

PROPOSED AD HOC COMMITTEE MISSION STATEMENT

Prepared by Jack Penegor, Chairman of the Planning Commission, for consideration by the Planning Commission at its November 4, 2019 meeting.

The mission of the Ad Hoc Committee is to explore and provide a report and recommendations to the Planning Commission regarding a proposed amendment to the Escanaba Township Zoning Ordinance ("ETZO") and a related special land use application to operate an industrial solar farm or farms in Escanaba Township.

There has been tremendous resident input into those issues at numerous public meetings. The dialectic ("back and forth") in those meetings has identified several issues which are either technical or which raise issues that merit further factual study.

It is not the intent of the Planning Commission to have the Ad Hoc committee investigate, summarize or consider highly subjective matters such as the weight, quality or nature of public support for the Ordinance Amendment or the special land use application submitted by Orion. Rather, it is to investigate several important issues that have arisen and which, in the opinion of the Planning Commission, merit prompt independent analysis in an interactive way between opponents and supporters of the project.

The Planning Commission has no budget. Any requests for spending authority would have to be addressed to the Planning Commission. It is hoped that volunteers and state and local officials (Department of Environment, Great Lakes and Energy, Department of Agriculture, Public health departments among others) can provide background expertise as to the issues identified below at no cost.

The Ad Hoc Committee may investigate any issues it deems fit. However, Given the pending Orion request, the Planning Commission would expect a report from the Ad Hoc Committee within 90 days of members being appointed on the issues identified below, which the Planning Committee deem to be of critical importance. Given the make-up of the Committee, the Planning Commission expects the final report will state report what the Ad Hoc Committee was able to agree upon regarding such issues and that it may finally address any other issues with summaries of opposing views and supporting materials for those views. In addition, the Ad Hoc Committee may make any recommendations it deems appropriate.

At the end of the 90-day period, the Committee should report to the Board on the nature and status of any incomplete investigations which the Committee desires to continue to investigate, so the Planning Committee can determine whether to delay its report to the Township Board pending receipt of such investigations.

It is not the intention of the Planning Commission to limit the scope of its Ad Hoc Committee's investigation of the impact of proposed industrial solar farming on existing e coli contamination within the Township. Indeed, the investigation into such impact may lead the Ad Hoc Committee to investigate and report on issues not heretofore raised in the several hearings already conducted by the Planning

Commission and the Township Board. Without limiting the generality of the foregoing, the Planning Commission requests the Committee investigate the following issues:

1. EXISTING ECOLI CONTAMINATION

The impact of thousands of support poles and any other excavations or ditches that will be utilized in the project on existing e coli contamination in the vicinity of the project. That will require input from Orion as to how those will be installed, and information about the extent to which such construction will increase or decrease risks associated with existing e coli contamination. The Ad Hoc Committee should investigate the degree of relative risk associated with proposed solar farming development and existing agricultural practices. In particular, that would include investigation of the upper and lower aquifers and the question of whether or not they are isolated from each other or are mingling or communicating with each other. If Orion suggests that risks associated with E Coli can be eliminated or minimized by specific practices, the Ad Hoc Committee should investigate the efficacy of such practices. If the investigation reveals that additional information of a technical or scientific nature is required, the Ad Hoc Committee should investigate and identify such additional information. The Committee should investigate whether there are other suitable locations for industrial solar farming within the Township which are not subject to e coli contamination and identify the extent to which they would be suitable and available for industrial solar farming.

LOSS OF FARMLAND/CLEAN ENERGY

The Committee should investigate, identify, and comment on the public policies regarding preservation of farmland and industrial solar farming as applied to these specific facts. This would include identification and review of State and Local statutes, ordinances, regulations or policies which refer, reflect or relate to those public policies. The committee should specifically investigate the quality of the agricultural lands proposed to be used for industrial solar farming, including the impact of the pre-existing e coli contamination. The Committee should investigate the extent to which the agricultural lands in question are being actively farmed, and the extent to which they are already inactive and/or being held in land banks. The Committee should address the question of whether the proposed project, with an anticipated 50-year life span, would serve the same public policies that support federal and state land bank laws, rules and regulations. The Ad Hoc Committee may request information on state and local statutes, ordinances, regulations or policies which refer to, reflect or relate to the preservation of farmland and industrial solar farming from the Township Attorney.

SECURITY FOR REMOVAL OF SOLAR FARM IMPROVEMENTS AT THE END OF THE USEFUL LIFE OF THE PROJECT

The Planning Commission requested a legal opinion from the Township attorney regarding the efficacy of the security being offered by Orion to guarantee funds will be able to “decommission” the project at the end of its useful life. The Ad Hoc Committee should review that written opinion and provide any input or recommendation they desire to make to the Planning Commission.

AESTHETICS

The development plans make clear that Orion will be landscaping in an effort to keep the solar panels and equipment out of direct public view. The Ad Hoc Committee should investigate the extent to which proposed setbacks, landscaping, limitations on the height of the structures, or any other Orion proposed conditions will eliminate or reduce any aesthetic concerns and the possibility of glare from the equipment. The Ad Hoc committee should investigate, report on, and make any recommendations they might suggest regarding the aesthetic appearance of the proposed projects.

FINANCIAL IMPACTS

The Committee should investigate and identify the financial impacts of the proposed industrial solar farming. This would include impact on the local governmental budgets, the Township budget, the impact on landowners who desire to lease their land, and the impact on energy consumers, in the short, medium and long-term.

IMPACT ON WILDLIFE

The Committee should investigate the extent to which any ameliorating proposals from Orion (wildlife corridors, etc.) will eliminate or reduce to an acceptable level any adverse impacts on wildlife, specifically including migratory birds. The Ad Hoc committee should investigate, report on, and make any recommendations they might suggest regarding impact of the proposed project on wildlife.

FIRE HAZARDS/RISK

The Committee should investigate any special fire hazards that industrial solar farming might trigger, how they compare with existing fire hazards, and whether and how such risks can be reduced to acceptable levels.

