

Watertown Township Planning Commission  
Meeting Minutes – as Approved (11-18/21)  
Thursday, October 21, 2021 6:00 PM  
Special Meeting

The meeting was called to order by Chairman Batkie promptly at 6:00 pm and everyone was invited to join in the Pledge of Allegiance.

1. Roll Call: Jim Hacker, Nathan Campbell, Mark Batkie, Alan Stoutenburg, Jason Radloff, Gary Fetting

Absent: Bill Dixon (vacation). In lieu of Secretary Dixon's absence, Fetting appointed to take minutes.

Administration: Scott Franzel

Guests: Rick Pangburn, Scott Campbell, Randy Fahs, Michael Smith, Karen Smith, Jim Pomillo, Brad Knoerr, Rebecca Cambridge, Brenden Miller, Numerous unidentified Citizens.

2. Agenda Approval / Additions/ Corrections:
  - a. Motion by Stoutenburg to accept the agenda with the noted additions, Support by Radloff, Motion carried unanimously.
  - b. Additions: Mr. Stoutenburg provided a list of several issues that he felt needed to be discussed (see Appendix A).
3. Consideration and Approval of Previous Meeting Minutes: Motion by Campbell, support by Fetting to approve the minutes from 9-16-2021 as submitted. Motion carried unanimously.
4. Public Comments:
  - a. Rick Pangburn: Congratulated the Planning Commission on making some tough decisions. Talked about the recent article in the Sanilac County News. Took exception to several items reported.
  - b. Brad Knoerr: presented a copy of the recent Michigan State University Sample Ordinance Document to the Planning Commission and suggested the setbacks be reviewed (see Appendix B).
  - c. Brendan Miller: Member of the Lapeer County Board of Commissioners. Lives near the Lapeer Solar facility. Does not feel 500 foot setbacks will withstand litigation. Large setbacks will only tend to extend the solar footprint. Land owners only want to farm their land in a different manner, "solar farming".
  - d. Randy Fahs: Long time township resident. Questioned the concern of rural character. Feels that rural character has been minimized by agricultural development over the past many years. Displayed, but did not provide documents to support the contention.

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- e. Adam Flory, Attorney: Encouraged the Planning Commission to revisit the 500 foot setback, as decided at the September Planning Commission meeting. Not reasonable, nor will it survive a legal challenge. Should allow opt-out of setbacks.
  - f. Mike Smith: 35 year resident. Solar should not be allowed at all. Not wise. His wife visited door to door with 300 residents. Very few were in favor. If solar does come you need to have acceptable setbacks in place.
  - g. Scott Campbell: 60 year resident. Questioned why the Planning Commission didn't review the Elk Township solar ordinance. Commented, "It's sad that a land owner cannot do what he wants with their land".
5. Correspondence: Fetting read an email he received from Watertown resident Mark Farley (see Appendix C).
  6. New Business: None.
  7. Old Business: Solar Ordinance Completion.
    - a. Discussion was held on the medium & large solar setbacks, with the results being:

SES-M Setback Requirements – Medium

<i>Item</i>	As measured from the solar array or other structure to:	Distance
a1	The property line or structure of a participating residence	100 feet
Motion by Hacker, Supported by Stoutenburg – Roll Call Vote: Hacker- Yes, Campbell – Yes, Batkie – Yes, Stoutenburg – Yes, Radloff – Yes, Fetting – No. Motion Passed 5-1		
a2	The property line or structure of a participating commercial business	50 feet
Motion by Fetting, Supported by Campbell – Roll Call Vote: Hacker- Yes, Campbell – Yes, Batkie – Yes, Stoutenburg – Yes, Radloff – No, Fetting – Yes. Motion Passed 5-1		
a3	The property line of a non-participating commercial business	200 feet
Motion by Campbell, Supported by Hacker – Roll Call Vote: Hacker- Yes, Campbell – Yes, Batkie – Yes, Stoutenburg – No, Radloff – No, Fetting – Yes. Motion Passed 4-2		
a4	County Roadways	200 feet
Motion by Fetting, Supported by Campbell – Roll Call Vote: Hacker- Yes, Campbell – Yes, Batkie – Yes, Stoutenburg – Yes, Radloff – No, Fetting – Yes. Motion Passed 5-1		
a5	State Highways	500 feet
Motion by Radloff, Supported by Stoutenburg – Roll Call Vote: Hacker- Yes, Campbell – Yes, Batkie – Yes, Stoutenburg – Yes, Radloff – Yes, Fetting – No. Motion Passed 5-1		
a6	Rivers and Streams (as measured from the midpoint)	200 feet
Motion by Hacker, Supported by Radloff – Roll Call Vote: Hacker- Yes, Campbell – Yes, Batkie – Yes, Stoutenburg – Yes, Radloff – Yes, Fetting – Yes. Motion Passed 6-0		
a7	Adjacent, participating parcels (no fence required)	0 feet
Motion by Hacker, Supported by Campbell – Roll Call Vote: Hacker- Yes, Campbell – Yes, Batkie – No, Stoutenburg – Yes, Radloff – No, Fetting – Yes. Motion Passed 4-2		

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a8	County roadways, with areas designated for future commercial expansion	800 feet
Motion by Radloff, Supported by Stoutenburg – Roll Call Vote: Hacker- No, Campbell – No, Batkie – No, Stoutenburg – Yes, Radloff – Yes, Fetting – No. Motion Failed 2-4		
a8 <sup>a</sup>	County roadways, with areas designated for future commercial expansion	600 feet
Motion by Campbell, Supported by Fetting – Roll Call Vote: Hacker- Yes, Campbell – Yes, Batkie – No, Stoutenburg – Yes, Radloff – No, Fetting – Yes. Motion Passed 4-2		
a9	State highways, with areas designated for future commercial expansion	600 feet
Motion by Fetting, Supported by Campbell – Roll Call Vote: Hacker- Yes, Campbell – Yes, Batkie – Yes, Stoutenburg – No, Radloff – No, Fetting – Yes. Motion Passed 4-2		

SES-L Setback Requirements – Large

Item	As measured from the solar array or other structure to:	Distance
a10	The property line or structure of a participating residence	100 feet
Motion by Hacker, Supported by Radloff – Roll Call Vote: Hacker- Yes, Campbell – Yes, Batkie – Yes, Stoutenburg – Yes, Radloff – Yes, Fetting – Yes. Motion Passed 6-0		
a11	The property line or structure of a participating commercial business	100 feet
Motion by Hacker, Supported by Stoutenburg – Roll Call Vote: Hacker- Yes, Campbell – Yes, Batkie – Yes, Stoutenburg – Yes, Radloff – Yes, Fetting – Yes. Motion Passed 6-0		
a12	The property line of a non-participating commercial business	200 feet
Motion by Fetting, Supported by Campbell – Roll Call Vote: Hacker- Yes, Campbell – Yes, Batkie – Yes, Stoutenburg – No, Radloff – No, Fetting – Yes. Motion Passed 4-2		
a13	County Roadways	500 feet
Motion by Radloff, Supported by Stoutenburg – Roll Call Vote: Hacker- No, Campbell – No, Batkie – No, Stoutenburg – Yes, Radloff – Yes, Fetting – No. Motion Failed 2-4		
a13 <sup>a</sup>	County Roadways	300 feet
Motion by Hacker, Supported by Fetting – Roll Call Vote: Hacker- Yes, Campbell – Yes, Batkie – Yes, Stoutenburg – No, Radloff – No, Fetting – Yes. Motion Passed 4-2		
a14	State Highways	750 feet
Motion by Stoutenburg, Supported by Radloff – Roll Call Vote: Hacker- No, Campbell – No, Batkie – No, Stoutenburg – Yes, Radloff – Yes, Fetting – No. Motion Failed 2-4		
a14 <sup>a</sup>	State Highways	600 feet
Motion by Campbell, Supported by Radloff – Roll Call Vote: Hacker- Yes, Campbell – Yes, Batkie – Yes, Stoutenburg – Yes, Radloff – Yes, Fetting – Yes. Motion Passed 6-0		
a15	Rivers and Streams (as measured from the midpoint)	200 feet
Motion by Hacker, Supported by Campbell – Roll Call Vote: Hacker- Yes, Campbell – Yes, Batkie – Yes, Stoutenburg – Yes, Radloff – Yes, Fetting – Yes. Motion Passed 6-0		

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a16	Adjacent, participating parcels (no fence required)	25 feet
Motion by Stoutenburg, Supported by Radloff– Roll Call Vote: Hacker- No, Campbell – Yes, Batkie – No, Stoutenburg – Yes, Radloff – Yes, Fetting – No. Motion Failed 3-3		
a16 <sup>a</sup>	Adjacent, participating parcels (no fence required)	15 feet
Motion by Fetting, Supported by Campbell – Roll Call Vote: Hacker- Yes, Campbell – Yes, Batkie – Yes, Stoutenburg – Yes, Radloff – Yes, Fetting – Yes. Motion Passed 6-0		
a17	County roadways, with areas designated for future commercial expansion	600 feet
Motion by Hacker, Supported by Fetting – Roll Call Vote: Hacker- Yes, Campbell – Yes, Batkie – Yes, Stoutenburg – Yes, Radloff – No, Fetting – Yes. Motion Passed 5-1		
a18	State highways, with areas designated for future commercial expansion	900 feet
Motion by Stoutenburg, Supported by Radloff– Roll Call Vote: Hacker- No, Campbell – No, Batkie – No, Stoutenburg – Yes, Radloff – Yes, Fetting – No. Motion Failed 2-4		
a18 <sup>a</sup>	State highways, with areas designated for future commercial expansion	600 feet
Motion by Campbell, Supported by Hacker – Roll Call Vote: Hacker- Yes, Campbell – Yes, Batkie – Yes, Stoutenburg – No, Radloff – No, Fetting – Yes. Motion Passed 4-2		

8. Total Acreage Density:

- a. Stoutenburg noted this issue was voted on and approved at the last meeting (September 16<sup>th</sup>). Fetting noted that the 6% limitation is approximately 1,334 acres; and that he was not aware of any other solar ordinance containing such language. Stoutenburg noted that the recent MSU (Michigan State University) sample ordinance recommended it. Discussion. No further action was taken.
- b. Radloff requested clarification on density of medium solar on a single parcel. Discussion. Fetting to review language to confirm “multiple” medium solar is not allowed on a single parcel.
- c. Radloff requested confirmation that the noise requirement was changed as voted on at the last meeting (September 16<sup>th</sup>) to 45 dbA everywhere. Fetting explained that the requested change as voted on (*a72 SES-L Maximum Peak Decibel Requirements 45dB L-max, not average*), did not include the necessary “weighting factors” to be incorporated into the ordinance. Fetting to change the language and provide a copy of the change for everyone to review.
- d. Stoutenburg requested an addition to section D/14/C, to include reference to the NRCS Code 528. Motion by Stoutenburg to include Code 528, Supported by Fetting – Motion passed unanimously.

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9. Send completed draft to attorney: Motion by Campbell, Supported by Stoutenburg, to submit the draft solar ordinance, including revisions approved at tonight's (10-21-2021) meeting, as well as any other notes or comments commission members should wish to include; for submission to the township attorney for review, comment and corrections. Roll Call Vote: Hacker- Yes, Campbell – Yes, Batkie – Yes, Stoutenburg – Yes, Radloff – Yes, Fetting – No. Motion Passed 5-1.
10. Set Public Hearing: Motion by Radloff, Supported by Hacker, to set the public hearing date for the next Planning Commission Special Meeting, November 18, 2021, 6:00 pm. Motion passed unanimously.
11. Public Comment: Mr. Brendan Miller suggested the planning commission not rely too much on the construction issues in regard to the Shiawassee solar project.
12. Adjournment: Motion by Stoutenburg, Supported by Radloff to Adjourn. Motion passed unanimously. 7:50 pm.

Respectfully submitted,



Gary Fetting

Future Meetings

November 18, 2021- Special meeting (tentative public hearing)

December 16, 2021 - Regular meeting

*Attachments:*

*Appendix A – Stoutenburg changes submission*

*Appendix B – SES Sample Ordinance, MSU, GRAHAM Sustainability Institute 2021*

*Appendix C – Email from Mark Farley*

add  
"A5"

10-21-21

Pg 1 add - "in vicinity of Farmland"

Pg 2 "Greenbelt" - add - "spaced at 10'"

Pg 4 "Substation" - add "as part of the solar complex"

C: Applicability

Add - #4 Special use Permit "expires" at  
end of proposed useful life

Pg 5 #8 Takeout "the Planning Commission may  
modify this requirement if it ..."

Pg 6 #18 a, b, c they are all "45" as of 9-16-21

Pg 8 G add - "only 1 Arroy per parcel" and cannot  
be used as part of a SES-L

H-1 change 100 feet to 300 feet

Pg 10 8A - add roadways & parking lots

Pg 11 9E - add back in "Local"

J2 - change 100ft to "300"

Pg 12 correct chart

Paragraph "All pertinent districts" . . .  
Take whole paragraph out

Pg 13 # 7 Alternative screening plan . . . on  
Take out rest of paragraph

# 10A add - "including roads & parking lots

Pg 14 # 13 add - fencing to be "Wildlife Friendly"

Pg 18 K "Limitations" add - only one SES-per parcel



Watertown Township Planning  
Commission 10-21-2021  
Appendix B.

On account of its size (in mb) and in the interest of brevity, I have included only a copy of the cover page of Appendix B. Planning Commission members had previously been provided a copy of the document; and if you require a copy send me an email, and I will send a full copy to you.

# PLANNING & ZONING FOR SOLAR ENERGY SYSTEMS

## A GUIDE FOR MICHIGAN LOCAL GOVERNMENTS





Watertown Township Planning  
Commission 10-21-2021  
Appendix C.

## Solar Ordinance

1 message

**Mark Farley** <mfarley1979@hotmail.com>  
To: "gfetting@gmail.com" <gfetting@gmail.com>

Thu, Oct 21, 2021 at 4:27 PM

Hello Commissioner,

My name is Mark Farley I live in Watertown Township and would like to express my concern over the current solar energy ordinance that the board is putting together. My son informed me that you were looking at 500 ft setbacks from property lines, is this true??? If so, I have no idea how the planning commission is seeking to justify itself because that is certainly unreasonable and almost definitely exclusionary(which is illegal)! I had previously served on a planning commission 20 years ago and I would hate to see my township get caught up into a lawsuit over something as mundane as a solar farm. I was planning to attend tonight's planning commission meeting but I am currently dealing with harvest in another county. I hope you would all consider something more reasonable; I have included a recent paper done by MSU Extension that may give you some guidance.

Sincerely,  
M Farley

 **SES-Sample-Ordinance-final-20211011-single.pdf**  
18361K