Conway Township

Special Meeting

Joint Meeting of the Planning Commission and Township Board

April 28, 2023

7:00 pm

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

1. Call to order/Pledge
2. Roll Call
3. Call to the Public
4. Proposed Solar Ordinance Discussion with the residents
5. Adjournment

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 authorized under 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 utility-scale solar energy 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 any utility-scale solar energy systems. By creating the District, the Township seeks to and intends 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. Utility-scale 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.

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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:

Overlay District		Article
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 Social 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. ~~A~~Identification 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.

~~o.~~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.

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

~~q.~~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

~~r.~~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 threated 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.

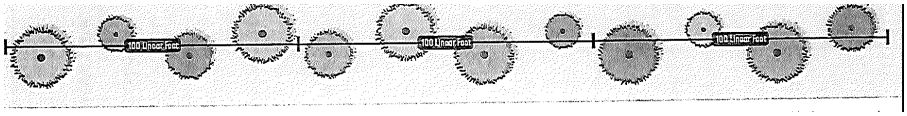
d. Utility-Scale Solar Energy Systems must be set back at least 50 feet from the edge of any wetland, shoreline, or drain easement. The Planning Commission may increase this setback requirement to 150 feet if the Planning Commission determines that such a setback is necessary to protect the public health, 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.~~

~~c. 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.

Commented [HM1]: Deer will eat these.

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.

~~d.~~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 sings 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 ~~15~~ten (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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5. Utility-scale 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, safety, and welfare 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:

Overlay District		Article
OS	Open Space Community	12
SE	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 revoke 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 in or on a form approved by the Township Board. The Township may require that the application be submitted in an electronic format.

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 proposed solar energy equipment 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.* The applicant must submit a special land use permit application that complies with Article 13. The Township may require that the application be submitted in an electronic format. 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 nonrefundable deposit for an escrow account in an amount set by resolution or fee schedule approved by the Township Board. The escrow account is used to cover all costs and expenses associated with the special land use review and approval process, which costs can include, but are not limited to, fees of the Township Attorney, Township Planner, and Township Engineer, as well as any reports or studies which the Township anticipates will be required during the review process for the particular application. At any point during the zoning review process, the Township may require that the applicant place additional monies into escrow with the Township should the existing escrow amount filed by the applicant be insufficient in the determination of the Township. If additional funds are required by the Township to be placed in escrow and the applicant refuses to do so within 14 days after receiving notice, the Township will cease the zoning review and approval process until and unless the applicant makes the required escrow deposit. Any escrow amounts in excess of

actual costs will be returned to the applicant. An itemized billing of all expenses will be provided to the applicant upon request.

c. A list of all parcel numbers that will be used by the Utility-Scale Social Energy System; documentation establishing ownership of each parcel; and any lease agreements, easements, or purchase agreements for the subject parcels.

d. 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.

e. 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.

f. 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.

g. Current photographs of the subject property.

h. A copy of the applicant's power purchase agreement or other written agreement with an electric utility showing approval of an interconnection with the proposed Utility-Scale Solar Energy System.

i. A written plan for maintaining the subject property, including a plan for maintaining and inspecting drain tiles and addressing stormwater management.

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.

k. Financial security that meets the requirements of this ordinance.

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.

m. A plan for managing any hazardous waste.

n. A transportation plan for construction and operation phases, including any applicable agreements with the Livingston County Road Commission and Michigan Department of Transportation.

o. An attestation that the applicant and owner of any property upon which the Utility-Scale Solar Energy System is located 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 Solar Energy System.

p. A copy of the manufacturer's directions or instruction manual 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*. The Township may require that the site plan application and all related materials be submitted in an electronic format. 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.

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 threated 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 at least 250 feet from the property line of any parcel with an occupied residential structure and at least100 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 environment, the ecological significance of

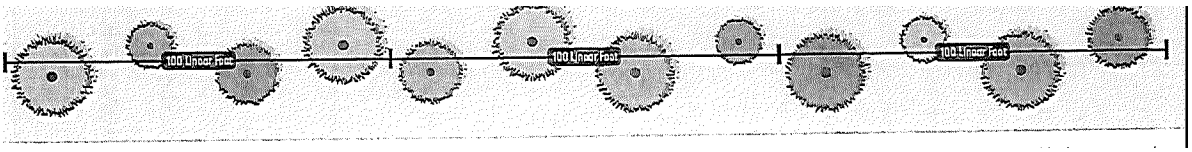
the wetland, shoreline or drain easement, or the public health, safety, and welfare.

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 parcel if the adjacent parcel is owned by a different owner as the property on which the Utility-Scale Solar Energy System is located. The greenbelt must consist of shrubbery, trees, or other non-invasive plant species that provide a visual screen. The landscaping must including the following:

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.

c. 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.

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

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. 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.* Security fencing must be installed around all electrical equipment related to the Utility-Scale Solar Energy System, including any transformers and transfer stations. Appropriate warning sings must be posted at safe intervals at the entrance and around the perimeter of the Utility-Scale Solar Energy System. Fencing must be at least seven feet tall and be composed of chain link or woven wire. Barbed wire is prohibited. Security fencing is not subject to setback requirements.

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.

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. *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.

15. *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.

16. *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.

17. *Decommissioning.* 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.

18. *Financial Security*. To ensure proper decommissioning of a Utility-Scale Solar Energy System upon abandonment, the applicant must post financial security in the form of a security bond, escrow payment, or irrevocable letter of credit in an amount equal to 125% of the total estimated cost of decommissioning, code enforcement, and reclamation, which cost estimate must be approved by the Township. The operator and the Township will review the amount of the financial security every two years to ensure that the amount remains adequate, and the Township may demand additional amounts to keep pace with cost increases for decommissioning. This

financial security must be posted within 15 business days after approval of the special land use application.

19. *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. *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. *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. *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. *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. *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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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:

Overlay District		Article
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 4 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.** **"Residential" for clarity. List separate set backs?**

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. 7

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.

j. 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.

k. 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 nonrefundable deposit for an escrow account in an amount set by resolution or fee schedule approved by the Township Board. The escrow account is used to cover all costs and expenses associated with the special land use review and approval process, which costs can include, but are not limited to, fees of the Township Attorney, Township Planner, and Township Engineer, as well as any reports or studies which the Township anticipates will be required during the review process for the particular application. At any point during the zoning review process, the Township may require that the applicant place additional monies into escrow with the Township should the existing escrow amount filed by the applicant be insufficient in the determination of the Township. If additional funds are required by the Township to be placed in escrow and the applicant refuses to do so within 14 days after receiving notice, the Township will cease the zoning review and approval process until and unless the applicant makes the required escrow deposit. Any escrow amounts in excess of actual cost will be returned to the applicant. An itemized billing of all expenses will be provided to the applicant upon request.

****This was removed from the first draft…was that in error?****

c. A list of all parcel numbers that will be used by the Utility-Scale Social Energy System; documentation establishing ownership of each parcel; and any lease agreements, easements, or purchase agreements for the subject parcels.

d. 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.

e. 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.

f. 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.

g. 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.

h. **A complete set of photos and video of the entire development area prior to construction. - Marion Twp. Approved Ordinance**

i. A copy of any power purchase agreement or other written agreement that applicant has with an electric utility or any agreement or approval for interconnection between the proposed Utility-Scale Solar Energy System and an electric utility or transmission company.

j. 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.

k. 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.

l. Financial security that meets the requirements of this ordinance.

m. A plan for resolving complaints from the public or other property owners concerning the construction and operation of the Utility-Scale Solar Energy System.

n. Identification of and a plan for managing any hazardous waste.

o. A transportation plan for construction and operation phases, including any applicable agreements with the Livingston County Road Commission and Michigan Department of Transportation.

p. 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. 9

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

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

s. 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

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

u. Insurance. Proof of the applicant's public liability insurance shall be provided at the time of application. If the applicant is approved, proof of insurance shall be provided to the Township annually thereafter. The policy must provide for bodily injury and property damage and must

name Conway Township as an additional insured. (Also add all property owners as additional insured). The applicant shall insure for liability for the utility scale solar system until removed for at least $25,000,000 per occurrence to protect the applicant, Township, and property owner. Proof of a current policy is required annually and must be provided each year to the Township prior to the anniversary date of the SLUP. - From Charter Twp. of Almer ORD No. 2022-02

v. Compliance with the County Building Code and the National Electric Safety Code: Construction of a Utility Solar Energy Facility shall comply with the National Electric Safety Code and the County Building Code (as shown by approval by the County) as a condition of any Special Land Use Permit under this section. In the event of a conflict between the County Building Code and National Electric Safety Code (NESC), the NESC shall prevail. - From Marion Twp. Approved Ordinance.

w. Conceptual plan. A graphical demonstrated (preferably computer-generated) of the utility scale utility solar system as completed. - From White Oak Twp. solar ordinance effective August 22, 2022 with added label of "Conceptual plan."

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. **Also, to include tree removal study/impact analysis if tree removal is determined to be necessary by the Planning Commission.**

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. ****Add Livingston Co. Environmental Health Department. ****

10. An initial site plan showing existing topographical grades and conditions of the location of the planned Utility-Scale Solar Energy System or parcels at the time of application. - From Charter Twp. of Almer ORD No. 2022-02

11. Methods for ongoing "mitigation" for dust and sediment erosion control. - From Charter Twp. of Almer ORD No. 2022-02

12. Waste. Identify and quantify solid waste or hazardous waste generated by the project. This includes plans for the spill prevention, clean-up, and disposal of fuels, oils, and hazardous wastes. From Charter Twp. of Almer ORD No. 2022-02

13. Water Usage and Storm Water Discharge Permit: The applicant shall detail the methodology planned for cleaning the solar panels, frequency, and listing of any and all detergents, surfactants, chemical solutions used for each cleaning, and sources of water used to facilitate panel restoration and maintenance. Proof of a stormwater discharge permit from

EGLE (State of Michigan) shall be provided prior to any construction including site preparation. From Charter Twp. of Almer ORD No. 2022-02

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 **1000** feet from the property line of any parcel with an occupied residential structure and **100** 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. **Set back restored per motion approved by the Conway Board - December 20, 2022.**

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.

f. PV Array Components: PV array components shall be approved by the Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electronic Testing Laboratories (EII), or other similar certification organization if the similar certification organization is acceptable to the Township. From Marion Township Approved Ordinance.

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.

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. Planting Shall be at least eight (8) feet tall at time of planting, **measured from the top of the root ball to the base of the leader (not including the height of the leader)** and shall reach a height of ten (10) feet within three (3) growing seasons. **-From Marion Township Approved Ordinance.**

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 closest to the fence. Row Two shall be Thuja Green Giant Arborvitae.

e. Good **arboricultural 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. **Dead or diseased vegetation to be completely replaced at 50% as determined by enforcement.**

f. Utility-Scale Solar Energy Systems 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 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. - suggest striking completely. Substation would be regulated by separate ordinance on industrial zoned land.**

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

c. Fencing must be at least seven feet tall and be composed of chain link **(strike chain link)** or woven agricultural 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.

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 and **a self-locking device must be used.** 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. **- Addition of a self-locking device from White Oak Township Ordinance.**

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. All sound measurements are to be instantaneous and shall not be averaged. -From Charter Twp. of Almer ORD No. 2022-02

d. 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.

e. 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, at the expense of the applicant every three years. **Annually, a sound analysis is to be performed by the Zoning Administrator, if a measurement exceeds stated auditory max allowed levels, a sound analysis shall be required to be paid for by the operator to ensure compliance with these noise requirements.**

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.

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 tiles at least once every three years by means of a 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. **Revised: The Township requires a 3rd party engineer to be present at each inspection at the expense of the developer. After construction, additional inspection of drain tiles will be performed to determine tiles broken during construction and repairs will occur within 60 days.**

Certification of installation and as built drawings to be provided to the Zoning Administrator by the end of 60-day period.

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 **(strike battery storage buildings)** must be set back at least **1000** feet from the lot lines of non-participating lots and at least **200** feet from the lot lines of participating lots. - **setbacks are specified from White Oak Township Ordinance and Charter Twp. of Almer ORD No 2022-02.**

15. Stray Voltage Assessments: No stray voltage originating from a 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. Applicants 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.

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.

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.

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.

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. Replaced above referenced in section t. above. - Exclude insurance added -MOVED TO "u" above to adequately address insurance amount.

22. Public safety; Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways, and to the community in general that may be created. - From Charter Twp. of Almer ORD No. 2022-02-

The Utility-Scale Solar Energy System owner, operator, and property owner shall be responsible, jointly and severally, for making repairs to any public roads, drains, and infrastructure damaged by the construction of, use of, or damage to, a Utility-Scale Solar Energy System. Any solar panel damaged beyond repair or use must be removed from the project site within seven days and must be disposed of off-site in accordance with any state or federal requirements. -From Marion Township Approved Ordinance.

23. Decommissioning **and Abandonment**.

a. If a Utility-Scale Solar Energy System is abandoned or otherwise non operational 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 topsoil 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. The decommissioning plan shall be written to provide security to the Township for 125% of the cost to remove and 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 and paid for by the developer. The decommissioning security shall be paid in cash to the Township. Once the value of decommissioning is determined, it shall be updated on a periodic basis of not less than every 2 years 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. Solar energy systems that are not operated for a continuous period of twelve (12) months shall be considered abandoned and shall be subject to removal proceedings. - From Marion Township Approved Ordinance.

e. Solar energy systems that are damaged shall be replaced or removed within seven (7) days. - From Marion Township Approved Ordinance.

f. The ground must be restored to its original topography within three hundred sixty-five (365) days of abandonment or decommissioning. An extension may be granted if a good faith effort has been demonstrated and any delay is not the result of actions or inaction of the operator. An alternative topography can be approved by the Township as part of the original site plan review or later as part of decommissioning. - From Marion Township Approved Ordinance.

g. If land balancing is required, all topsoil will be saved and spread evenly over balanced area. - From Marion Township Approved Ordinance.

h. 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.

i. Continuing Obligations: Failure to keep any required financial security 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.

j. The Township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Township's right to seek reimbursement from applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow

and to file a lien against any real property owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien. Financial provisions shall not exceed reasonable anticipated decommissioning costs. - From Charter Twp. of Almer ORD No. 2022-02

24. 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.

c. The operator or its agent shall respond to complainants within ten (10) business days 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.

Suggested expansion or alternative is to model the Almer Twp. Complaint process for ensured compliance of addressing complaints:

Complaint Tracking, Publishing, and Resolution: The solar facility applicant shall hire a Township-approved Complaint vendor to submit a detailed, written complaint, web-based resolution process developed by the applicant to resolve complaints from the Township board, property owners, or residents concerning the construction or operation of the Utility-Scale Solar Energy System. The complaint resolution process must be approved by the Planning Commission as a condition of approval of the special land use permit application.

(a) The Complaint Vendor shall report to the Township Board

(b) The applicant shall maintain $30,000/year fund provided to the Township Clerk to support the Complaint vendor to manage a public website that includes time-stamped logging of all complaints. Methods of contact shall include voice, text and email.

(c) The Township shall have management control of complaint website and oversight of the hosting company. The applicant shall not be permitted to edit, change or control the site.

(d) The applicant shall log into site and update status of each complaint's resolution with complete logging.

(e) A complaint investigation escrow account shall be set up for investigation of complaints, but not limited to, stray voltage, noise, signal interference, or adverse reflected glare. The solar facility owner shall maintain the amount of $25,000 in this account to be used at the discretion of the Township Board. This fund must be replenished by the applicant or solar facility owner at any point the balance falls below $10,000.

(f) Inclusion of a flow chart showing complaint response protocol including (1) a time limit for acting on and resolving complaints (2) how complaints are recorded and dealt with, and (3) a provision specifying that resolution in some instances shall include rendering the unit inoperable. *From Charter Twp. of Almer ORD No. 2022-02*

25. Maintenance and Repair

A) Each utility-scale solar Energy System must be kept and maintained in good repair and condition at all times. If the Township Board or Zoning Administrator determines that a photovoltaic solar farm facility fails to meet the requirements of this ordinance and the Special Land Use Permit, the zoning Administrator or Planning Commission or Supervisor, shall provide notice to the applicant of the non-compliance and Applicant has 30 days to resolve. If the non- compliance is a safety hazard as determined by the Zoning Administrator or Township Board, Applicant has 7 days to resolve. If Applicant has not remedied non-compliance issues in the aforementioned time periods, the Applicant shall immediately shut down the Commercial or large-scale solar Energy System and not operate, start or restart the Commercial or large-scale solar Energy System until the issues have been resolved. Applicant shall keep a maintenance log on the solar array(s), which shall be available for the Township's review within 48 hours of such request. Applicant shall keep all sites within the large Commercial or large-scale solar Energy System facility neat, clean, and free of refuse, waste, or unsightly, hazardous, or unsanitary conditions. - From Charter Twp. of Almer ORD No. 2022-02

B) General Maintenance Bond. At the time of the Special Use application, the Applicant shall submit two third-party contractor bids for construction of all fencing, landscaping, and drainage improvements associated with the utility scale solar energy system, and the bond shall be the higher of the two bids. The Township may use the bond to repair any landscaping, fencing, drainage infrastructure (including drain tiles), and/or to correct an operational violation. The Township Board shall not utilize the General Maintenance Bond unless the Complaint Resolution process described in Complaint Resolution section has been completed and the Township Board determines that the utility scale solar energy system owner is unlikely to make required repairs, upgrades, or operational changes. - From White Oak Township Solar Ordinance Effective August 22, 2022.

C) In addition, in order to assure the funds will be available to perform all road repairs required under this ordinance, the Applicant will be required to post financial security acceptable to the Township, in the form of: a) a surety bond from a surety listed as acceptable on the Federal Surety Bond circular 570 of the U.S. Department of Treasury; or b) an acceptable letter of credit; or c) an escrow account established in a financial institution licensed in the State of Michigan. The amount of the security shall be a minimum of one million two hundred fifty thousand dollars ($1,250,000), but this amount may be increased if the third-party consultant determines the amount needed for road repairs is greater than this amount. The bond (or other security) shall only be released (in whole or part) when the Township Board, in consultation with LCRC and the third-party inspector, determines that all required road work has been completed and approved by LCRC and/or MDOT. - From Marion Township Approved Ordinance.

26. 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.

27. 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.

28. 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. **Access agreement is to be signed between applicant and Township at time of application.**

29. 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.

In the event of a sale or transfer of ownership and/or operation of the solar facility, the original security bond or escrow shall be maintained throughout the entirety of the process and shall not be altered. - From Charter Twp. of Almer ORD No. 2022-02

30. 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.

31. 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.