



Calhoun County Planning Commission Minutes
September 26, 2022 @ 4:00PM
315 W. Green Street, Marshall, MI 49068
Garden Level Conference Room

1. The September 26, 2022, County Planning Commission Meeting was called to order at 4:00PM by Chairperson Terance Lunger.

2. Roll Call - called by Jen Bomba

Members present: Kelli Scott, Ben Lark, Terance Lunger, Jen Rice, John Sackrider, Aaron Haynes, Richard Porter, Dan Livingston.

Members excused: Commissioner Rochelle Hatcher.

Staff in attendance: Jennifer Bomba, Community Development Director; Brittany Stein, Zoning Coordinator; Jim Dyer, County Legal Counsel.

Quorum was met.

3. Approval of Agenda

Moved by Member Sackrider to approve the September 26, 2022, Calhoun County Planning Commission agenda, with the addition of one item under communication, supported by Member Scott.

On a voice vote, Motion CARRIED.

4. Public Comments

Jerry Bosserd, of Marshall Township, said that he wished there were more public in attendance at this meeting. He stated that he is the lead person involved with amending the Marshall Township Zoning Ordinance for solar regulations. Mr. Bosserd stated that he was not properly informed about the process a zoning amendment requires nor was he informed of this meeting and requirement that the County review the amendments. He recommended that the County Planning Commission approve the requested changes. He noted that the staff report did not recommend approving the changes and said that if the Commissioners do not approve the changes, then the Township Board would likely follow that decision and agree with the County Planning Commission.

Hearing no additional comments, Chair Lunger closed this public comment period.

5. Approval of Minutes

Moved by Member Rice to approve the June 27, 2022, meeting minutes as presented, supported by Member Scott.

On a voice vote, Motion CARRIED.

6. Communication

Ms. Bomba shared the following incoming Communications with members:

- Fredonia Township, Notice of Distribution of Master Plan and Zoning Ordinance, September 19, 2022

7. Old Business

- a. Any Old Business to come before the Commission
There was none.

8. New Business

- a. Any New Business to come before the Commission
There was none.

9. Township Planning & Zoning Coordination

a. 09-22-01, Newton Township: PA 116 Application for Beverly Shaffer

Staff reviewed the PA 116 Application for property located in Section 11 of Newton Township and recommended approval by the Michigan Department of Agriculture and Rural Development.

Moved by Member Lark to recommend approval of PA 116 application for Beverly Shaffer in Newton Township as presented; supported by Member Livingston.

On a voice vote, Motion CARRIED.

b. 09-22-02, Marshall Township: Zoning Text Amendment re: Commercial Solar Energy Systems

Staff reviewed the proposed zoning text amendment. Ms. Bomba summarized the staff report for the text amendment. She stated that in 2017 Marshall Township first adopted ordinance regulations identifying solar energy systems as a special land use in the Agriculture, Light Industrial and Industrial Park zoning districts. A few original specific site development requirements included minimum setback from all property lines of 100 feet, maximum height of 16 feet, minimum acreage of 5 acres, lot coverage equal to the underlying zoning district (AG – 15%, LI – 30%, IP – 30%), and screening required in cases where ground mounted units impact views from adjacent residential properties.

Ms. Bomba described a Marshall Township Zoning Ordinance change, which was reviewed by the County Planning Commission in September 2021. The County Planning Commission reviewed the proposed amendments and found them to better address the way large scale solar developments were being managed and recommended approval of the changes. The Township Board adopted the proposed changes which became the current requirements for commercial solar energy systems. Notable site development standards include minimum 100-foot setback from all lot lines, except any lot line where the adjacent parcel is participating in the project, a 100-foot setback must be met at any public road, maximum height of 16 feet, minimum acreage of 500 acres (collectively) for above ground infrastructure, commercial solar energy systems shall be exempted from maximum lot coverage requirements, and provides for flexibility by the Township Planning Commission to assess screening and buffering needs on a case by case basis through the special land use permit review process.

Ms. Bomba then presented details to the Commissioners regarding the new request they are reviewing today. In May of 2022, Marshall Township received a request to amend the zoning ordinance language regarding commercial solar energy systems, requesting to return to the “original” regulations. Specifically, minimum setback from all property lines of 100 feet, maximum height of 16 feet, minimum acreage of 5 acres, lot coverage equal to the underlying zoning district (AG – 15%, LI – 30%, IP – 30%), and screening may be required in cases where ground mounted units impact views from adjacent residential properties. The Marshall Township Planning Commission took action at their meeting on August 3, 2022, to recommend denial of the request with the exception of the lot coverage standard.

Ms. Bomba shared a document titled *Planning and Zoning for Solar Energy Systems: A Guide for Local Governments in Michigan*, which was developed by experts from the Michigan State University School of Planning, Design and Construction in partnership with faculty at the University of Michigan Graham Sustainability Institute. She stated that this is a great resource and provides recommendations for best management practices for solar developments. Staff believe that the current Marshall Township Ordinance text from 2021 is consistent with the best management practices, however the proposed changes are not following these best management practices. The changes made to the ordinance text in 2021 more closely align with the best management practices detailed in this guidebook.

Moved by Member Scott to recommend disapproval of all proposed Marshall Township Zoning Text Amendments regarding Commercial Solar Energy Systems; supported by Member Sackrider.

Discussion continued.

Member Scott noted that the Marshall Township Planning Commission minutes indicate that the changes will not affect any current approved projects, however she believed that it would. Member Scott questioned how lot coverage affects a commercial solar project. Ms. Bomba clarified that maximum lot coverage requirements limit the total buildable area on a property. The request to set a maximum lot coverage at 15% would; for example, limit solar arrays to 15 acres on a 100-acre parcel. Commercial solar development is a land intensive use and the norm is to exempt commercial solar developments from this regulation as long as they meet the established setbacks. Member Scott indicated that she supported the staff recommendation knowing that the current text follows best management practices.

Member Sackrider doubted that the proposed minimum lot coverage would become an industry standard. Ms. Bomba clarified, stating that it would not be profitable for a developer to only develop solar on 15% of the land. A commercial solar energy system development is land intensive, and if the township allows the use, then they should not regulate the use out of existence.

Member Lark stated that he is struggling with the topic of commercial solar developments. He stated that the County Planning Commission is advisory to Township decisions on Zoning Ordinance changes. These developments are converting farmland and ultimately will impact where farmers will grow crops. A significant portion of Calhoun County is prime for farm development, however research has shown that Michigan is not a sunshine state. Member Lark also indicated that he does understand that when a landowner is approached with an offer of \$1,000 per acre for solar development, it can be difficult to say no. But the landowners should be aware of the impact on the land.

Member Porter, Supervisor of Sheridan Township, noted that his township has approved over 4,000 acres of land for commercial solar development, and farmers and landowners of this land understand that these properties are not suitable for quality crop land. The land is comprised mostly of clay and stone, so farmland soil is poor quality in this township and solar energy development is a better use. Mr. Porter shared that their township began the process of allowing solar energy systems about nine years ago. They have established a 50 to 75-foot setback for these developments. He stated that the solar panels do not require full sun and can use reflection off of the snow as well. Mr. Porter described how important setbacks are. He said that 100-foot may be too much and leave an abundance of wasted land, and that Sheridan township felt most comfortable with a 50 to 75-foot setback.

Mr. Dyer, County Legal Counsel spoke. He said that if the township were to restrict solar lot coverage to 15%, this would effectively prohibit solar development anywhere in the township. It would be similar to saying that a developer could build a mobile home park in the township so long as it was in the swamp. He recommended that if Marshall Township wanted to regulate the location or numbers of solar projects it may want to consider an overlay district, which would regulate, but not prohibit solar development, and avoid the possibility that a developer could claim that the solar ordinance was exclusionary zoning, and therefore unlawful and unenforceable.

Hearing no additional member comments, end of discussion.

On a voice vote, Motion CARRIED.

c. 09-22-03, Marshall Township: Master Plan Update

Staff presented the Marshall Township Master Plan update. Ms. Bomba shared that the update is nicely done. She mentioned that the plan includes great topics of discussion and noted that the Township gathered public input using a survey for outreach to help them understand how residents want to see the township developed. The Master Plan recognizes a desire by township officials to encourage organized and efficient growth while maintaining its rural character. The Township Master Plan establishes planning principles and objectives along with action items for each of the following categories Natural Resources, Rural Character, and Recreation; Housing and Neighborhoods; Economic Development; Public Services, Community Facilities, and Energy; and Land Use. The Land Use portion of the plan points out the relationship between planning and zoning and relates each planning designation with a zoning classification. Each land use designation is found on the Future Land Use Map as it demonstrates the vision for the township over the next 20 years. The Township identifies an Urban Growth Boundary which provides a clear distinction of where the township will focus more intense developments and infrastructure investments versus conservation of agricultural lands and preservation of natural resources. This is a proactive approach at striking a balance between development and preservation.

Ms. Bomba displayed the future land use map at the meeting. Within the Urban Growth Boundary, the township plans for higher densities of housing as well as areas for future industrial development. This area includes the Marshall Megasite property, a collection of land targeted for large scale economic development projects. Designating this area on the Master Plan as Heavy Industrial demonstrates the township's commitment to working with area economic development leaders to attract an industry to the site. Development of this caliber will result in additional developments to serve the needs of the business and its employee base. The creation of the Mixed-Use Corridor positioned along Michigan Avenue East will allow for creative development of uses such as residential, retail, office, restaurants, services, etc.

Ms. Bomba summarized that the Marshall Township Master Plan is a thorough and well thought out document. The plan reflects the community's desire to attract new commercial and industrial business and provide for additional housing needs, while preserving the rural character of the community. The Urban Growth Boundary assists with making that distinction.

Ms. Bomba suggests, before adoption of the plan, that the Township expand the area designated as Heavy Industrial on the Future Land Use Map to more accurately represent the full acreage that is being marketed as the Marshall Megasite property. Staff recommended adoption of the Master Plan by the Township with this recommended change to the map.

Member Sackrider requested to abstain from the discussion and decision.

Moved by Member Porter to allow for Member Sackrider to abstain from the decision on the Marshall Township Master Plan update; supported by Member Rice.

On a voice vote, Motion CARRIED.

Moved by Member Rice to recommend adoption of the Marshall Township Master Plan update with the revision to the future land use map to include all property marketed as the Marshall Megasite; supported by Member Haynes.

Discussion continued.

Member Lark recommended that Marshall Township consider a solar overlay to the future land use map to allow for this development within the township, but direct it away from prime farmland.

Mr. Dyer stated that this is a good recommendation, but generally overlay districts are indicated on a zoning map and detailed within the zoning ordinance.

Member Lark stated that he would like to amend the motion to include recommendation to consider adding a solar overlay & indicate ideal land for future solar development.

Member Scott suggested that a map of where solar and marijuana are allowed per township would be very helpful in these discussions.

Ms. Bomba shared that this may be a discussion item at the next Government Leader’s Forum held later this year, to discuss solar and marijuana developments and suitable land area.

Hearing no additional member comments, end of discussion.

On a voice vote, Motion CARRIED.

10. Township Planning & Zoning Coordination Follow-up

CCPC #	Township	Twp. Planning Commission Recommendation	CCPC Action	Twp. Board Action
06.22.01	Bedford Charter Twp.	Zoning Map Amdmt – 264 Waubascon Rd	Approved w/ comments	Approved
06.22.02	Emmett Charter Twp.	Zoning Map Amdmt - #13-10-029-038-04	Denied	Approved
06.22.03	Emmett Charter Twp.	Zoning Map Amdmt – 994 E Michigan Ave	Approved	Approved
06.22.04	Emmett Charter Twp.	Zoning Map Amdmt - #10-008-01-00/004-00	Approved	Approved

11. Department Report

Ms. Bomba shared a department report. She explained that the amendments to the County Planning Commission Ordinance were final when published. Staff will now begin reviewing the by-laws to make them consistent with the County Planning Commission Ordinance.

Ms. Bomba explained that township planning assistance is continuing and going well. Brittany Stein has been working diligently with Pennfield Township. They have recently released a survey to gather public input on their Parks and Recreation Plan to facilitate an update.

Ms. Bomba announced that staff are working on the next Government Leader's Forum. The first Forum was well attended and provided great networking opportunities for attendees, the focus was on county-wide transit and the county-wide park millage.

Member Comments

Member Scott recommended that the next Government Leaders Forum topic be broadband. The Broadband Taskforce will be releasing a final report soon. She indicated that the parks millage and transit discussions were great topics to start. She shared that work is underway to develop a transit authority that would oversee transit services county-wide. Townships would be given the opportunity to opt in or opt out of transit services. This would likely be a millage funded service.

12. Public Comments

Jerry Bosserd, of Marshall Township spoke. He stated that he wished he would have had the opportunity to review the staff report prior to this meeting. Mr. Bosserd said that he thought it was appropriate that Mr. Sackrider abstained from the decision on the Township Master Plan. He commented that the township is not done with the hearing on the Master Plan and questioned why the County was already reviewing the document. Mr. Bosserd said that having a small lot coverage maximum would leave more green land in between solar developments, and that this change would not significantly impact development. He stated that he is not against solar, he just doesn't want to see it developed here, there are better locations in southern states for this use of land. Mr. Bosserd said that the County Planning Commissioners recommendations would affect local landowners and that land would be devalued because of their decisions.

Bruce Bosserd, of Marshall Township spoke. He said that with solar development all around the area, it has become invasive. A development adjacent to his home has plans to construct a substation directly next to his residential property, and without notice. With this amount of solar comes an automatic need for a substation, and it bothers him that it was placed right next to his home, he believes this will devalue his property.

Richard Lindsey, of Marshall Township spoke. He noted that the change to the lot coverage standard in 2021 was in response to a previous solar development on the Fletcher property that took up considerable land for a small buildout of solar. This development included approximately 150 acres, with a 15% lot coverage maximum, it resulted in just 25 acres of area to build out. With a 500 acre minimum lot size this would allow for a higher density of solar development. If someone were to map out all properties which may be able to accommodate this requirement, there may not be much area remaining for future solar developments. He also noted that the 15% lot coverage could be considered exclusionary zoning. He said that he was not in attendance at the Marshall Township Planning Commission meeting, but he was not in support of these proposed zoning text changes.

13. Announcements:

Chair Lunger stated the next Calhoun County Planning Commission Meeting is scheduled for October 24, 2022, at 4:00 p.m.

14. Adjournment

The meeting adjourned at 4:59PM.