

DELTA COUNTY PLANNING COMMISSION MEETING
Delta County Service Center
Monday February 7, 2022

- I. Call to Order. The meeting was called to order at 5:30 p.m.
- II. Pledge of Allegiance.
- III. Roll Call. Member(s) present: John Malnar, John Denholm, Curtis Larsen, Renee Barron, Dave Moyle and Christine Williams. Randy Scott via zoom.
- IV. Approval of the January 5, 2022 minutes.

Motion to approve with correction (VII Conner should be Cooper) made by Dave Moyle and seconded by John Malnar. Vote: Yes-5 No-0 (Curtis opted out as he was not present at January meeting).
Motion carried.
- V. Approval of agenda.

Motion to approve made by Dave Moyle and seconded by John Denholm. Vote: Yes-6 No-0. Motion carried.
- VI. Public Comment.
 1. Bob VanDamme, Baldwin Township – Delta is one of the best counties in the Midwest for sunlight, solar is a great industry, and Delta could be the leader in solar in the Midwest. The 1.5-mile corridor for Industrial, get rid of it. He is 24.5 miles from this Building. Why control when it's beneficial ? It's a burdensome ordinance; when asking for information you need to FOIA it. It's property owner rights, I pay taxes, and you tell me where I can and cannot cut trees.
 2. Rory Mattson – PC promised to address process and not to send to Board until there was time to review it. He suggested to County Board to re-structure the PC Board. That members making the decisions be within the effected townships and those not should not be setting rules and regulations that they don't have to follow. Large solar being punished. This turned from a solar ordinance to private property rights.
 3. Mary Luft, Escanaba Township – a lot of information we were not aware of. Causes cancer and inhibits wildlife. Our aquifer is not very deep. Ruins water and wildlife. Lifespan 25 years, we have to recycle, don't want it in dumps. Panel cracks leak carcinogens.
 4. Cooper Johnson – comfortable with ordinance. Acceptable time to post surety bonds, time is 15 years and run time 35 years. Sixty percent threshold on overlay districts. In support of ordinance.
- VII. Declaration of Conflict of Interest. Renee, with subject matter on solar draft.
- VIII. New Business.

1. **Case No. 1-33-PC Scott Larson** - 5:50 p.m.

Presented by Zoning Administrator: owner would like to sell 5 acres to sister. Reviewed application, does meet ordinance requirements, location is appropriate and there is adjacent RR, no effect on district, no effect on property owners, no environmental impact, and is not a spot zone. Has deeded access and received no comments from neighbors. GIS Buffer produces mailing list with 300' of property.

Public hearing opened: 5:52 p.m. – no comments.

Public hearing closed: 5:53 p.m.

- Motion to approve rezoning to RR and pass on to Board made by John Denholm and seconded by Dave Moyle. Vote: Yes-6 No-0. Motion carried.
2. 2022 PC Meeting Calendar: July 4th and September 5th the County is closed in observance of holidays and the PC will not have meetings on these dates. All other meeting dates stand.
- Motion to accept calendar made by John Denholm and seconded by John Malnar. Vote: Yes-6 No-0. Motion carried.
3. 2021 PC Progress Report: Chris received a template from Renee.
4. Process to Report Code Violation: Chris read aloud Administrations final decision on Zoning Ordinance Enforcement. Next step to publish on website and add language to the Zoning Ordinance. Member comments:
- i. Renee – to put out general statement right now, why would people follow any ordinance at all? It's setting up neighbors against each other. Are we legally required to enforce, think we are? Intent of code is to keep harmony.
 - ii. Dave - puts county at risk. We have a black & white ordinance. It's a "catch 22" to citizens. Residents who have a violation and no one to go to, who may sue the County because it's not being enforced. May take that logic to any portion of any ordinance that it's not enforced; we should strike it down and remove it; we're set up for a monkey cave.
 - iii. Emily – you would like me to invite the Sheriff and the Prosecutor to a PC meeting?
 - iv. Chris – yes, would like the Sheriff and Prosecutor at a meeting to have a conversation that the County is put at risk. To ask why they chose this direction. We could present some scenarios.
 - v. Curtis – at person's legal expense as opposed to the County being more restrictive. Do we need to accept this outcome?
- Motion to respectfully ask Sheriff Oswald and the Prosecutor to attend a PC meeting made by Dave Moyle and seconded by John Denholm. Vote: Yes-6 No-0. Motion carried.

IX. Unfinished Business.

1. Draft Solar Ordinance: subcommittee did meet with Cooper Johnson and their team, Invenergy.

Member discussion:

- i. Curtis – most recent revision is an excellent one; consideration to bankruptcy; surety bonds would increase in value over time; impact on neighbors; average height limit or a min. and max. on switching stations and accessory buildings; suggested cement base and metal post instead of wood; investigations of impeding wildlife; COLA guidelines; overlay, except addition; value studies are common in ordinances; property studies at time of installation.
- ii. Chris – height 14’ with max of 21’; fencing impedes wildlife, but is required by electric code; wildlife mitigation if harm found; overlay district clearly defines to those people moving into our County; argument for and against is simplified for the county and the process to develop utility scale solar; 1.5 miles is distance from line (tie lines) from three developer companies. Solar panel runoff is extensive. Dwelling intended for residential use and read aloud definition from zoning ordinance. Define structure heights, Cooper defined it as 21’. Make clear that height was not an arbitrary decision. There are three decommission plans for wind.
- iii. Randy – two topics: 1st 15-year decommission and 2nd property which was bisected by overlay district, and decided to bring to PC as a whole; bankruptcy concern if facility walks away; financial security, confused on best way without generating revenue yet; performance bonds, letters of credit, cash in bank or escrow account with percentage down and feed over years; mimic wind ordinance as much as possible, surety bonds, liked the variety offered with wind.
- iv. Dave – don’t have to agree to not appreciate time spent by committee; it’s a property rights and land owner issue; ordinance will destroy way it sits coming into county; last census – lost people and money; would like to see proof to show that it destroys water; Government isn’t the answer, but the problem – President Reagan; monitoring opens up Pandora’s Box; don’t need ordinance; property owner responsibility; 1.5 miles from where; issue with cutting trees in solar ordinance or not. As a Board member I took an oath. Opportunities to increase tax base. Would like to see the PC to pass onto full Board that we feel we don’t need an ordinance. Height point of John D. being based on arbitrary decision. State Supreme Court issued opinion and not our business to step in with a legal precedent established allowing property owners to cut trees on their land and I would not want to limit their ability to do that and then end up in court.

John D. – overlay not needed or necessary, 1.5-mile has no basis; with Dave on this; burdensome and not equal; land not in overlay district has just as much right; we’re picking winners and loser

here, citizens have no say in overlay district; property value study not realistic and not possible, appraisals only good for 90-days; item ‘A’ same amount, not less or more rain, good idea to be closer to drains; dwelling definition, seasonal or all year, not hunting cabin, how was it issued in wind; height standard for switching stations and charging stations are more complex and based on an arbitrary decision; re-vegetation, experts need to do it, and comply with conservation district.

- v. John M. – overlay district, how many acres, like 78.5% proposed solar panels are in overlay district of 2700 acres and 21.5% are not (proposed) and this information is directly from developer.

Tree cutting only in overlay district and not on my own land.

- vi. Dan M. – property studies for windmills are not in ordinance.

- Motion to eliminate overlay district made by John Denholm and seconded by Dave Moyle.

Roll Call:	John Denholm	Yes
	Christine Williams	No
	Dave Moyle	Yes
	John Malnar	No
	Curtis Larsen	No

Vote: Yes-2 No-3. Motion denied.

- Motion to remove item ‘F’ under section ‘C’ made by John Denholm and seconded by Dave Moyle.

Roll Call:	John Denholm	Yes
	Christine Williams	No
	Dave Moyle	Yes
	John Malnar	No
	Curtis Larsen	No

Vote: Yes-2 No-3. Motion denied.

- Motion to strike “not be located within 50’ of drain easement” from item ‘A’ made by John Denholm and seconded by Dave Moyle.

Roll Call:	John Denholm	Yes
	Christine Williams	No
	Dave Moyle	Yes
	John Malnar	No
	Curtis Larsen	No

Vote: Yes-2 No-3. Motion denied.

- Motion to strike “maximum height for solar panels at 21’ full tilt” in item ‘C’ ‘B’ made by John Denholm and seconded by Dave Moyle.

Roll Call:	John Denholm	Yes
	Christine Williams	No
	Dave Moyle	Yes
	John Malnar	No
	Curtis Larsen	No

Vote: Yes-2 No-3. Motion denied.

- Motion to strike “tree clearing is allowed in the following circumstances” from item ‘C’ ‘E’ made by Dave Moyle and seconded by John Denholm.

Roll Call:	John Denholm	Yes
	Christine Williams	No
	Dave Moyle	Yes
	John Malnar	Yes
	Curtis Larsen	No

Vote: Yes-3 No-2. Motion carried.

- Motion to strike all “re-vegetation” from item ‘I’ and require soil conservation permits made by John Denholm and seconded by Dave Moyle.

Roll Call:	John Denholm	Yes
	Christine Williams	No
	Dave Moyle	Yes
	John Malnar	No
	Curtis Larsen	No

Vote: Yes-2 No-3. Motion denied.

- Motion for decommissioning plan made by Curtis Larsen and seconded by John Malnar.

Roll Call:	John Denholm	Yes
	Christine Williams	Yes

Dave Moyle	Yes
John Malnar	Yes
Curtis Larsen	Yes

Vote: Yes-5 No-0. Motion carried.

- Motion to accept draft solar ordinance “as is” with changes discussed tonight and move forward to Board made by John Malnar and seconded by Curtis Larsen.

Roll Call:	John Denholm	No
	Christine Williams	Yes
	Dave Moyle	No
	John Malnar	Yes
	Curtis Larsen	Yes

Vote: Yes-3 No-2. Motion carried.

2. LSR: member discussion:

- i. Chris – didn’t have maps or information at previous meeting; Master Plan reference, cannot find at this time; plan of attack; recommend how to guide; table to next meeting.
- ii. John D. – how much near water and acreage; property owners need option to change or not if they want.
- iii. Dan M. – review all maps, limit variances and changes; disclaimers, Corner Lake area an example; review and determine easy spots; individual property owners request change.
- iv. Curtis – define what we’re trying to do.

X. Correspondence. City of Escanaba, City of Gladstone and Ford River Township Recreation Plans to be reviewed at your leisure. Dan stated that these can be printed if requested.

XI. Public Comment.

1. Dan M. – observation through process of solar dismayed by subcommittee with draft, subcommittee do work, has to be whole PC and to Board; cannot find fencing restriction in electric code.
2. Mark Hannemann – keep hearing people have the right to do what they want, think this is being pressed too hard.
3. Cooper Johnson – height restriction may exceed 30’ in zoning ordinance; switch yard tower than 30’ and lightning mass exceeds also.

4. Rory Mattson – thanked Dan; federal and state regulations out there; County Board sent back again; get rid of ordinance; thought he had the most recent copy of ordinance draft and did not.

XII. Board Member Comments.

1. Curtis – enjoy being part of group.
2. Chris – welcomed Curtis.

XIII. Adjournment.

Motion to adjourn at 7:42 p.m. made by Dave Moyle and seconded by John Malnar.