



**Joint Work Session
February 25, 2019 6:00 pm
Minutes**

CALL MEETING TO ORDER

M. Willcoxon called the meeting to order at 6:05 pm

Members Present: Board Chairperson R. Keller, Planning Chair M. Willcoxon (Skype), Vice Board Chair B. Seekon, Vice Planning Chair P. Carlson, Supervisor C. Cagle, Supervisor T. Nelson, Planning Commission Member D. Milles

Others Present: Planner E. Maass, Town Clerk K. Wood, Deputy Clerk B. Schule, 0 people (signed in).

Refresher on Robert's Rules

E. Maass said there is a lot of side conversations that take place during meetings which makes it hard to take minutes. The Chair should introduce a topic, then a motion and open it up for discussion. If someone has something to add they should raise their hand. It will help so everyone can hear and help the recording as well and ensure accurate meeting minutes.

M. Willcoxon said we are having a really hard time with multiple conversations at one time and it will help keep the meeting on schedule as well.

Discussion regarding the solar ordinance

Setbacks:

M. Willcoxon wanted to add a topic 3b on additional recommendations. He suggested they review the comprehensive plan which is critical to who we are and has value in court along with decisions made. M. Willcoxon said some of the items that are critical; low density commercial uses; establish and manage growth; prevent, protect and maintain our rural nature and zoning; He said the decisions we submitted regarding the solar ordinance to the Town Board had those items in mind.

M. Willcoxon asked what the board would like to see for the setbacks. As it stands, we had a 1000' setback with screening. In some areas we see you want 660' setbacks to allow for additional lots being put in at a later date.

There are three main concerns: 660' setbacks: intent was to leave enough frontage for the future to preserve the rural nature. Some thought 330' was a good compromise to support a tax base. The downside of the 330' setbacks would be that it would expose them to the backside.

T. Nelson asked what the setback is now. M. Willcoxon stated the overlay district is 1000' and 660' would prevent the solar projects adjacent to the Township roads. E. Maass stated the overlay district, both along Lent Trail are 1000'. It distinguishes between a County road and a Township road. This will define the road. T. Nelson asked what the setback is off of Kable. E. Maass stated that solar project was permitted through the PUC and not through the Township. B. Seekon asked if we have a 1000' setback from a County road, what the difference is with a township road. M. Willcoxon said if we do not have controls on this, it can go anywhere, so they do not randomly pop up anywhere. There is still potential for growth and we are recommending to set corridors. We are trying to not impact where they will impact development in the future. He said we are trying to envision this in more than one way. We need to remain with the integrity to the comprehensive plan. B. Seekon said it does not make sense. He said it does not make sense which type of road it is off of and asked for clarification. He said County versus Township road. M. Willcoxon stated that the County roads take on a different load and that there are a whole bunch of reasons. You have to draw a line somewhere. There is no exact why. E. Maass said the reason why is due to safety and speed due to the number of vehicles are traveling on the road which is the same setback for a home being built on a Township road versus County road. B. Seekon said the speed limit is the same.

T. Nelson said as a landowner, why are you limiting me on a Township road? He doesn't want to limit someone from making money. C. Cagle said the purpose of the 1000' setback is to put a home in front of it. E. Maass said the screening requirements are not being waived either. C. Cagle said we are not losing the entire tax base of the property. C. Cagle said they do not want the solar encroaching on the roads. D. Milles said the primary concern is to restrict this to certain portions of the Township. Only these 4 corridors. These are private leases, not commercial. We are still being faithful to the comprehensive plan. There are some areas like the sod farm where you cannot have homes. He said there are legitimate arguments on both sides.

B. Seekon said he is not against having solar. If we have 1000' setbacks, we are not protecting everyone. M. Willcoxon suggested 660' setbacks on every road. He asked if they would feel better about that. No one answered. B. Seekon said he still doesn't know why it makes a difference.

County road requirements are stated as 75' setbacks from non-ROWs or any dwelling whichever is greater; and minimum from all roads is 135' from centerline of road.

C. Cagle said the purpose of having that land is to be saleable to someone who doesn't mind living by solar. It would bring the tax base in. B. Seekon said that makes sense. B. Seekon asked if you would have to subdivide if you had the 660' setbacks. C. Cagle asked if they would need a CUP. E. Maass said they would have to subdivide. E. Maass said they could have the solar in back and have lots in front while having access to get in back. T. Nelson said the only issue would be to have an easement which would make one of the lots a little bit smaller. E. Maass stated the property owner could lease their land now and have an IUP and it does not preclude that land from development later. They could subdivide later. B. Seekon said a conversation he's had previously, he feels that they are going to leave all the hardware there, and as a landowner, what happens. People need to be aware because the landowner is stuck with it. T. Nelson would

like it in the ordinance stating the landowners are liable. E. Maass said we require landowners to sign the building/CUP permit application and require the decommissioning. The Board could take a look at the lease. The decommissioning would help with it.

D. Milles said the decommissioning is paid by the company. He said we should have something in the ordinance that the landowner is responsible. We are going to come back to you in the event that the escrow does not cover it and it will be assessed to the property. C. Cagle said let's focus on the setbacks right now and come to an agreement.

R. Keller said 330' still makes it possible to put a house on 2.5 acres of land. P. Carlson said they are still building on one-acre lots. M. Willcoxon said at this point we have a deadline of June 18 before the moratorium has to be lifted.

M. Willcoxon stated 660' setbacks in the corridor area do not impose and they do not impede on areas. He talked to M. Koran about the lack of tax base on solar and they are working on it. He would like something now and we can always change it later. R. Keller said we are not as opposed to 3-phase going elsewhere in the Township. B. Seekon said he does not agree with the corridor. M. Willcoxon said it is secondary. M. Willcoxon said we want this area to be our solar area. What if people run 3-phase in from another area. P. Carlson said it is a big ugly pole. B. Seekon said it only has 2 extra wires. M. Willcoxon stated the corridors have a purpose. P. Carlson said we have 3-phase other places that are not in the corridors – by the golf course, etc. E. Maass stated the word 3- phase is not in the current ordinance. It describes geographically where it is available.

D. Milles asked what if there is a future County road extension? Why isn't the RTC in for future extension. T. Nelson said we can re-visit it later too. D. Milles said we need to revise the comp plan. M. Willcoxon said it a commercial use. D. Milles said it is a lease on residential properties and not commercial property. M. Willcoxon agrees they need to change the comprehensive plan.

M. Willcoxon asked if we should update the setback in the ordinance. B. Seekon stated 660' setback is good. He said it should be everywhere. C. Cagle said it would be more desirable to sell. P. Carlson said if we have the corridors the way they are now and we have someone who comes in and we have a hearing and see what the neighbors say, we could amend the ordinance at that time. C. Cagle said the thing that is the problem, is it appears we are changing the rules to make it beneficial for certain people. Things change and if we start out with a set idea that benefits the future it makes sense. M. Willcoxon said we can look at phase 2 of our solar development. We are directing where these things go according to the comprehensive plan, it is no more than that. We need to have something in place. P. Carlson said he likes having a couple designated corridors. Then everyone knows what we are doing. We know what we are doing and we are safe there. T. Nelson said it goes back to what we talked about earlier. He is okay with 660' as long as it is not inhibiting land owners but the 330' seems a little small. The 660' will still give them a decent house and give us a decent tax base. He would like it Township wide. He is okay with it in the corridor.

The question was asked if it should be 660' on any and all roads documented in the ordinance. T. Nelson, C. Cagle and B. Seekon voted yes to this statement. R. Keller would still like the

330' in the ordinance. E. Maass will review the wording on the ordinance and modify to reflect the 660' setback on any and all roads for the township.

Corridor:

D. Milles said the best place to start is to not spot zone. We have the option to add more in the future. What if someone wants to amend the ordinance along a corridor? E. Maass said they were born out of the 3-phase power. We know each of the five has access to the 3-phase power. As part of a solar garden project, they could extend the 3-phase power. B. Seekon stated you have to explain why it has to be on the 3-phase. E. Maass said it came out of the County ordinance and State requirements. P. Carlson said you can't spot zone. T. Nelson asked if the landowner meets the requirements, why are we limiting them. M. Willcoxon said we are directing them, not limiting them. It is just like the RTC. It is what we are supposed to do. We are controlling them. We need to also protect property values. P. Carlson owns the corner across from the Tesoro and said it would not make sense for the Township to allow him to put solar on it, it is not responsible. It would be good for him to do it. You have to stick with the zoning and follow it. M. Willcoxon stated there are zoning districts and they should mean something, we have to honor them along with our comprehensive plan. M. Willcoxon said we have an obligation to be reasonable. We should try and control it. He stated they are in RRA and the PUC is being accommodated. E. Maass said land use and zoning are different. Land use is broader. Zoning is more specific and explained the zones in the Township. You have to consider the use and the impact to the property next to it.

C. Cagle said she watched the solar webinar and they were specifically put on a place that accentuate the properties they were on. They suggested they be restricted to certain spots. When it comes to limiting where we put them it makes sense. E. Maass stated the project on Iris Ave. had a question as to whether or not it could handle the construction traffic. It is something to consider. B. Seekon said if we have an application for a solar garden and there is a question on the usage of the roads and what they can withstand, we will have to consider it on the application. D. Milles asked should this be called the overlay district because it touches the RRA, RR2, RTC. E. Maass stated you get away from the corridors and then have an overlay. Currently it is laid out in districts in RRA. E. Maass said you would need to regulate land use in the districts. You need to think about the impact of adjacent properties and the land use.

M. Willcoxon asked if they want to put some controls on this or leave it wide open. R. Keller asked why do you think we are opening a can of worms. M. Willcoxon does not want uncontrolled growth. The places we have now have certain requirements to preserve property values. R. Keller stated in terms of values, property values went up according to the assessor. You never have noisy neighbors, you won't have sex shops, apartments, it is quiet for 25 years, etc. It is a blanket statement that he feels is wrong. M. Willcoxon said it is just his opinion. M. Willcoxon said there is no exact right or wrong. We are trying to do things the way they feel is correct. R. Keller stated there are a lot of parcels in the Township that could easily meet a 660' setback that you could run 3-phase power to and you wouldn't know they are there. He is opposed to the corridor concept. He wants the road to be able to handle construction and for the solar to meet setbacks and screening. D. Milles stated if the corridor is not agreeable to everyone,

and solar gardens are not allowed in certain districts, make them an interim use permit instead of saying they are not allowed in those 3 districts. We would still go through the permitting process. B. Seekon stated the IUP goes with the landowner for a limited time. He asked how it works if someone moves. It goes with them for that time. D. Milles said you are defining the district. D. Milles said it is in between. T. Nelson said it still allows us control. E. Maass does not recommend them in the RTC district, RR2 is a 2.5-acre lot size. The land zoned that way is already developed. R. Keller said the RR2 was done prior to being developed. We could have more in the Township.

E. Maass passed out the map created for the Planning Commission and they reviewed it. C. Cagle asked about the red block which is the RTC. She said some are not buildable so why not sell it for solar panels. E. Maass said that is not justification to open it up for solar panels to the RTC district.

T. Nelson agrees with D. Milles because it allows them to still have some control. M. Willcoxon called MAT who said when you are in doubt you revert to your comprehensive plan and use it as your guide.

P. Carlson stated to put it up for discussion at the Annual Meeting. All said no to this. M. Willcoxon said we do want to control it and not go towards an uncontrollable situation. P. Carlson said it has to have a road to support it, power has to be 3-phase underground and have 660' setbacks.

E. Maass suggested language eliminating five established corridors and adding CSES are allowed within the RRA with an interim use permit. C. Cagle said we are still maintaining our rural area. M. Willcoxon said it is reasonable. E. Maass said all onsite power and communications lines buried underground. The ordinance should allow for exceptions to the shallow bedrock and water courses.

C. Cagle talked about bee friendly vegetation. R. Keller it is an ideal place for that and butterflies. C. Cagle said it is ideal for bee keepers and will be beneficial for the farmers. She added it is great for sheep farming. M. Willcoxon said the new definitions for CSES for the County was different from ours. We kept the definitions to mimic the County.

E. Maass said he appreciates the conversation from both Boards.

ADJOURN

R. Keller made a motion to adjourn the meeting at 7:55 pm. Second by B. Seekon. All in favor, motion carried.



Rick Keller, Board Supervisor



Kelly Wood, Clerk

