



Conway Township Planning Commission

Monday, April 10, 2023 | 7:00pm

Conway Township Hall | 8015 N. Fowlerville Road, Fowlerville, Michigan 48836

1. **CALL TO ORDER / PLEDGE**
2. **ROLL CALL**
3. **CALL TO THE PUBLIC**
4. **APPROVAL OF PLANNING COMMISSION MEETING April 10, 2023 AGENDA**
5. **APPROVAL OF THE March 13, 2023 MEETING MINUTES**
6. **COMMUNICATIONS**
 - a. Zoning Administrator's Report
 - b. Livingston County Planning Commission Update/Report
7. **NEW BUSINESS**
 - a. Article 6: General and Supplemental Regulations | Section 6.07: Supplemental Regulations Pertaining to Yards – Approve | Send to Board of Trustees
 - b. Zoning Ordinance Amendment No. 2023-02: Review draft of new Article 19, Solar Energy System District and replacement of existing Section 6.26 regarding Solar Energy Systems
 - c. Update Shipping Containers as primary residence or accessory use
8. **PLANNING COMMISSION MEMBER DISCUSSION**
9. **LAST CALL TO THE PUBLIC**
10. **ADJOURNMENT**

Any person may speak for up to 3 minutes during the public comment period.

Next Meeting will be Monday, May 8, 2023



Conway Township Planning Commission Meeting Minutes
 Monday, March 13th, 2023 | 7:01pm EST
 Conway Township Hall | 8015 N. Fowlerville Road, Fowlerville, MI 48836

Agenda	Items Discussed	Actions to be Taken
Attendees	PC Members Present: Jeff Klein, Meghan Swain-Kuch, Dave Whitt, George Pushies - Ex-Officio, Shawn Morrison, Lucas Curd, Absent- Kayla Poissant Zoning Administrator – Gary Klein Livingston County Planning Commissioner: Dennis Bowdoin Township Attorney: Michael D. Homier, Absent-Abby Cooper, JD	None
Call to Order/Pledge	Chair, M. Swain-Kuch called the Conway Township Planning Commission meeting to order at 7:01pm and led the Pledge of Allegiance.	None
Approval of Agenda	Motion to accept the meeting agenda as amended for March 13 th , 2023. Motion by D. Whitt. Support L. Curd. Motion approved.	Motion Approved
Approval of February 13th, 2023 Minutes	Motion to accept meeting minutes from February 13 th , 2023. Motion by L. Curd. Support by S. Morrison. Motion approved.	Motion Approved
Call to the Public	Sarah Porter- Sober Rd.- She stated that she has reviewed the proposed amendments, including other proposal for other townships written by Mr. Homier. She states that this proposal is missing certain language that are included in other proposals, and specifically calls out the setback changes of 1000ft to 200ft. She is concerned with the overall language of the proposal, and how it is written. She says that although there are some areas that have safeguards in place, she noted 21 sections that she has concerns on. She is submitting other proposals with additional language she believes should be added to the Conway proposal.	None

Steve Smith- Robb Rd.- He stated that he agrees with Mrs. Porter and that there are some missing points he is concerned with, one being the setbacks. He states that any setback of 100ft is unacceptable, and that the past proposal included no batteries and this one does not include that. He would like to know where the overlay would be possibly located so that there is a better understanding.

Jim Dannemiller- Chase Lake Rd.- He stated that he has some concerns with the proposal about battery storage, then on page 10 section 9 he suggested that a statement should be made that the applicant be responsible for any fees incurred, page 11 section 4 he suggested an increase of setbacks, and better screening language details.

Jason Simmons- Herrington Rd- He stated that the setbacks were already corrected by the Township Board awhile ago and now back at the 1000ft. He mentioned the screening part where trees are about 25ft apart which would not cover much. He also addressed that the proposal references a map, and that no map was included.

Mike Brown- Sober Rd.- He stated he has concerns with the proposal including Page 8 section J regarding decommissioning and returning the parcels back to 'what' condition. He believes it should be more specific. He mentioned section I complaints/issues should have a specific fine and explaining what the fees and steps will be if violated. On page 9 regarding hazmat and the section involving land clearing, he states that it references a plan and should be more specific. He believes setbacks need to be increased, and on page 12 landscaping references 6.16 of the Zoning Ordinance which he believes needs to be clarified and investigated. He also believes that surety bonds of 125% is not appropriate especially if the company goes bankrupt the bond would be worth nothing. He said that Marion Township had a 100% cash decommissioning bond.

Mary T. RaTelle- Gannon Rd.- She stated that she agrees that the setbacks need to be increased as other speakers have said, and that the 100ft residential setback is not fair to anyone. She is worried about the 50ft setback of wetlands, the noise times listed are different in a couple of different sections, the fire suppression system she

believes should be inspected by a 3rd party, as well as soil testing should be done before decommissioning and filling. She also believes there should be additional fines added to violations section.

Yvonne Black- Marion Township- She stated that with demonstrated need there is no demonstrated need in Livingston County, that there is only a desire for solar. She believes that it would be a demonstrated need if DTE stated that they are going to pull out of the area in five years. She stated that because of the Governor's changes to P.A. 116 this is causing all of the problems, and that the Governor did not have a right to make those changes.

Steve Weiss- Sober Rd.- He stated that he has some concerns regarding the proposal, and that it needs to be more thought out than it is. He states that the proposal does not mention anything about wind power, and it needs to be addressed. He said he went on a tour of Ranger Power solar site, and he said it was not well designed. He is concerned about wind storms and how they affect the solar farms, and mentioned he did not understand the setback change. He does not agree with the proposal as it stands right now.

Joann Haas- Flemming Rd.- She stated that she believes that if the township fulfills their obligation of renewable energy with solar energy, that all other forms of renewable energy need to be not allowed.

Richard Allen- Antrim Township- He stated that he has looked at a lot of solar energy proposals, and that this particular proposal does not address the concerns at hand. He is concerned with the vagueness of the proposal, and the lack of concern being next to residential homes. He is asking for better clarity and to get it right.

Megan Beach- 9020 Eva Lane- She stated that she is concerned about the overlay, and where it is going to be located. She would like more information so that she can give better feedback. She is concerned about the setbacks and about the ground cover section. She is also concerned about the once every three-year review.

Scott Brown- 9000 Sober Rd.- He stated that he is a firefighter, and is concerned about when a fire occurs on

	<p>one of the solar farms. He said that he is concerned about the toxic plumes coming from the fire burning the plastic and components of the solar panels. He stated that the suppression systems will be exposed to the elements, and that will cause additional complications. He is also worried about the fire getting out of control, and affecting nearby residents, and about the firefighters responding to the fire and their safety.</p>	
Communications	<p>a. Zoning Administrator Report: G. Klein stated that there was one land-use permit for a house last month.</p> <p>b. Livingston County Planning Commission Report: M. Swain-Kuch stated that the LCPC made one recommendation regarding 6.07 Pertaining to Yards, and then passed it along to the Township Board. The recommendation is regarding seasonal pools or temporary pools will not be required to obtain a permit if the does not exceed 24 inches from grade level.</p>	<p>None</p> <p>None</p>
Old Business	None at this time.	None
New Business	<p>a. Zoning Ordinance Amendment No. 2023-02: Review draft of new Article 19, Solar Energy System District, and replacement of existing Section 6.26 regarding Solar Energy Systems.</p> <p>M. Swain-Kuch stated that the Planning Commission is not voting on this yet and will be discussing and reviewing the overlay proposal draft given to the PC by Mr. Homier. Mr. Homier stated that this is a working draft, and that the PC could hold workshops going forward with the committee. He stated that the setbacks could be different based on where and how large the overlay district will be. He also mentioned that all of the requirements are in the draft as specific elements, but are substantive requirements that are to be provided during applications. G. Pushies brought up that he believes that the public has concerns about the general language of the draft, and the issues that could come with non-specific language. Mr. Homier said that as the process proceeds and gets worked on, that specifics can be added. Mr. Homier stated that with the demonstrated need comes in if there was a complete ban of the solar energy, but due to the allowance of the use</p>	None

	<p>demonstrated need does not come into play legally. He stated that prohibiting the use has risk because a judge could overrule that and set the standards. An ordinance would still allow the use, and allow standards and requirements to be fulfilled by the developer. G. Pushies asked about the possible location of the overlay district. Mr. Homier stated that as the proposal is worked on, a location could be better pinpointed. Mr. Homier said that looking at an overhead map will help better find a good location for the overlay. M. Swain-Kuch stated that this is not just looking at utility scale facilities, but solar overall, and to investigate past recommendations to better this proposal over the next month. G. Pushies asked about whether after the month review and possible second draft if then a meeting could be held with the solar committee. He asked for an open meeting/special meeting with the solar committee. D. Whitt asked about when it would be appropriate to meet with the solar committee and to meet with them after a possible location of the overlay is determined. Mr. Homier stated that he has a projector to make live adjustments as the open meeting progresses. He said at least after the next month and work is done on the proposal would be the best time to meet. Mr. Homier stated that from here, the changes will be redlined so that everyone can see the before and after of all of the changes made to the proposal. Mr. Homier said that he can probably have a revised draft available to the PC before spring break in March. Mr. Homier clarified that the agenda for the special meeting can list a discussion with the solar committee so that the three-minute limitation does not apply. S. Morrison asked about why not use a percentage usage versus an overly approach. Mr. Homier stated that with an overlay approach, it allows the township to direct a specific location rather than have it everywhere. S. Morrison stated that this approach may offend some of the farmers that do want to participate in solar farming, and that a percentage would allow them to participate. Mr. Homier said that it could be tricky and that the nature of zoning is that not everyone is going</p>	
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	<p>to be happy with all parts of it. S. Morrison mentioned about making sure that the overlay is over an area that wants to participate in solar farming. Mr. Homier replied that it is not required to make sure the property owners are interested. G. Pushies asked about restoration and putting it back to the way the land was before the project. Mr. Homier replied that it was possible to add in more language about restoration, especially after the overlay district location is found. G. Pushies asked about drain issues and who oversees it. Mr. Homier replied that there is some language in the proposal that drains are to remain intact, but that the drain commissioner is the head authority. G. Pushies asked about the storage of defective panels on site and whether there can be something placed into the proposal. Mr. Homier stated yes, and that it was not an issue to add it. J. Klein mentioned that the last proposal had no battery storage onsite, and that it should be removed from the current proposal. The other PC members agreed to have it removed completely in this proposal, and to also add that no batteries would be allowed at all on utility scale projects. S. Morrison asked whether there was a standard for screening that has worked in the past. Mr. Homier replied that he would investigate it. M. Swain-Kuch stated that the PC originally wanted the double or triple rows of screening, and that it was to be always maintained. M. Swain-Kuch said that the PC can now review the proposal carefully over the next month and present recommendations for changes. Sarah Porter made a comment from the public stating that she worked about 12 hours and made a lot of the connections from Mr. Homier’s other proposals as well as the previous PC recommendation. She is giving the PC that work.</p> <p>b. Containers (shipping) G. Klein stated that he has received several requests to use shipping containers as houses and other uses over the last couple of months and said that there is nothing in our ordinances regarding this. G. Pushies asked whether there were any regulations on the county level. G. Klein stated that he did not know at this time. He</p>	<p>None</p>
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	<p>said that there has been one request to build a house out of one, and one for an addition to an existing house. It was discussed that these shipping containers can come prefabricated, and ready to use. It was discussed whether they should be allowed at all or whether a well written ordinance should suffice, and that research will now need to be done on the subject to proceed.</p>	
Commission Discussion	No Commission Discussion at this time.	None
Last Call to the Public	<p>Mike Brown- Sober Rd.- He stated that he would like to see screening around the inverters or coverage to not be able to see them. He also brought up G. Pushies mentioning the open meeting with the solar committee, and that he would like the committee on the agenda so that the three-minute rule did not apply, and longer discussions could be had.</p> <p>Yvonne Black- Marion Township- She said that the solar is voluntary and that there is no mandate forcing the township to allow it. She also stated that Mr. Homier is misrepresenting the demonstrated need by acreage of the township, and that it does not match the Supreme Court ruling. She said that making an ordinance is allowing more developers to come in which would open the township up to a lawsuit.</p> <p>In response to Yvonne Black (as requested), Mr. Homier stated that he has represented numerous townships over 25 years, and that the state is delegating solar overview to the townships. Mr. Homier said that he is not saying that there is or is not a demonstrated need, and what he is proposing is to minimize the risks if a judge overturns it. He said that zoning is permissive, so that by not saying anything about a particular subject it allows it to happen. The Zoning Enabling Act says that no township is allowed to completely ban a land use, and that by zoning for it, it cannot be banned. M. Swain-Kuch asked Mr. Homier about the wind power ordinances and when the PC can see those. Mr. Homier replied that he has some drafts that can be sent out.</p> <p>Tom Parker- 7000 Hayner Rd.- He stated that he heard a PC member comment about playing to their base, and thought it was unprofessional, and that opinions should</p>	None

not be involved about whether someone wants something or not.

Megan Beach - 9020 Eva Lane- Did not sign-in- She stated that she is concerned about her opinions being heard by just the solar committee, and that she does not want to be excluded from the meeting with the committee.

PC Members (multiple) confirmed that she would not be excluded, and that the committee being on the agenda allowed for a more open discussion.

Steve Smith- Robb Rd.- He stated that this whole situation has been a long road, and that he attended the LCPC meeting last month. He stated that he liked the fact they asked for public comment on each line item on the agenda, and he suggested that at the solar committee meeting to go line by line and allow public comments through-out. He said that the public is hurt and angry, and just wants to work with the PC to do a good job on this issue.

Sarah Porter- Sober Rd.- She stated that this has been a long road, and that attitudes need to be put aside, and to work together to solve the issue at hand.

Mary RaTelle- Gannon Rd.- She stated that she saw in another proposal that the power company involved would provide training to the first responders involved in that area and said to be careful on promises like this. She also said that if there happens to be two locations for the overlay, to choose the location away from wetlands to protect the local wildlife. She also stated that with regards to wind power, there are millions of birds being killed by the turbines.

Doug Chuafe- Marsh Rd.- He asked Mr. Homier about the load demand in megawatts from the utility company and the amount. Mr. Homier replied that he did not know the amount at this time. Mr. Homier explained what an overlay district is for Mr. Chuafe stating that it is a smaller area layered over a larger area where certain land uses would be allowed inside it per the ordinances. Mr. Chuafe also said the language in the ordinance is important as well so that it is clear and cannot be manipulated.

	<p>Cathy D.- Marion Township- She stated that her township rewrote its ordinances about screening and did address the inverters. She also said that if a landowner did go into solar, they were also responsible equally with the developer, and this was in Marion Townships ordinance.</p> <p>Mr. Homier stated that he can investigate liability for Conway Township. Multiple PC members agreed that this should be investigated and placed into the ordinance. S. Morrison asked about guaranteeing a tax revenue upon approval. Mr. Homier stated this was not possible to do as a condition of approval.</p> <p>Andy Weiss- Sober Rd.- He stated he is more concerned about large scale solar versus than a couple of panels on a neighbor’s yard. He is concerned about the shipping containers with a lot of residents already having a lot of stuff in their yards.</p> <p>Steven Weiss- Sober Rd.- He stated that after his tour of a solar farm, the setbacks were so far back that you would not know it was even there. He stated that if it is done correctly, then it should not affect property values.</p> <p>Paul Funk- Osceola Township- He stated that he has some concerns regarding solar and does have planning experience. He stated that planning and zoning can make our lives better, and that the township has the authority to put in safeguards to protect the residents and wildlife. He also mentioned adding filtrations and strict screening can be added to help the situation and mentioned road studies and drain studies. He stated that there is a concern for fire safety, and that precautions should be made including bonding and training.</p>	
Adjournment	Motion to adjourn at 9:07pm. Motion by D. Whitt. Support by S. Morrison. Motion approved.	Motion Approved

Respectfully Submitted:

Approved:

Kayla Poissant,
PC Secretary

Meghan Swain-Kuch,
PC Chair



Livingston County Department of Planning

LIVINGSTON COUNTY PLANNING COMMISSION MEETING

Wednesday, February 15, 2023 – 6:30 p.m.

Administration Building, Board of Commissioners Chambers
304 East Grand River, Howell, MI 48843

Please note that this is a hybrid meeting with County Planning Commissioners and staff meeting in-person. Audience participants are welcome to attend in-person or via Zoom by using the meeting link on Page 2 of the agenda

Agenda

1. Call to Order
2. Pledge of Allegiance to the Flag
3. Roll and Introduction of Guests
4. Approval of Agenda – February 15, 2023
5. Approval of Meeting Minutes – January 18, 2023
6. Call to the Public
7. Zoning Reviews
 - A. Z-12-23 Hartland Township, Rezoning, CA Conservation Agriculture to LI Light Industrial in Section 33
 - B. Z-13-23 Putnam Township, Rezoning, AO Agricultural Residential to RS-2 Single Family in Section 12
 - C. Z-14-23 Conway Township, Text Amendment, Section 6.27 Moratorium on Commercial Wind and Solar Projects
 - D. Z-15-23 Deerfield Township, Text Amendment, Sections 10 and 20 Nonconforming lots and Shared Driveways
 - E. Z-16-23 Green Oak Township, Text Amendment, Article 8 Tree and Woodlands Protection Ordinance
8. Old Business
9. New Business
 - A. Capital Improvement Plan Review Committee - PC Member Representative by Vote.
 - B. New PC appointment: Margaret Burkholder start at April meeting.
10. Reports
11. Commissioners Heard and Call to the Public
12. Adjournment

Robert A. Stanford
AICP, PEM
Principal Planner

Scott Barb
AICP, PEM
Principal Planner

Department Information

Administration Building
304 E. Grand River Avenue
Suite 206
Howell, MI 48843-2323

●
(517) 546-7555
Fax (517) 552-2347

●
Web Site
co.livingston.mi.us



Livingston County Department of Planning

MEMORANDUM

TO: Livingston County Planning Commissioners and the
Conway Township Board of Trustees

FROM: Robert Stanford, Principal Planner

DATE: February 15, 2023

SUBJECT: Z-07-23 Amendments to Zoning Ordinance Article -
Article 6: *General and Supplemental Regulations*
Section 6.07: *Supplemental Regulations Pertaining to Yards*

Robert A. Stanford
AICP, PEM
Principal Planner

Scott Barb
AICP, PEM
Principal Planner

The Conway Township Planning Commission proposes a minor amendment to the Township Zoning Ordinance, in Section 6.07, regarding swimming pools.

Proposed additions to existing text are noted in red underline, deletions in ~~strikethrough~~.

The Conway Township Planning Commission proposes the following minor amendment to the Township Zoning Ordinance, in Section 6.07, regarding swimming pools, to read in its entirety as follows:

Section 6.07 Supplemental Regulations Pertaining to Yards

A. Permitted Yard Encroachments.

6. Swimming pools shall not be subject to yard requirements, provided the following minimum conditions are met:
 - a. Yard areas with a swimming pool, spa, hot tub or similar device (below ground or above ground) shall erect and maintain a fence or enclosure approved by the Zoning Administrator.
 - b. Fencing is to be a minimum of four (4) feet high, and equipped with a self-closing and self-latching gate. Latching devices are to be located at a minimum height of three (3) feet above the ground. Such fencing may be omitted where building walls without doorways abut the pool area, provided that the entire perimeter of the pool area is secured. Above ground swimming

Department Information

Administration Building
304 E. Grand River Avenue
Suite 206
Howell, MI 48843-2323

•
(517) 546-7555
Fax (517) 552-2347

•
Web Site
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pools with sides of four (4) feet or more above grade, do not require fencing but do require a removable access ladder that lifts for safety. A spa or hot tub with a locking cover shall not require a fence.

- c. Swimming pools, spas, hot tubs, similar facilities and surrounding decks, walks or similar accessories with an elevation measured from the mean grade at any point adjacent to such facility of two (2) feet or less shall be at least ten (10) feet from any lot line. Where the elevation is greater than two (2) feet above grade at any point, the setback shall be at least fifteen (15) feet from any public street right-of-way or lot line.
- d. Swimming pools, spas, hot tubs and similar devices shall not be located in any front yard or in any easement.
- e. No lights shall be erected, operated or maintained in connection with a swimming pool in such a manner as to create an annoyance to surrounding properties.
- f. No overhead wiring shall be above a swimming pool.
- g. Seasonal swimming pools, spas, hot tubs and similar structures that are intended to be temporary in nature such as inflatable pools or of similar materials which do not require a permanent location, foundation or other fixed position on the property as defined in Article 2 (Structures) shall not be required to obtain a Land Use Permit as required in Article 3, Section 3.03 if the height of the temporary structure does not exceed twenty-four (24") inches from the grade level.

Township Recommendation: Approval. The Conway Township Planning Commission recommended Approval of this zoning amendment at its December 12, 2022. There were no public comments noted in the minutes.

Staff Recommendation: Approval. The proposed amendments appear to be reasonable and appropriate. This added provision makes logical sense given the level of intensity of the described land use activity.

CONWAY TOWNSHIP

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE
TO REGULATE SOLAR ENERGY SYSTEMS**

The Township of Conway ordains:

Section 1. Adoption of New Article 19, Solar Energy System Overlay District

New Article 19, entitled “Solar Energy System Overlay District,” is added to the Zoning Ordinance and reads as follows:

Section 19.01 Purpose and Findings

- A. Purpose. The Solar Energy System Overlay District (the “District”) is intended to provide suitable locations for utility-scale solar energy systems that are otherwise authorized under state law and the Township’s Code of Ordinances and Zoning Ordinance to meet a reasonable demonstrated need for this land use in the Township. It is the intent of the Township to permit these systems to the extent a demonstrated need exists for the land use by regulating the siting, design, construction, operation, monitoring, modification, and removal of such systems to protect the public health, safety, and welfare, and to ensure compatibility of land uses in the vicinity of solar energy systems. The Township seeks to preserve its rural character and agricultural heritage. To these ends, the lands included in this District are within reasonable proximity to existing electric power transmission infrastructure.
- B. Findings. In establishing this overlay district, the Township of Conway finds as follows:
1. It is necessary and reasonable to permit utility-scale solar energy systems in the Township to the extent that there is a demonstrated need for that land use.
 2. Land use for utility-scale solar energy systems beyond a reasonable and legitimate demonstrated need to provide for the Township’s energy needs would have needless adverse effects on surrounding businesses and residences, and be detrimental to the health, safety, welfare, and prosperity of the Township and its residents.
 3. The Township wishes to preserve its existing rural character, maintain property values, and protect and preserve the quality and pace of rural life of its residents.
 4. Solar Energy Systems can adversely impact the health, safety, welfare, and prosperity of that community, including existing property values, especially when in proximity to farms and forests.

5. Solar Energy Systems should be carefully managed to reduce the adverse long-term effects the land use can have on the productivity of farmland. *See* University of Michigan Graham Sustainability Institute & Michigan State University Extension, “Planning & Zoning for Solar Energy Systems.”
6. Several Michigan communities have suffered, or are suffering, from fiscal uncertainty due to litigation and rule changes concerning taxation arising from rural renewable energy production.
7. The Township adopts these land use regulations to balance any demonstrated need for utility-scale solar energy systems in the Township and the public, health, and safety impacts identified above.

Section 19.02 Delineation of the Solar Energy System Overlay District

A. The Solar Energy System Overlay District overlays existing zoning districts delineated on the official Conway Township Zoning Map. The boundaries of the Solar Energy System Overlay District are depicted on **Map A**, incorporated herein by reference, and are generally described as follows:

[Insert narrative description]

Section 19.03. Permitted Uses.

There are no uses permitted by right in the Solar Energy System Overlay District, other than uses permitted by right in the underlying zoning districts.

Section 19.04. Special Land Uses.

The following uses are permitted following approval by the Planning Commission as a Special Land Use in the Solar Energy System Overlay District as regulated by Article 13 (special land uses) and Article 14 (site plan review).

Utility-Scale Solar Energy Systems

Section 2. Amendment of Section 6.01 of the Zoning Ordinance

Section 6.01 of the Zoning Ordinance, entitled “Establishment of Districts,” is amended to read as follows:

For purposes of innovative and flexible development, Conway Township has established the following overlay districts:

<u>Overlay District</u>	<u>Article</u>
OS Open Space Community	12
SF Solar Energy System	19

Section 3. Addition of Definitions to Article 2 of the Township Zoning Ordinance

The following definitions are added to Article 2 of the Township Zoning Ordinance, consistent with the existing ordering of definitions in that section:

- A. Building Integrated Photovoltaics (BIVPs): A small, private Solar Energy System that is integrated into the structure of a building, such as solar roof tiles and solar shingles.
- B. Ground Mounted Solar Energy System: A Private or Utility-Scale Solar Energy System that is not attached to or mounted to any roof or exterior wall of any principal or accessory building.
- C. Maximum Tilt: The maximum angle of a solar array (i.e. most vertical position) for capturing solar radiation as compared to the horizon line.
- D. Minimum Tilt: The minimal angle of a solar array (i.e. most horizontal position) for capturing solar radiation as compared to the horizon line.
- E. Private Solar Energy System: A Solar Energy System used exclusively for private purposes and not used for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid.
- F. Roof or Building Mounted Solar Energy System: A Private Solar Energy System attached to or mounted on any roof or exterior wall of any principal or accessory building, but excluding BIVPs.
- G. Solar Energy System: Any part of a system that collects or stores solar radiation or energy for the purpose of transforming it into any other form of usable energy, including the collection and transfer of heat created by solar energy to any other medium by any means.
- H. Utility-Scale Solar Energy System: A Solar Energy System in which the principal design, purpose, or use is to provide energy to off-site uses or the wholesale or retail sale of generated electricity to any person or entity.

Section 4. Repeal of Existing Section 6.26; Addition of New Section 6.26, entitled “Solar Energy Systems”

The current Section 6.26, entitled “Solar Energy Collectors,” is repealed in its entirety. New Section 6.26, entitled “Solar Energy Systems,” is added to the Township’s Zoning Ordinance and reads as follows:

Section 6.26. Solar Energy Systems.

A. General Provisions. All Solar Energy Systems are subject to the following requirements:

- 1. All Solar Energy Systems must conform to the provisions of this Ordinance and all county, state, and federal regulations and safety requirements, including applicable building codes

and applicable industry standards, including those of the American National Standards Institute (ANSI).

2. If an applicant or operator of a Solar Energy System fails to comply with this Ordinance, the Township, in addition to any other remedy under this Ordinance, may any approvals after giving the applicant notice and an opportunity to be heard. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney fees and costs.

B. Private Solar Energy Systems.

1. Administrative Review. Except as provided in subsection (d) below, all Private Solar Energy Systems require administrative approval as follows:

- a. *Application to Zoning Administrator.* An applicant who seeks to install a Private Solar Energy System must submit an application to the Zoning Administrator on a form approved by the Township Board.
- b. *Application Requirements.* The application must include:
 - 1. A site plan depicting setbacks, panel size, and the location of property lines, buildings, fences, greenbelts, and road right of ways. The site plan must be drawn to scale.
 - 2. Photographs of the property's existing condition.
 - 3. Renderings or catalogue cuts of the proposed solar energy equipment.
 - 4. A certificate of compliance demonstrating that the system has been tested and approved by Underwriters Laboratories (UL) or other approved independent testing agency acceptable to Township.
 - 5. A copy of the manufacturer's installation directions.
- c. *Zoning Administrator Authority.* The Zoning Administrator is authorized to approve, approve with conditions, or deny applications for Private Solar Energy Systems. An aggrieved party may appeal the Zoning Administrator's decision to the Zoning Board of Appeals pursuant to Section 5.04(A) of the Zoning Ordinance.
- d. *Exclusions from Administrative Review.* Administrative review is not required for (i) a single solar panel with a total area of less than eight square feet; and (ii) repair and replacement of existing solar energy equipment if there is no expansion of the size or area of the solar energy equipment.

2. Private Solar Energy System BIVPs. Private Solar Energy System BIVPs are permitted as accessory uses in all zoning districts, subject to administrative approval as set forth in this section. A building permit is required for the installation of BIVPs.

3. Roof or Building Mounted Private Solar Energy Systems. Roof or Building Mounted Private Solar Energy Systems are permitted in all zoning districts as an accessory use, subject to administrative approval as set forth in this section and subject to the following requirements:

- a. *Safety.* A Roof or Building Mounted Private Solar Energy System must be installed, maintained, and used only in accordance with the manufacturer's directions, and it must comply with all applicable codes, including the construction code and electric code.
- b. *Building Permit.* A building permit is required for installation of a Roof or Building Mounted Private Solar Energy System.
- a. *Maximum Height.* No part of the Solar Energy System mounted on a roof is permitted to extend more than five feet beyond the peak of the roof or to exceed the maximum building limitation for the zoning district in which it is located. No part of a Solar Energy System mounted on a roof is to project beyond the eaves of the room.
- b. *Location.* If the Solar Energy System is mounted on a building in an area other than the roof, no part of the Solar Energy System is permitted to extend beyond the wall on which it is mounted. A Solar Energy System mounted on a building wall may not face an adjacent public right-of-way.
- c. *Appearance.* Roof or Building Mounted Private Solar Energy Systems must be neutral in color and substantially non-reflective of light.
- d. *Abandonment.* If a Roof or Building Mounted Private Solar Energy System has been abandoned, the property owner must remove it within three months after the date of abandonment.
- e. *Nonconforming Buildings.* A Roof or Building Mounted Private Solar Energy System installed on a nonconforming building or structure is not considered an expansion of the conformity, but it must meet all height and placement requirements of the zoning district and this section.
- f. *Inspection.* The Zoning Administrator may inspect a Private Solar Energy System for compliance with this ordinance upon providing reasonable notice to the property owner or occupant.

4. Ground Mounted Private Solar Energy Systems. Ground Mounted Private Solar Energy Systems are permitted in all zoning districts as an accessory use, subject to administrative approval as set forth in this section and subject to the following requirements:

- a. *Safety.* A Ground Mounted Private Solar Energy System must be installed, maintained, and used only in accordance with the manufacturer's directions, and it must comply with all applicable codes, including the construction code and electric code. The Ground Mounted Private Solar Energy System must be permanently and safely attached to the ground.
- b. *Building Permit.* A building permit is required for installation of a Ground Mounted Private Solar Energy System.
- c. *Maximum Height.* A Ground Mounted Private Solar Energy System must not exceed the maximum building height for adjacent accessory buildings and must not exceed 16 feet above the ground when oriented at maximum tilt.
- d. *Location.* A Ground Mounted Private Solar Energy System must be located in the rear yard or side yard and meet the applicable setback requirements for the zoning district.
- e. *Underground Transmission.* All power transmission or other lines, wires, or conduits from a Ground Mounted Private Solar Energy System to any building or other structure must be located underground. If batteries are used as part of the Ground Mounted Private Solar Energy System, they must be placed in a secured container or enclosure.
- f. *Screening.* Greenbelt screening is required around any Ground Mounted Private Solar Energy System and around any equipment associated with the system to obscure, to the greatest extent possible, the Solar Energy System from any adjacent residences. The greenbelt must consist of shrubbery, trees, or other non-invasive plant species that provide a visual screen. In lieu of a planting greenbelt, a decorative fence that is at least 50% opaque (meeting the requirements of this Ordinance applicable to fences) may be used if approved by the Planning Commission.
- g. *Lot Area Coverage.* The area of the Ground Mounted Private Solar Energy System must not exceed 50% of the square footage of the principal building on the property. If the property is two acres or less in size, a Ground Mounted Private Solar Energy System is not considered an accessory building or structure for purposes of Section 6.06.

- h. *Appearance.* The exterior surfaces of a Ground Mounted Private Solar Energy System must be generally neutral in color and substantially non-reflective of light.
- i. *Abandonment.* If a Ground Mounted Private Solar Energy System has been abandoned, the property owner must notify the Township and remove the system within three months after the date of abandonment.
- g. *Nonconforming Buildings.* A Ground Mounted Private Solar Energy System installed on a nonconforming building or structure is not considered an expansion of the conformity, but it must meet all height and placement requirements of the zoning district and this section.
- h. *Inspection.* The Zoning Administrator may inspect a Private Solar Energy System for compliance with this ordinance upon providing reasonable notice to the property owner or occupant.

C. Utility-Scale Solar Energy Systems. Utility-Scale Solar Energy Systems are permitted by Special Land Use approval in the Solar Energy System Overlay District and require a special land use permit under Article 13 and site plan approval under Article 14. Utility-Scale Solar Energy Systems are also subject to the following requirements:

1. *Special Land Use Permit Application Requirements.* In addition to the requirements of Article 13, the applicant for a Utility-Scale Solar Energy System must provide the Township with all of the following:

- a. Application fee in an amount set by resolution or fee schedule approved by the Township Board.
- b. A list of all parcel numbers that will be used by the Utility-Scale Solar Energy System; documentation establishing ownership of each parcel; and any lease agreements, easements, or purchase agreements for the subject parcels.
- c. An operations agreement setting forth the operations parameters, the name and contact information of the certified operator, the applicant's inspection protocol, emergency procedures, and general safety documentation.
- d. A written emergency response plan detailing the applicant's plan for responding to emergencies, including fire emergencies, and analyzing whether adequate resources exist to respond to fires and other emergencies. If adequate resources do not exist, the applicant must identify its plan for providing those resources. [The emergency plan must include plans for immediate cleanup and long-term monitoring and continued mitigation efforts following an emergency.](#)

- e. A written description of the fire suppression system that will be installed, which must identify the manufacturer of the fire suppression system and generally describe its operations and capacity to extinguish fires.
- f. A written description of specialized training and/or equipment necessary for handling fires and/or other emergencies at the Utility Scale Solar Energy System site.
- ~~f.g.~~ Current photographs of the subject property.
- ~~g.h.~~ A copy of ~~the applicant's~~any power purchase agreement or other written agreement that applicant has with an electric utility ~~showing or any agreement or approval of an for~~ interconnection ~~with~~between the proposed Utility-Scale Solar Energy System and an electric utility or transmission company.
- ~~h.i.~~ A written plan conforming to the requirements of this ordinance for maintaining the subject property, including a plan for maintaining and inspecting drain tiles and addressing stormwater management.
- ~~i.j.~~ A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the Utility-Scale Solar Energy System, including evidence of proposed commitments with property owners to ensure proper final reclamation, repairs to roads, and other steps necessary to fully remove the Utility-Scale Solar Energy System and restore the subject parcels to as near as possible to the condition the subject parcels were in prior to being used as a Utility-Scale Solar Energy System.
- ~~j.k.~~ Financial security that meets the requirements of this ordinance.
- ~~k.l.~~ A plan for resolving complaints from the public or other property owners concerning the construction and operation of the Utility-Scale Solar Energy System.
- ~~l.m.~~ AIdentification of and a plan for managing any hazardous waste.
- ~~m.n.~~ A transportation plan for construction and operation phases, including any applicable agreements with the Livingston County Road Commission and Michigan Department of Transportation.
- ~~n.o.~~ An attestation that the applicant and owner of the subject property will indemnify and hold the Township harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the Utility-Scale Solar Energy System.

~~p.~~ A copy of the manufacturer's directions or instruction manual, including any safety manuals, for installing, maintaining, and using the Utility-Scale Solar Energy System.

~~q.~~ A ground cover vegetation establishment and management plan that complies with this ordinance.

~~r.~~ Proof of environmental compliance, including compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.; Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances; Part 301, Inland Lakes and Streams, (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); Part 365, Endangered Species Protection (MCL324.36501 et. seq.); and any other applicable laws and rules in force at the time the application is considered by the Township

~~s.~~ Any additional information or documentation requested by the Planning Commission, Township Board, or other Township representative.

2. *Site Plan Application Requirements.*

a. *Contents of Site Plan.* In addition to the requirements in Article 14, the applicant must provide a detailed site plan draft to a scale of 1" = 200 feet with the following:

1. Location of all proposed structures, panels, equipment, transformers, and substations.
2. Location of all dwellings on the lot and within 300 feet of the property lines of the participating property.
3. Depiction of all setbacks, property lines, fences, signs, greenbelts, screening, drain tiles, easements, flood plains, bodies of water, proposed access routes, and road rights of way.
4. Indication of how and where the system will be connected to the power grid.
5. Plan for any land clearing and grading required for the installation and operation of the system.
6. Plan for ground cover establishment and management.
7. Anticipated construction schedule.

8. Sound modeling study including sound isolines extending from the sound sources to the property lines.
9. Any additional studies requested by the Planning Commission, including but not limited to the following:
 - a. Visual Impact Assessment: A technical analysis by a third-party qualified professional of the visual impacts of the proposed project, including a description of the project, the existing visual landscape, and important scenic resources, plus visual simulations that show what the project will look like (including proposed landscaping and other screening measures), a description of potential project impacts, and mitigation measures that would help to reduce the visual impacts created by the project.
 - b. Environmental Analysis: An analysis by a third-party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to, wetlands and other fragile ecosystems, wildlife, endangered and threatened species. If required, the analysis will identify all appropriate measures to minimize, eliminate or mitigate adverse impacts identified and show those measures on the site plan, where applicable.
 - c. Stormwater Study: An analysis by a third-party qualified professional studying the proposed layout of the Utility-Scale Solar Energy System and how the spacing, row separation, and slope affects stormwater infiltration, including calculations for a 100-year rain event. Percolation tests or site-specific soil information must be provided to demonstrate infiltration on-site without the use of engineered solutions.
 - d. Glare Study: An analysis by a third-party qualified professional to determine if glare from the Utility-Scale Solar Energy System will be visible from nearby residents and roadways. If required, the analysis will consider the changing position of the sun throughout the day and year and its influences on the utility-scale solar energy system.
- b. *Optional Conceptual Layout Plan.* Applicants may submit an optional conceptual layout plan for review prior to submission of a formal site plan. The conceptual site plan may be reviewed by the Planning Commission to allow for discussion and feedback.

- c. *Approvals from Other Agencies.* Final site plan approval may be granted only after the applicant receives (1) all required federal and state approvals, and (2) approval by the local fire chief, county drain commissioner, county road commission, local airport zoning authority (if applicable), and county building department.

3. *Application Items as Substantive Requirements.* The information, plans, documents, and other items identified as application requirements in this ordinance, including the site plan and special land use permit, are substantive requirements for obtaining approval for a Utility-Scale Solar Energy System. The Planning Commission is to review the sufficiency of the application materials. If the Planning Commission determines that the substance of any application item is insufficient to protect the public health, safety, and welfare, the Planning Commission may deny approval on that basis.

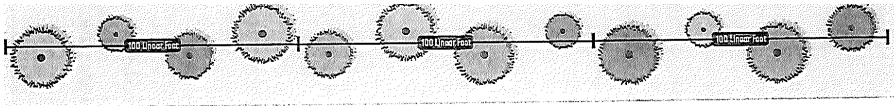
4. *System and Location Requirements.*

- a. Utility-Scale Solar Energy Systems are to be located only in the Solar Energy System Overlay District.
- b. Utility-Scale Solar Energy Systems must be ground mounted.
- c. Utility-Scale Solar Energy Systems (including all solar panels, structures, and equipment) must be set back 100 feet from the property line of any parcel with an occupied residential structure and 250 feet from all other lot lines and public road rights-of-way. If a single Utility-Scale Solar Energy System is located on more than one lot, or if the adjacent parcel is owned by the same owner as the property on which the Utility-Scale Solar Energy System is located, then the lot-line setbacks of this subsection do not apply to the lot lines shared by those lots.
- d. Utility-Scale Solar Energy Systems must be set back at least 50 feet from the edge of any wetland, shoreline, or drain easement. The Planning Commission may increase this setback requirement to 150 feet if the Planning Commission determines that such a setback is necessary to protect the public health, safety, and welfare.
- e. The height of the Utility-Scale Solar Energy System and any mounts, buildings, accessory structures, and related equipment must not exceed 16 feet when oriented at maximum tilt. The Planning Commission may allow a height of up to 20 feet if the applicant establishes that the lot is used for grazing by farm animals in a manner that requires increasing the height limit. Lightning rods may exceed 16 feet in height, but they must be limited to the height necessary to protect the Utility-Scale Solar Energy System from lightning.

5. *Permits.* All required county, state, and federal permits must be obtained before the Utility-Scale Solar Energy System begins operating.

6. *Screening.* Greenbelt screening is required around any Utility-Scale Solar Energy System and around any equipment associated with the system to obscure, to the greatest extent possible, the Solar Energy System from any adjacent residences. ~~The greenbelt must consist of shrubbery, trees, or other non-invasive plant species that provide a visual screen. The landscaping must including the following:~~ as described below:

- a. ~~At least four evergreen trees planted every 100 linear feet in a staggered pattern and evenly distributed, as depicted here:~~



- b. ~~Each evergreen tree must have a minimum mature height of 15 feet and must be at least seven feet tall when planted.~~

- e. ~~In lieu of a planting greenbelt, a decorative fence that is at least 50% opaque and that meets the requirements of this Ordinance applicable to fences may be used if approved by the Planning Commission.~~

- a. The screening shall be installed to obscure the Utility Scale Solar Facility and shall contain two rows of staggered evergreen trees planted not less than twelve (12) feet apart trunk to trunk, and the two rows shall be no greater than ten (10) ft apart. The Township may consider an alternative landscape buffer as a part of the special land use approval, provided the alternative provides adequate screening.

- b. Plantings shall be least eight (8) feet tall at time of planting and shall reach a height of ten (10) feet within three (3) growing seasons.

- c. The trees may be trimmed but must maintain a height of at least eighteen (18) feet.

- d. Evergreen trees shall be Norway Spruce in Row One closet to fence. Row Two shall be Thuja Green Giant Arborvitae.

- e. Good husbandry techniques shall be followed with respect to vegetation, including but not limited to, proper pruning, proper fertilizing, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and must be replanted in a manner consistent with this Section at the next appropriate planting time.

Commented [HM1]: Deer will eat these.

~~e.f.~~ Utility-Scale Solar Energy System also must comply with the landscaping standards in Section 6.16 of the Zoning Ordinance.

~~g.~~ Front, side, and rear yard screening is required if the Utility Scale Solar Energy System is adjacent to a non-participating property.

7. *Appearance.* The exterior surface of the Utility-Scale Solar Energy System must be generally neutral in color and substantially non-reflective of light.

8. *Lighting.* Lighting of the Utility-Scale Solar Energy System is limited to the minimum light necessary for safe operation. Illumination from any lighting must not extend beyond the perimeter of the ~~lot(s) used for the Utility Scale Solar Energy System-participating property.~~ The Utility-Scale Solar Energy System must not produce any glare that is visible to neighboring lots or to persons traveling on public or private roads. Flashing or intermittent lights are prohibited.

9. *Security Fencing.*

a. Security fencing must be installed around all electrical equipment related to the Utility-Scale Solar Energy System, including any transformers and transfer stations.

b. Appropriate warning signs must be posted at safe intervals at the entrance and around the perimeter of the Utility-Scale Solar Energy System.

~~9-c.~~ Fencing must be at least seven feet tall and be composed of chain link or woven wire. Barbed wire is prohibited. The Township may allow or require durable green opaque material to be integrated into the fence if necessary for buffering or screening. ~~Security fencing is not subject to setback requirements.~~

d. Gate posts and corner posts shall have a concrete foundation.

e. Gates shall be the same height and constructed of the same material as the fencing. Access, such as Knox box, shall be provided for emergency responders.

f. The Township may allow or require a fence design to allow for the passage of wildlife upon a finding that adequate access control and visual screening will be preserved.

~~g.~~ Security fencing is not subject to setback requirements. The security fence shall be locked. Lock boxes and keys (may be electronic such as keypad opened, as long as the passcode is provided to the Township and central dispatch for 911 service) shall be provided at locked entrances for emergency personnel access. Electric fencing is

not permitted. A safety plan shall be in place and updated regularly with the local fire department having jurisdiction over the Utility-Scale Solar Energy System.

10. *Noise.* The noise generated by a Utility-Scale Solar Energy System must not exceed the following limits:

- a. 40 dBA Lmax, as measured at the property line, between the hours of 7:00 a.m. and 9:00 p.m.
- b. 35 dBA Lmax, as measured at the property line, between the hours of 9:00 p.m. and 7:00 a.m.
- c. In addition to the above limitations, a sound barrier of a solid decorative masonry wall or evergreen tree berm, with trees spaced not less than 10 feet apart, must be constructed to reduce noise levels surrounding all inverters. The berm must be no more than 10 feet from all inverters, must be at least as tall as all inverters but not more than three feet taller than the height of all inverters.

d. The operator of the Utility Scale Solar Energy System shall provide for a sound analysis or modeling, conducted by an auditory expert chosen by the Township, every three years.

11. *Underground Transmission.* All power transmission or other lines, wires, or conduits from a Utility-Scale Solar Energy System to any building or other structure must be located underground at a depth that complies with current National Electrical Code standards, except for power switchyards or the area within a substation. ~~If batteries are used as part of the Ground Mounted Solar Energy System, they must be placed in a secured container or enclosure.~~

12. *Drain Tile Inspections.* The Utility-Scale Solar Energy System must be maintained in working condition at all times while in operation. The applicant or operator must inspect all drain tile at least once every three years by means of robotic camera, with the first inspection occurring before the Utility-Scale Solar Energy System is in operation. The applicant or operator must submit proof of the inspection to the Township. The owner or operator must repair any damage or failure of the drain tile within 60 days after discovery and submit proof of the repair to the Township. The Township is entitled, but not required, to have a representative present at each inspection or to conduct an independent inspection.

13. *Fire Suppression.* The Utility-Scale Solar Energy System must include a fire suppression system that is specifically designed to immediately suppress and extinguish fires in any part of the Solar Energy System, including the panels, electrical equipment, transformers, and transfer stations. The applicant or operator must provide documentation establishing the effectiveness of the fire suppression system and the results of a third-party independent inspection of the fire suppression system.

14. Battery Storage. Commercial grid storage batteries or capacitor banks storing or returning supplemental power to the grid are not permitted in the District. Use of Batteries in

commercial applications is only permitted as emergency backup for safety lighting and related computer infrastructures. Inverters and battery storage buildings must be set back at least _____ feet from the lot lines of non-participating lots and at least _____ feet from the lot lines of participating lots.

15. Stray Voltage Assessments: No stray voltage originating from an Utility Scale Solar Energy System may be detected on any participating or non-participating parcels. A preconstruction stray voltage test shall be conducted on all Michigan Department of Agriculture & Rural Development (MDARD) registered livestock facilities located within a one-mile radius of the participating properties. The tests shall be performed by an investigator approved by the Township. A report of the tests shall be provided to the owners of all property included in the study area. The applicant shall seek written permission from the property owners prior to conducting testing on such owners' property. Applicant shall not be required to perform testing on property where the owners have refused to grant permission to conduct the testing. The owner of any participating property included in the list of project parcels may not refuse the stray voltage testing if they have a MDARD registered livestock facility on the participating property.

~~14.~~16. Ground Cover. The lot on which the Utility-Scale Solar Energy System is located must be covered with vegetation until decommissioning. To meet this requirement, the lot must include one or more of the following:

- a. Pollinator Habitat: A site designed to have vegetation that will enhance pollinator populations, including a diversity of flowering plants and wildflowers, and meets a score of 76 or more on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites.
- b. Conservation Cover: A site designed with practices to restore native plants, grasses, and prairie with the aim of protecting specific species or providing specific ecosystem services, such as carbon sequestration or soil health. The site must be designed in partnership with a conservation organization or approved by the Livingston Conservation District.
- c. Forage/Grazing: Sites that incorporate rotational livestock grazing and forage production as part of a vegetative maintenance plan.
- d. Agrivoltaics: Sites that combine raising crops for food, fiber, or fuel, and generating electricity within the project area to maximize land use.
- e. Ground cover must be planted within four months of project completion, weather permitting.
- f. Invasive species and noxious weeds are not permitted and must be removed in a timely manner.

17. Drainage. Drainage on the site shall be maintained in a manner consistent with, or improved upon, existing natural drainage patterns. Any disturbance to drainage or water management practices must be managed within the property and on-site in order to not negatively impact surrounding properties as a result of the development. This shall be maintained for the duration of the operation and shall be able to be returned to pre-existing conditions following decommissioning. ~~Any existing drainage tiles that are identified on the property shall be shown on the as-built drawings submitted following construction. Prior to the start of construction, any existing drain tile must be inspected by robotic camera and the imagery submitted to the Township for baseline documentation on tile condition. Any damage shall be repaired, and a report submitted to the landowner and Township. While the facility is in operation, the owner or operator must reinspect the drain tiles every three years by robotic camera for any damage and must repair any damage within 60 days of discovery. The owner or operator must report the inspection, along with any damage and repair, to the Township within 90 days after each three-year deadline. The Township reserves the right to have the Building Inspector or other agent present at the time of repair. Solar panel support structures and/or foundations shall be constructed to preserve any drainage field tile or system.~~ ~~Any existing drainage tiles that are identified on the property shall be shown on the as-built drawings submitted following construction.~~

18. Access Routes. Access drives are subject to the approval of the Livingston County Planning Commission. Access drives must be adequately maintained for emergency vehicle use, including winter maintenance.

~~15.~~ 19. Signs. Signs are permitted but must comply with Article 17. The lot must include at least one sign identifying the owner and providing a 24-hour emergency contact telephone number.

20. Emergency Action Plan and Training. Before the Utility Solar Energy Facility is operational, the operator must provide the necessary training, equipment, or agreements specified in the application to Township or other emergency personnel.

~~16.~~ 21. Insurance. The applicant or operator will maintain property/casualty insurance and general commercial liability insurance in an amount of at least \$10 million per occurrence.

22. Decommissioning.

~~17.~~ a. If a Utility-Scale Solar Energy System is abandoned or otherwise nonoperational for a period of one year, the property owner or the operator must notify the Township and must remove the system within six months after the date of abandonment. Removal requires receipt of a demolition permit from the Building Official and full restoration of the site to the satisfaction of the Zoning Administrator. The site must be filled and covered with top soil and restored to a state compatible with the surrounding vegetation. The requirements of this subsection also apply to a Utility-Scale Solar Energy System that is never fully completed or operational if construction has been halted for a period of one year.

- b. ~~Financial Security.~~ To ensure proper ~~The~~ decommissioning of a Utility Scale Solar Energy System upon abandonment, the applicant must post financial plan shall be written to provide security in the form of a security bond, escrow payment, or irrevocable letter of credit in an amount equal to to the Township for 125% of the total estimated cost of decommissioning, code enforcement, to remove and reclamation, which cost estimate must be approved dispose of all panels, wiring, and restoration of the land to its original conditions. The value of decommissioning shall be determined by a third-party financial consultant or engineer selected by the Township. The operator and paid for by the Township will review developer. The decommissioning security shall be paid in cash to the amount Township. Once value of decommissioning is determined, it shall be updated on a periodic basis of the financial security not less than every two 2 years to ensure that the amount remains adequate. This and additional security may be required on the basis of the average inflation rate of the preceding 2 years.
- c. All abandonment and decommissioning work must be done when soil is dry or frozen to prevent compaction.
- d. An annual report shall be provided to the Zoning Administrator showing continuity of operation and shall notify the Zoning Administrator if use is to cease, prior to decommissioning, or abandonment.
- e. Continuing Obligations: Failure to keep any required financial security must be in full force and effect at all times while a Utility Solar Energy Facility exists or is in place shall constitute a material and significant violation of the Special Land Use, Special Use Permit, and this Ordinance, and will subject the Utility Solar Energy Facility Applicant, owner, and operator, jointly and severally, to all remedies available to the Township, including any enforcement action, civil action, request for injunctive relief, and revocation of the Special Land Use Permit.

23. Complaint Resolution. Utility Solar Energy Facilities shall provide a complaint resolution process, as described below:

- a. The site shall have signs posted with contact information to collect complaints related to the Utility Solar Energy Facility.
- b. A log shall be kept by the owner or operator of all complaints received and shall be available to Township officials for review, per Township request.
- ~~18.~~c. The operator or its agent shall respond to complainants

~~within 15ten (10) business days after approval of the special land use application. and shall provide notification to the Zoning Administrator.~~

- d. Any resolution shall include lawful and reasonable solutions consistent with the Zoning Ordinance, which shall also be provided to the Zoning Administrator.
- e. The operator or its assigns reserve the right to adjudicate any claims, including residential claims, in a court of competent jurisdiction. An annual report shall be submitted to the Zoning Administrator and the Township Board that details all complaints received, the status of complaint resolution, and actions taken to mitigate complaints.

~~19-24.~~ *Extraordinary Events.* If the Utility-Scale Solar Energy System experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the applicant or operator must notify the Township within 24 hours.

~~20-25.~~ *Annual Report.* The applicant or operator must submit a report on or before January 1 of each year that includes all of the following:

- a. Amount of electric generation;
- b. Current proof of insurance;
- c. Verification of financial security; and
- d. A summary of all complaints, complaint resolutions, and extraordinary events.

Additionally, a representative of the applicant or operator must appear before the Planning Commission at least once every three years to report on the Utility-Scale Solar Energy System and address questions or concerns from the Planning Commission.

~~21-26.~~ *Inspections.* The Township may inspect a Utility-Scale Solar Energy System at any time by providing 24 hours advance notice to the applicant or operator.

~~22-27.~~ *Transferability.* A special use permit for a Utility-Scale Solar Energy System is transferable to a new owner. The new owner must register its name and business address with the Township and must comply with this Ordinance and all approvals and conditions issued by the Township.

~~23-28.~~ *Major and Minor Site Plan Amendments.*

- a. Major site plan amendments include those listed in Section 14.08(C) and any of the following:
 - 1. Changes of the location of arrays, fencing, buildings, or ancillary equipment by 10 feet or more.

2. Any increase in the height of solar panels.
- b. Minor site plan amendments include those listed in section 14.08(D) and any of the following:
1. Changes of the location of arrays, fencing, buildings, or ancillary equipment by less than 10 feet.

~~24.29.~~ *Remedies.* If an applicant or operator fails to comply with this Ordinance, the Township, in addition to any other remedy under this Ordinance, may revoke the special land use permit and site plan approval after giving the applicant or operator notice and an opportunity to be heard. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney fees and costs.

Section 5. Validity and Severability.

If any portion of this Ordinance is found invalid for any reason, such holding will not affect the validity of the remaining portions of this Ordinance.

Section 6. Repealer.

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 7. Effective Date.

This Ordinance takes effect seven days after publication as provided by law.

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