

**WATERVLIET CHARTER TOWNSHIP
PLANNING COMMISSION
SPECIAL MEETING AND PUBLIC HEARING
MINUTES
MARCH 1, 2016**

Present: Kevin Schuhknecht, Joseph Stepich, Richard Quinn, Duane Bodfish, Joseph Engel, Robert Spaulding.

Also Present: James Straub, Jamin Hughes, Jennifer Watters, Sarah Hartman, Mark Robinson, Eugene Jarvis.

Chairman Schuhknecht called the meeting to order at 2:00 p.m.

Roll Call was taken.

At 2:05 p.m. Schuhknecht entertained a motion to close out of regular session and enter into the scheduled public hearing. R. Quinn made a motion to close out of the special meeting and enter into the scheduled public hearing. J. Stepich seconded and the motion carried unanimously. The first to speak was J. Straub, legal counsel to American Electric Power Co. Straub stated that he was asked by Indiana Michigan Power Co., a subsidiary of American Electric Power Co., to give a presentation to the Commission and public on the request for a Special Land Use Permit for a solar facility in the Agricultural District. Straub explained that he had prepared a packet of information explaining what the Township review standards are for considering the issuance of a special land use permit and each Commissioner should have had one in front of him. Straub noted that there are 8 points that, by ordinance, have to be reviewed when considering the issuance of a special land use permit and, he added, that AEP had provided three experts on the project to explain concepts and answer questions on each point as they are addressed. The first presenter, M. Robinson who is a Community Coordinator representing I&M, addressed the review standard of: "The special land use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area." Robinson stated that the impetus behind the facilities construction stems from the variables of customer demand - "A lot of our customers have asked for it"; a diversification of power generation, currently I&M utilizes nuclear, coal, wind and hydro power generation and wishes to add solar to the mix; and, finally, for the fact that since solar is going to be a permanent part of the generation mix, the Watervliet facility will be, by and large, a planning, development and construction test bed. Robinson went on to say that I&M currently has 3 similar facilities in Indiana and the Watervliet site will be the first developed in Michigan. He further noted that the Watervliet facility is the second largest of the current four projects and will be developed at a cost of approximately 10 million dollars.

J. Engel made the inquiry of what would the outcome of the facility be if the customer demand does not come to fruition? Robinson responded that it is a matter of practice to oversize most of their generation facilities. If the local demand does not require the generated output of electricity the surplus will be sold on the "off system market", meaning that the power could be sold to any other metropolitan market or area and mentioned that it could be sent even as far away as Chicago. Engel then questioned that, with the new sub-station, was I&M overbuilding and exceeding demand. Robinson replied that the new substation has nothing to do with generation but was constructed to meet a need for reliability. He added that the old substation in the city of Watervliet was very old and utilized very old components and did not meet the required need for reliability.

K. Schuhknecht asked Robinson that, above and beyond customer demand, isn't this project, at the same time, meeting government requirements? Robinson said that it was and further added that it makes more sense to construct one large facility at key points in the system, on property the utility company already owns, where it can offer a greater advantage of efficiency. This, Robinson added, is far more efficient, by economy of scale, than having the grid depend on piece meal personal roof top units.

J. Watters, project engineer, addressing the Commission, said that she would like to elaborate on the first standard. She said that all the proposed solar panels would be facing south, away from the Red Arrow Highway corridor, which is primarily residential. She added that construction of the site would only take place during the week. She reiterated that this project is a pilot project used to enhance AEP's expertise with solar construction and facilities. She went into more detail regarding the expected cost of the project. She said that the estimated 10 million dollar project cost would not only cover the cost of equipment but would cover the costs of engineering and labor. She said that, if the Special Land Use Permit is granted, First Solar would be the company employed to construct the panels and act as primary contractor of the project. She added that First Solar would then hire the necessary sub contractors to actually build the facility and stated that all contractors will be local companies.

J. Straub, speaking to the Commission, stated that the second criteria for consideration: "The special land use shall not inappropriately change the essential character of the surrounding area," would be addressed by J. Hughes. Hughes began by noting that the proposed solar panels, as the forthcoming video would show, would be approximately five feet in height. He told the Commission that each glass panel would be coated with an anti-glare material in an attempt to capture as much sun light as possible. He noted that, looking at a panel, it would have a very dull appearance. D. Bodfish asked Hughes how or who would be cleaning the panels. Hughes stated that no one would be cleaning the panels as common precipitation usually is all that is required to keep the panels clean.

K. Schuhknecht inquired about the status of power generation during cloudy days. Hughes said that even on cloudy days enough UV, or invisible light, does enter the panels to generate approximately 10% of peak power generation.

Straub, at this point, noted that the third determining standard is that: "The special land use shall not interfere with the general enjoyment of adjacent property." Straub, again, asked J. Watters to address that item. Watters stated that if the special land use is granted, construction is anticipated to begin sometime in the summer and reach

completion sometime in the November or December timeframe. She said that once construction is completed, as the facility is unmanned, there would be no traffic to the site other than a once a month maintenance inspection. She said that truck traffic would be noticed, for construction vehicles and deliveries of equipment and materials, but only for the five month construction window. She added that there would be considerably less traffic, noise and dust under this application than if the property were being farmed. K. Schuhknecht noted that there is an existing sub station currently at the site and if that facility would have more than a once a month maintenance inspection. Watters said the sub station is an entirely different entity from the solar field and said she has no knowledge, nor is she familiar, with the sub station's personnel or inspection requirements.

J. Engel asked if the facility would generate any noise in any way? Watters said the only noise the facility could generate would be a low hum associated with the transformers. She explained that it would be the same as the transformers that are mounted on utility poles. She reasoned that at a short distance away the humming would not be heard. J. Hughes added that the ground mount transformers would have cooling fans that would generate some noise but they are designed not to exceed 55 decibels. Engel then asked what was the likely hood of this facility being expanded if proven to be successful? Watters stated that there is no intention of the facility being expanded. She explained that the facility has a 20 to 25 year life expectancy. When that time is up they will decide what to do with it by either replacing the panels or removing all the equipment, but "...there will be no intention of adding to this facility."

Engel then asked Watters how many facilities of this type has I&M constructed. She replied that there is only one facility located in Marion Indiana that has been completed. Engel then asked if there have been any problems reported from the Marion facility on any levels of safety or performance. Watters said there have been no problems reported either with safety, performance or with the environment.

J. Stepich asked Watters if she was aware of any security issues, mainly from trespassing or vandalism. Watters said she is not aware of any vandalism or other security threats associated with the Marion site and stated that the site, although only physically checked once per month, is monitored constantly by a security system, where, if need be, police can be dispatched immediately.

Reviewing a site plan, Schuhknecht asked where the proposed location for the panels are and their juxtaposition to the current sub station. Watters pointed to the exact location of the site and explained that the plant will cover approximately 35 acres of an 80 acre parcel. Engel questioned, that due to the solar plant's proximity to railroad tracks, was any consideration given to a derailments potential affect on the site. Watters said that that was something considered but felt that the site was just too far away from the tracks to be affected by any derailment. Engel asked what were the nearest residences to the site. Watters stated, as well as indicated on an aerial photograph, that the closest residential uses were to the north along the south side of Red Arrow Hwy. K. Schuhknecht, for clarification, asked if there were any chemicals used in the construction or production of electricity. Watters said no. Clarifying in his mind, he stated, "It's just wires and metal and glass, correct?" Watters replied, "Yes."

At the conclusion of J. Watters' presentation, J. Straub recited the forth standard of

determination, that being: "The special land use shall represent an improvement to the use or character of the property under consideration and the surrounding area in general, yet also be in keeping with the natural environment of the site." M. Robinson, again addressing the Commission, told them that at an open house held at the Watervliet Fire Station on the 28th of February, he learned from a representative of First Solar that all of the components of the project are manufactured in the United States. He added that the impact of the project on the surrounding area would be negligible. He said that all the necessary tree trimming needed to accommodate the project has already taken place and no further trimming will be needed. Robinson also noted that if during the construction phase the ground becomes soft or muddy, First Solar has a device that will remove the mud from the tires of construction vehicles prior to their entry onto the roadways.

J. Straub then recited the fifth standard of determination, being: "The special land use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare."

J. Watters, addressing this standard, told the Commission that there would be nothing in the construction or operational phase of the project that would create any fumes or smoke. She said that any need for the application of anything creating volatile organic compounds, application of adhesives, painting or welding would be a part of the manufacturing process off-site. The only activity of the construction phase that will take place on the site will be assembly.

At this point the Commission's attention was directed to a video showing the assembly process as it was conducted at another site utilizing comparable components. At the conclusion of the video Watters touched again on the issue of glare. She reiterated that the panels are designed to capture sun light - not direct it away from the panels noting that any sunlight directed away is "a lost opportunity or lost production." Elaborating on the construction phase, she noted that the part of the process that would produce the largest amount of noise would be the driving of the steel posts, that the panel assemblies would be bolted to, into the ground. She noted that out of the five month construction period, the post setting process would encompass only a few weeks. She went on to note that the construction crew's work schedule would be 10 hour days, four days per week that would be Monday thru Thursday. She added that local property owners would be apprised of the start of construction, and noise potential, via a prerecorded voice message that would be delivered by phone. She did state, however, that if construction noise became too much of a nuisance, noise baffling measures could be implemented.

J. Straub then asked the Commission to take standard items 6 & 7 together, which were; "The special land use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed special land use shall be able to continually provide adequately for the services and facilities deemed essential to the special land use under consideration;" and "The special land use shall not place demands on public services and facilities in excess of available capacity."

J. Hughes was asked to address these two points. Hughes stated that, as previously mentioned, the facility will be unmanned and, as such, will not require water or sewer services. J. Engel asked how many panels will be installed at the site. Hughes stated that there will be 53,000 panels.

J. Straub, choosing to address the last item himself, read: "The special land use shall be consistent with the intent and purpose of this ordinance, and the objectives of any currently adopted Township Development Plan. Straub, citing the Michigan Zoning Enabling Act, stated that the underlying purpose and intent of a Zoning Ordinance is to meet the needs of the state's citizens by providing food, fiber, energy and other natural resources. Energy, he stressed, is one of the provisions a municipality is required to provide by state law. Straub, citing the Michigan Planning Enabling Act, said that the State has provided for "... a local unit of government to adopt and implement a Master Plan to address, among other things, public utilities and the use of resources in accordance with their character and adaptability." Straub added that the state legislature specifically added that particular item because energy is so essential. He then directed the Commission's attention to a copy of the Official Zoning Map that focused on that particular area and pointed to the fact that, although the solar facility may not be an agricultural use, per se, there are several commercially zoned properties in close proximity to the site and noted that there is a prevailing trend toward commercial uses along the Red Arrow corridor east of the City. Straub told the Commission that, if taken as a whole, there is a definite similarity and kinship between this application - "the harvesting of the sun's rays," and a more conventional farming operation and added, however, that this use would be far less intensive and affect the surrounding properties far less; i.e. dust, noise, pesticide applications, run-off, etc.; than a conventional farming operation. To stress the low impact of this application Straub told the Commission, "The neighbors are going to hear crickets."

Straub argued that the use is more than consistent with the character and intent of the district and fulfills the Township's state legislated mandate to provide - in this case energy - for its residents.

J. Stepich, referring to the public open house on the 28th, asked if there was any opposition or concerns expressed about the project. M. Robinson stated that the feedback was "overwhelmingly positive." Robinson did say that one resident did express concern with the view of the facility from their home. Robinson said that they are working with their (I&M) forestry people to plant enough trees and vegetation to block the view. He did say that he was confident that the couple left the open house satisfied with the resolution offered.

With no further questions from the Commission J. Stepich made a motion to close out of the public hearing and re-enter the special meeting. D. Bodfish seconded and motion carried unanimously. The public hearing was closed at 3:10 p.m.

Back in regular session, K. Schuhknecht poled the Commissioners independently on each of the eight standards. There were no comments, questions or concerns expressed.

J. Engel asked why I&M chose to construct such a large solar field right from the onset. J. Hughes stated that, as far as solar farms go, this one is diminutive compared to most and reiterated that it is the power company's intent to use this site as a learning experience.

With there being no further comments or questions regarding the request, J. Stepich made a motion to recommend the approval of the Special Land Use Permit application. The result of a roll call vote is as follows: R. Quinn, yea; J. Stepich, yea; J. Engel, yea; R. Spaulding, yea; D. Bodfish, yea; K. Schuhknecht, yea. The motion carried unanimously. With there being no further business before the Commission, D. Bodfish made a motion to adjourn. J. Engel seconded and the motion carried unanimously.

The meeting was adjourned at 3:30 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Robert Lohr", with a long horizontal flourish extending to the right.

Robert Lohr
Zoning Administrator