

To the Planning Commission:

We would like to respectfully submit the following comments for your consideration in reference to the “Amendment to the Zoning Ordinance, Chapter 55 in order to add Section 5:83 (Solar Energy Systems) regarding placement of solar panels and equipment on residential properties,” which the Planning Commission will take up at its meeting on August 15, 2017.

- 1) The 35% permitted coverage of the area in the front yard (omitting front and side required setbacks) allows for huge arrays in many of our A2 neighborhoods. In our yard at 2809 Brockman, rough calculation shows that the ordinance would allow up to a 1600 square foot array with sub-minimal screening. If all of the property owners in our neighborhood opted to exercise this right, we would have a significant drop in property values due to the degradation of the neighborhood streetscape.
- 2) Prior to approval of this ordinance, Planning staff should be required to provide an accurate 3-D portrayal of the impact of the build-out of the original proposed ground-mounted array at 2815 on the section of Brockman Blvd., within 300' of the proposed site. This portrayal should be enhanced with the minimum screening required by the ordinance as written for public input, PC review, and Council review. Without this visual aid the general public cannot picture the impact, and many officials can't either. Staff should reconsider the method of regulating the size of SES allowed and should evaluate both the visual impact and the impact on property values and provide this evaluation for public input before passing this ordinance.
- 3) The screening requirement as written is unclear and inadequate:
 - There is no requirement for the height of the "fencing, wall, evergreen vegetation, berm or combination thereof" for installations in front yards.
 - As written, the ordinance has no side slope restrictions or flat area width required at the top of the berm. To minimize cost, a property owner could build a 1:1 side slope, only 1' high, and meet the screening requirement as it would be 80% opaque. Neighbors would be left with an unmaintainable bump, and still see the upper 5' of a potentially massive array. With this, the property value of our neighbors would steeply decline.
 - In the case of a vegetated screen, the ordinance doesn't indicate **when** it needs to achieve 80% opacity. So, in theory, we could install:

A 2' high x 2' wide evergreen shrub planted 4' off-center (50% opacity at time of planting), regardless of potential size at maturity, because the ordinance does not indicate when it has to achieve 80% opacity or how high it needs to be at that point in time. Accordingly, the hedge could be pruned at 2' high x 2' wide permanently, leaving exposed the top 4' of the array.
 - Or if we opted for a non-vegetated screen:

We could install a fence, wall, or berm of any height we want as long as it is 80% opaque. This means it could be only 1', 2', 3', 4', 5' or 6' high (or 40' high, unless controlled elsewhere in the ordinance, but there is no reference to another section). This is poorly written and would need to revision if the city intends to allow these at all.

- There are no screening requirements for side and back yard installations, even though these could seriously impact neighboring properties. The size of the allowable side yard installations of 21' also is higher than what is allowed in most US municipalities.

4) A basic reason why SES should not be permitted in the front yard is because of the inherent inability to screen one from the public right-of-way on south facing lots without compromising their very purpose. Screening would have to be either very low, and leave most of the array exposed, or be sufficiently far enough away from the installation to not block its function. South facing lots, then, would not be able to equally use their front yard for this use if the ordinance has a proper screening requirement, which it must have. But, again, the ordinance is not clear, as it could be read as not requiring screening on the front side of the SES for south-facing lots (“screened...on all sides or rear of a SES visible from a public right-of-way”), in which case, all south facing lots could install SES that could be visible from the street. As many other cities have recognized, there isn't a good solution to this other than restricting them to rear and side yards.

5) The staff comments indicating that the ordinance will not affect very many lots in the City is biased toward high density development and discriminatory in its impact on older neighborhoods with larger lots with larger front yards. As written, it poses significant risks to property values on only some properties/neighborhoods with minimal impact on the total solar capacity. We bought our home for the pastoral streetscape and consistency of front yard maintenance not found in many Ann Arbor neighborhoods, never imagining the City would allow our front yards to become a solar field.

6) While we strongly support our community's commitment to energy efficiency, it should not be at the expense of the design of our neighborhoods that contribute so much to Ann Arbor's quality of life and civic space. In reviewing the summary of ordinances that from other cities, we are convinced that allowing SES in the front yard is not in the best interests of the City or many of its neighborhoods, including ours. Clearly many other US communities have opted not to allow this.

As written, this ordinance is not ready for approval. Please take the time to do it well, extend the existing moratorium if need be, and set our community up to be an outstanding example and benchmark of progressive ordinance, that encourages appropriately placed, scaled and designed site/infrastructure facilities, and that confirms that ground-mounted solar arrays have no place in the front yards of Ann Arbor's residential districts.

Irma Majer & John Godfrey
2809 Brockman Blvd
Ann Arbor 48104