ponds** as a way to protect from contamination. Lining of clay or concrete was discussed, and PC agreed that at a minimum there should be some type of lined pond.

8. **Greenbelt screening** recommendations on distance between rows/trees and future growth were discussed at length, and PC ultimately determined that trees need to be 6 ft tall when planted, with two staggered rows 15 feet apart, with the trees 15 feet apart. Rick has concerns about the appearance of the trees-PC agreed that trees need to be in good condition for the life of the project.

9. **Sound:** To be consistent and protective, the PC recommended that the sound language be the same as the wind ordinance, which reads 40 dba Lmax from 7 am to 10 pm, and 30 dba Lmax from 10 pm to 7 am on nonparticipating parcels. The health concerns are the same for sound for solar projects.

10. **Additional items:** For consistency with the wind ordinance, the PC recommended: adding the **landowner responsibility** language to either the decommissioning section or removal cost guarantee section; adding the **extraordinary events** language; adding the **annual report** requirement under the administrative cost/ongoing section; and **adding the infrasound language** to the sound section.

11. The PC decided to take out the "light industrial" wording from the Pine Township ordinance since Douglass does not have this zoning district.

12. **PA 116 program:** Protecting farmland is a concern of PC members, and they recommended that lands enrolled in the PA 116 program or any other farmland/agricultural incentive programs (such as Michigan Agriculture Environmental Assurance Program or Conservation Reserve Program) be excluded from the installation of industrial solar energy systems. This could be under the industrial Solar Energy Systems or General Provisions section.

13. **Groundwater and soil testing:** After further questions about the size and function of retention ponds, the PC further recommended that groundwater and soil testing occur annually.

### Public Comments

Rick Baldwin opened public comment at 9:28 pm.

| Resident     | Comments  |
|--------------|---|
| Kay Scott    | Environmental concern in Rockford is with PFAS-cancer, including thyroid cancer. Recommended regular testing or testing when there is damage and at decommissioning. Likes the greenbelt for industrial-staggered rows, distance apart. Would we want to put that in the ground as well? Has a concern about higher and lower ground, and would like this to be taken into consideration as part of screening. Also wondering about enforcement and consequences. |
| Gina Moorman | Questions who is responsible for enforcement? What about enforcement as years go by.  |
| Dave Kelsey  | Stated that he would be checking on the systems and schedule yearly inspections like he does with sawmills. He will cite if in violation, and start fining or take money out of escrow if they do not fix it.   |

|                |   |
|----------------|---|
| Robert Scott   | Regarding enforcement-there is a complaint resolution section, and there is a 3 person complaint resolution committee written in the wind ordinance. Can also take away permits if in violation. They will have to take them down if the permit is revoked. Also should consider adding greenbelt screening to level 1 and 2. |
| Linda Reynolds | Heard that level 1 setback is 100 ft from front, sides, 20 ft. and height 8 ft. Did the rear lot line get addressed? What happens between the 20 and 40 acres lot size minimums? Are we going to be looking at and updating the zoning book next when these ordinances are done?  |
| Sarah Kelley   | Questioned the waivers and who counts as neighbors? Also thinks we should be careful on greenbelt screening because the lot size dimensions can be skewed. Is concerned about lawsuits.   |
| Kay Scott      | Did the township ever find out what the insurance is for lawsuits? (Eric Tester replied that we did find out and we are covered. He thinks it is 4 million).  |
| Robert Scott   | Reminder that we will have to make changes to this to make it match the zoning book. Follow the format of the wind ordinance and make this standard 22.   |

Public comment closed by Rick Baldwin at 9:53 pm.

### **Further commission discussion**

Taking into consideration comments from the residents, the PC went over each of the recommended changes, and agreed to add the greenbelt screening language to section 1 and 2, add the 3 person complaint committee language and clarify that if groundwater and soil testing is found to be contaminated, remediation must occur, up to and including revocation of permits and removing the entire system. The PC also clarified that the setbacks in level 1 and 2 are to include side and rear lot lines. The word "Douglass" will replace "Pine" throughout.

- Eric Tester made a motion to send this ordinance with the changes, to the attorney for review, seconded by Matt Moorman.  
Roll call vote:  
Rick Baldwin-yes Eric Tester-yes Melissa Bannen-yes Matt Moorman-yes Kathy Craig-yes  
Motion carried.

Rick clarified that when we get this back from the attorney, there will be a special meeting called to review it, and we hope to have a public hearing prior to our July regular meeting.

### **Adjournment**

Eric Tester made a motion to adjourn the meeting, seconded by Melissa Bannen.

Voice vote: Ayes: 5 Nays: 0 Motion carried.

Meeting adjourned at 10:05 pm.

Respectfully submitted,

Kathy Craig

Douglass Township Planning Commission Secretary

