

Meeting Minutes
Augusta Charter Township
Regular Planning Commission Meeting
Township Hall

Wednesday, February 16, 2022
6:30 PM

1. Call to Order

The meeting was called to order by Chair Yurk at 6:30 PM.

2. Pledge of Allegiance

Chair Yurk led Pledge.

3. Roll Call and Recognition of Visitors.

In Attendance: Robert Yurk, David Hall, Shelly Hurd, Linda Spence, Dan Woolf, Paul Rawlins, Janet Buxton. Also attending were Planner Laura Kreps, Engineering Consultant Nicholas Bayley and Counsel Victor Lillich, representatives of Ranger Power, and members of the public.

4. Approval of Agenda

Spence made the motion to approve the Agenda, support by Hurd. Motion carried unanimously.

5. Approval of Minutes

Hurd made the motion to approve minutes from January 19, 2022. Planning Commission Meeting, support by Buxton. Motion carried unanimously. During discussion related to approval of minutes for the January 19, 2022 meeting, the Township attorney spoke and suggested that the Planning Commission reconsider its decision to deny application for SUP filed by KB Landscape and decided upon during the January 19, 2022 meeting to assure that the record properly reflects the reasons for its decision. The Planning Commission agreed to reconsider its decision at the March meeting.

6. Public Hearings

a. None

7. Business Items

- a. Closed Session** – Receipt of written attorney-client privilege communication from township attorney which is exempt from disclosure under Section 13(1)(g) of the Freedom of Information Act.

Chair Yurk made the motion to go into closed session 2nd by Hall. Motion carried unanimously.

Closed session began: 6:37PM

Motion made by Spence to close the closed session and re-open the public meeting and 2nd by Buxton. Motion carried unanimously.

Closed session ended: 7:33 PM

- b. SLU 21-01, Railsplitter #2, Special Land Use**, Large-Scale Solar Facility, north of Arkona, south of Talladay, east of Sanford, west of Gooding. T-20-19-400-001; T-20-19-400-002; 5655 Willow Road (T-20-30-100-002); 5760 Willow Road (T-20-30-100-003); T-20-30-100-004; 12439 McCrone Road (T-20-30-100-005); T-20-30-200-004; T-20-30-200-008; T-20-30-200-012; T-20-30-400-006; T-20-19-300-003; T-20-30-200-009; 12182 McCrone Road (T-20-30-200-010).

Mr. Drew Vielbig representing Ranger Power gave an overview of the project. Mr. Timothy Stoecker representing Ranger Power made statements to confirm that the tie vote of the Planning Commission during the January 19, 2022 meeting resulted in no action by the Planning Commission. He also gave a chronological recap of the petition and argument why the application for SUP should be granted.

Legal counsel Mr. Victor Lillich provided a short rebuttal and commented on statements made by Mr. Stoecker.

Members of the Planning Commission had questions answered by Ranger Power.

Motion to Deny Railsplitter #2 – Large Scale Solar Energy System SLU-21-01 was made by Spence with support from Rawlins.

Chair Yurk read the Findings of Required Standards and Resolution of Denial Railsplitter #2 – Large-Scale Solar Energy System SLU 21-01 (attached).

Roll call: Ayes; Hall, Hurd, Buxton, Spence, Rawlins. Nays: Yurk, Woolf. Ayes: 5, Nays: 2, Motion Passed 5:2.

- c. SP 21-03, Railsplitter #2, Preliminary Site Plan** – Large-Scale Solar Facility.

It was determined that the commission could not review the Preliminary Site Plan as a Special Land Use permit is required.

d. Master Plan Update – The Subcommittee has meet a couple of times and there have been 143 respondents to the survey. There will be an Input session that will be held in May with an Open House style format. More information will be posted on Facebook, School website and via e-mail.

8. Public Comment

Matthew Spence (McCrone Road), Randy Heft (Willow Road), and Harold Fair (McCrone Road) all thanked the Commission for denying the Special Land Use for Large Scale Solar Project.

9. Communications

Trustee Hall informed the Planning Commission that the BOT is working on a lighting project that will put street lights along a section of Willis Road around Lincoln Schools.

10. Adjournment

Spence motioned to adjourn the meeting and Hall supported. Motion carried unanimously. Meeting was closed at 8:35 PM.

**FINDINGS OF REQUIRED STANDARDS
AND RESOLUTION OF DENIAL
RAILSPLITTER #2 – LARGE-SCALE SOLAR ENERGY SYSTEM
SLU 21-01
February 16, 2022**

WHEREAS an application for a Special Land Use Permit for large scale solar facility on the premises located north of Arkona Road, east of Sanford Road, south of Talladay Road and west of Hitchingham Road encompassing approximately 493 acres or 13 properties (T-20-19-400-001; T-20- 19-400-002; 5655 Willow Road (T-20-30-100-002); 5760 Willow Road (T-20-30-100-003); T-20-30-100-004; 12439 McCrone Road (T-20-30-100-005); T-20-30-200-004; T-20-30-200-008; T-20-30-200-012; T-20-30-400-006; T-20-19-300-003; T-20-30-200-009; 12182 McCrone Road (T-20-30-200-010)). in Sections 19 and 20, Augusta Charter Township, Washtenaw County, Michigan; and

WHEREAS in accordance with Article 14.12 of the Township Zoning Ordinance, the Augusta Township Planning Commission held a public hearing on this matter on September 15, 2021, and public comments were received and considered; and

WHEREAS the applicant submitted a revised special land use application and supplemental materials for Planning Commission review dated August 23, 2021; and

WHEREAS PC members have carefully considered the presentations of Ranger Power and the comments and concerns from members of the public and have generally struggled with the proposed project since it was first presented at a different location in the Township and then moved to its current location because of opposition by the many more residents who would be affected by the project; and

WHEREAS the current proposed project is in a better location, and a consensus of current members of this PC have worked with Ranger Power in an attempt to fit the proposed project into the area consistent with the stated purposes of an Agricultural Residential district in the Zoning Ordinance and the stated goals and objectives in the current Master Plan; and

WHEREAS in February 2020, an amendment to the Zoning Ordinance was adopted by the Township Board that allowed for large scale solar projects to be considered and potentially approved as a special use in zoned Agricultural Residential districts when such uses were only permitted in zoned industrial districts prior to the 2020 zoning amendment; and

WHEREAS upon reviewing the Township Master Plan and Zoning Ordinance for uses permitted in a zoned Agricultural Residential district in the context of the proposed project, this PC considers that the 2020 amendment that permits large scale solar projects to be considered as a special use in zoning Agricultural Residential districts was not based upon the goals and objectives stated in the Township Master Plan as required by law; and

WHEREAS this PC reviewed the Special Land Use Permit application for and the proposed large scale solar project as it is required to do in accordance with the requirements of Article 4.4 of the Township Zoning Ordinance, and now finds the following:

- A. Will be harmonious and in accordance with the general objectives or any specific objectives of the Augusta Charter Township Master Plan.**

The Master Plan sets forth the primary goal for rural areas in the Township as the preservation of "...the rural character of Augusta Township through the management of growth and

preservation of natural resources and active farming.” And one of the primary objectives is to “Protect and encourage active farming in Augusta Township.” Several of the members have serious concerns that this primary objective is not satisfied by the introduction of a large scale commercial solar project on 355 acres of prime agricultural land. However, the zoning ordinance, as amended in February of 2020, allows a large scale commercial solar use on land zoned Agriculture Residential in the Township and this Commission is bound by terms in the zoning ordinance for review of the solar use. This PC has been unable to reconcile the goals and objectives outlined in the Master Plan with the proposed large scale solar energy project. Specifically, the following goals and objectives:

- Preserve the rural character of Augusta Charter Township through management of growth and preservation of natural resources and active farming. To the extent that the project can be seen by passersby on the roads and by residents on the perimeter of the project, the rural character of the area is not preserved. Nor does the use preserve and promote active farming or preserve natural resources.
- Protect the integrity of the existing and future residential areas. To the extent that the project can be seen by passersby on the roads and by the existing and future potential residents in the area, the integrity of existing and future residential uses will likely be compromised.
- Protect and encourage active farming in Augusta Charter Township. The proposed use does not protect or encourage active farming. It diminishes active farming in the Township.
- Promote limited development of commercial / industrial uses in appropriate locations of the Township. Utilization of 493 acres of farmland for a commercial/industrial solar use does not limit such uses to an appropriate location in the Township.

The Planning Commission determines that the proposed large scale solar facility cannot be approved and developed in a manner that is generally harmonious with the Master Plan.

- B. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.**

Members of this Commission have observed that the intended character of the general vicinity as provided for in the Master Plan and Zoning Ordinance is rural farming in nature with scattered low density rural residential uses. To the extent that a commercial solar use is visible, this Commission believes that the use will likely change the essential character of the area and will not be harmonious and appropriate in appearance with the general vicinity.

The Planning Commission determines that the proposed large scale solar facility as proposed in the preliminary site plan would not be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will change the essential character of the area.

- C. Will not be hazardous or disturbing to existing or future nearby uses.**

The Planning Commission determines the large solar facility will be hazardous or disturbing to existing or future nearby uses based on the scale and visibility of the project to immediate and nearby residents and uses.

- D. Will be an improvement in relation to property in the immediate vicinity and to the Township as a whole.**

The Planning Commission determines the large solar facility is not an improvement in relation to the property in the immediate vicinity and to the Township as a whole based on inconsistencies noted in the goals and objectives outlined in the Master Plan.

- E. Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately for any such service or facility.**

No water or sewer facilities are required or proposed due to the nature of the project. If permitted, the developer has agreed in the proposal to work with the local emergency service providers for any additional training necessary to serve the proposed facility at the developer's cost.

The Planning Commission determines the large solar facility if permitted would be served adequately by essential public services.

- F. Will not create excessive additional public costs and will not be detrimental to the economic welfare of the Township.**

The Planning Commission determines the large solar facility if approved would not create excessive additional public costs. However, the full effect of economic impacts and welfare of the Township is unclear to this PC and without such clarity it is difficult for this PC to determine whether the project might create any additional public cost due to loss of tax revenues or for other reasons because of any other cost to the Township caused by the project development and maintenance over a 20 year period.

- G. Will be consistent with the intent, purposes, and specifications of this Ordinance.**

Ranger Power and the project as proposed generally meets the specifications for a large-scale solar project as outlined in the Ordinance. However, this PC believes that the proposed use is generally not consistent with the intent, purpose and objectives of other uses allowed in a zoned Agricultural Residential zoning district. To the extent that the Ordinance was amended in 2020 to list large scale solar projects as a special use in zoning Agricultural Residential districts, this PC believes that the amendment was not well thought out because it was not made or guided by the Master Plan policies and goals.


NOW THEREFORE BE IT RESOLVED, that the Augusta Charter Township Planning Commission hereby DENIES SLU 21-01 Railsplitter #2 based on the findings stated above. This PC also considers that the proposed use might be approved if it was proposed, constructed and

maintained in a manner which removes it from sight from passersby on perimeter roads and adjacent properties with existing and potential future residential uses.

ROLL CALL VOTE:

AYES: 5
NAYES: 2
ABSENT: 0
ABSTAIN: 0

RESOLUTION DECLARED ADOPTED


Robert Yurk, Chairperson
Augusta Charter Township Planning Commission

Dated: Feb 16, 2022

CERTIFICATE

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Planning Commission of Augusta Charter Township, County of Washtenaw, State of Michigan at a regular meeting held on the 16 day of February 2022, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the open meetings act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Dated: 2/16/2022


Secretary Planning Commission
Augusta Charter Township