

**MARION TOWNSHIP PLANNING COMMISSION
AGENDA**

REGULAR MEETING
August 23, 2022
7:30 PM

Virtual access instructions to participate in the meeting are posted on www.mariontownship.com

Call to Order:

Pledge of Allegiance:

Introduction of Members:

Approval of Agenda for: August 23, 2022 Regular Meeting

Approval of Minutes from: July 26, 2022 Regular Meeting

Call to the Public:

Public Hearing:

New Business:

Unfinished Business:

- 1) Master Plan-Final Updates, Path to Finalize
- 2) Review proposed draft for Solar Farm Ordinances
- 3) Review proposed draft for Kennels

Special Orders:

Announcements:

Call to the Public:

Adjournment

DRAFT

*Approved by: _____
Larry Grunn, Chairperson

Date: _____

**PLANNING COMMISSION
REGULAR MEETING
JULY 26, 2022 - 7:30PM**

MEMBERS PRESENT: LARRY GRUNN - CHAIRPERSON
JIM ANDERSON - VICE CHAIRPERSON
CHERYL RANGE - SECRETARY
BOB HANVEY
BRUCE POWELSON

MEMBERS ABSENT: NONE

OTHERS PRESENT: DAVID HAMANN - MARION TWP. ZONING ADMINISTRATOR
ZACK MICHELS - PLANNER W/ CARLISLE WORTMAN
ALISSA STARLING - PLANNER W/ CARLISLE WORTMAN

CALL TO ORDER:

Larry Grunn called the meeting to order at 7:30 pm.

APPROVAL OF AGENDA:

Jim Anderson made a motion to approve the agenda for the July 26, 2022 Planning Commission meeting as presented. Cheryl Range seconded. **MOTION CARRIED**

APPROVAL OF MINUTES:

Jim Anderson made a motion to approve the minutes from the June 28, 2022 Planning Commission meeting. Cheryl Range seconded. **MOTION CARRIED**

CALL TO THE PUBLIC:

None

UNFINISHED BUSINESS

REVIEW PROPOSED DRAFT FOR SOLAR FARM ORDINANCES:

Zack reviewed the proposed Solar Energy Ordinance with the Commissioners.
Chery Range thought that we previously discussed allowing this in lite industrial zoned areas.
Jim Anderson thought that we discussed allowing this in SR and RR.
Les Andersen was in the audience and stated that he would rather see Solar Farms verses any more subdivisions.
Zach Michels asked the Commissioners if this is something they want or don't want to allow in the Township. If they do not want to allow Solar Farms, then allowing them only in Lite Industrial would be one way to limit the number of Solar Farms. If Commissioners do want to allow these, then another way to regulate this would be to require applicants to obtain a Special Use Permit. Commissioners could also create an overlay district in the Township that allows Solar Farms. The overlay would exist

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Regular Meeting 07/26/2022
BY: Jessica Timberlake

DRAFT

only for this to be a special land use. We would not have to create special setbacks or anything like that. The Township could require a specific lot size also.

Alissa Starling suggested allowing Solar Farms within so many feet of the transmission line. The transmission line in Marion Township, is located near Dutcher and Pingree Road.

Zach stated that this ordinance does not have to be "perfect" right out of the gate. We can start off more conservative with the ordinance and then see how it goes. We would always have the option to amend things in the future.

Jim Anderson asked the Commissioners if we should require a 20 acre lot or a 50 acre lot?

Alissa stated that 20 acres could be the minimum lot size.

Zach reviewed the suggested changes, such as:

- Change/polishing some of the definitions.
- If decommissioned, all or most of the equipment/materials must be recycled for both private and industrial Solar Farms.
- Any damaged drain tiles must be repaired.
- Minimum 20-acre lot size.
- RR, SR and one-mile radius of the transmission line OR create an overlay district.

Jim Anderson asked Zach if he could make these changes in time, to present to the Board of Trustees at one of the September Board meetings. Zach stated that he would be able to have it ready to present in September.

MASTER PLAN - FINAL UPDATES, PATH TO FINALIZE:

Jim Anderson discussed some of the changes from the June 28th Planning Commission meeting, regarding the Master Plan.

The background color needs to be changed on page 70.

The maps need to be larger so residents can see them clearly and be able to zoom in and out.

Update the population numbers as best as possible for now.

Alissa stated that she will update these items and then send an updated PDF to everyone using the "drop box" feature.

Zach thinks that we are really close to adopting a final draft.

REVIEW PROPOSED DRAFT FOR KENNELS:

Bob Hanvey made a motion to extend the Planning Commission meeting past 9:30pm. Cheryl Range seconded. **MOTION CARRIED**

Jim Anderson stated that he added some verbiage from the Livingston County Animal Control ordinance. Jim stated that he thinks we should require a 2-acre parcel for all Kennels. He also added that, all of the animals have to be vaccinated, which is what the County requires.

FEEDBACK REGARDING JOHN ENOS AND JOHN GORMLEY MEETING:

John Enos has been trying to get in touch with John Gormley about scheduling a meeting.

Jim Anderson asked Zach if he would be willing to reach out to John Gormley and have a discussion with him directly.

Zach said that sometimes your consultants are not always going to agree on things. When this happens, sometimes Commissioners just have to make a decision and choose which advise they want to follow. We may not get everyone to agree on the same thing. Zach is going to try and reach out to John Gormley's partner and see what he is able to figure out with him.

SPECIAL ORDERS:

Bob Hanvey said that there is a meeting scheduled with the Livingston County Sherriff that is assigned to help Marion Township with enforcement related issues. This Sherriff will start working with Dave Hamann on August 1, 2022.

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**ANNOUNCEMENTS
SURVEY UPDATE:**

Bob Hanvey reviewed some of the survey responses regarding open land preservation.

CALL TO PUBLIC:

Deb Lazowski lives near the transmission line, so Les Andersen invited her to the Planning Commission meeting.

ADJOURNMENT:

Jim Anderson motioned to adjourn the meeting at 10:00pm. Cheryl Range seconded. **MOTION CARRIED.**

MINUTES TAKEN BY: Jessica S. Timberlake

DRAFT

MARION TOWNSHIP SOLAR ENERGY ~~FACILITIES~~-ZONING ORDINANCE AMENDMENTS

An amendment the Marion Township Zoning Ordinance to add definitions related to solar energy, establish a solar farm energy overlay district, establish standards for utility scale solar energy facilities, and establish standards for private solar energy systems.

1. AMENDMENT OF ARTICLE III: DEFINITIONS

Section 3.02 Definitions of the Zoning Ordinance is hereby amended to add the following solar energy definitions which shall read, in its entirety, as follows:

~~A. Definitions. As used in this subsection, the following terms shall have the following definitions:~~

Solar Energy: The following definitions shall apply in the application of this Ordinance.

1. **Abandonment:** Any solar energy system or facility that is ~~left in a state where it is~~ no longer producing power.
2. **Building Integrated Photovoltaics (BIPVs):** A private or ~~industrial~~Utility Scale solar energy system that is integrated into the structure of a building, such as solar roof tiles and solar shingles.
3. **Decommission:** To remove or retire a solar energy system or facility from active service.
4. ~~Ground~~Ground-Mounted ~~Private~~ Solar Energy System: A private or ~~industrial~~Utility Scale solar energy system that is not attached to or mounted on any roof or exterior wall of any principal or accessory building.
5. **Height:** The height of ~~the Industrial~~Utility Solar Energy Facility~~a solar energy system,~~ measured vertically from the adjacent grade to its highest point at maximum tilt.
6. ~~Industrial~~Utility Scale Solar Energy Facility: ~~A Solar Energy System where the principal design, purpose or use of such system is to provide energy to off site uses or the wholesale or retail sale of generated electricity to any person or entity.~~
7. ~~Industrial~~Utility Scale Solar Energy Facility Permit: ~~A permit issued upon compliance with standards of this Ordinance.~~
8. **Inhabited Structure:** Any existing structure usable for living or non-agricultural commercial purposes, ~~which includes including,~~ but ~~is~~ not limited to: working, sleeping, eating, cooking, recreation, office, office storage, or any combination thereof. An area used only for storage incidental to a residential use, including agricultural barns, is not included in this definition. If it is not clear by this definition, the Zoning Administrator shall make a determination of any structure regarding whether or not it is inhabited.

- ~~9. **IEC:** International Electrotechnical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.~~
- ~~10. **ISO:** International Organization for Standardization. ISO is an international standard-setting body composed of representatives from various national standards organizations.~~
- ~~11.7. **Non-Participating Parcel Property:** A property that is not subject to an **Industrial Utility Scale** Solar Energy Facility lease or easement agreement at the time an application is submitted for a Special Land Use for the purposes of constructing an **Industrial Utility Scale** Solar Energy Facility.~~
- ~~12.8. **Participating Parcel Property:** A property that participates in a lease or easement agreement, or other contractual agreement, with an entity submitting a Special Land Use Permit application for the purpose of developing an **Industrial Utility Scale** Solar Energy Facility.~~
- ~~13. **Peak:** The pointed top of anything.~~
- ~~14. **Planning Commission:** Marion Township Planning Commission~~
- ~~15.9. **Private Solar Energy System:** A solar energy system used exclusively for private purposes and not ~~utilized~~ used for ~~any~~ commercial resale of ~~any~~ energy, except for the sale of surplus electrical energy back to the electrical grid.~~
- ~~16.10. **Roof or Building-Mounted Solar Energy System:** A private or **Industrial Utility** solar energy system that is attached to or mounted on any roof or exterior wall of any principal or accessory building but excluding BIVPs.~~
11. **Solar Energy System:** A device designed to collect and transform solar energy into electricity.
- ~~17.12. **Solar Farm:** See **Industrial Utility** Solar Energy Facilities.
Township: Marion Township, Livingston County, Michigan
Township Board: Marion Township Board~~
13. **Utility Scale Solar Energy Facility:** A Solar Energy System where the principal design, purpose, or use of such system is to provide energy to off-site uses or the wholesale or retail sale of generated electricity to any person or entity.

2. AMENDMENT OF ARTICLE VII: ZONING DISTRICTS AND MAPS

[If there is an interest in creating a solar farm overlay district.]

Section 7.01 Establishment of Districts of the Zoning Ordinance is hereby amended to add SFO Solar Farm Overlay District, which shall read, in its entirety, as follows:

Section 7.01 Establishment of Districts

For the purpose of this Ordinance, the Township is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names.

- RR: Rural Residential District
- SR: Suburban Residential District
- UR: Urban Residential District
- ERS-1: Existing Residential Subdivision District
- ERS-2: Existing Residential Subdivision District
- MHP: Mobile Home Park
- HS: Highway Service District
- LI: Light Industrial District
- PL: Public Lands District

Other Areas

- PUD: Planned Unit Development Overlay District
- [SFO: Solar Farm Overlay District](#)
- WPA: Wellhead Protection Area

3. ADDITION OF ARTICLE XII: "SOLAR FARM OVERLAY DISTRICT"

A new Article XII entitled "SOLAR FARM OVERLAY DISTRICT" is hereby added to the Zoning Ordinance which shall read, in its entirety, as follows:

ARTICLE XII: SOLAR FARM OVERLAY DISTRICT

Section 12.01 SFO: Solar Farm Overlay District

A. Intent: It is the intent of the Solar Farm Overlay District (SFO) to provide for the location and siting of Utility Solar Energy Facilities to promote economic development while protecting the public health, safety, and welfare; mitigating adverse impacts to agricultural lands, natural and environmentally-sensitive areas, and developed residential areas; and preserving scenic views and cultural resources. The Solar Farm Overlay District is intended to include areas with large tracts of land in proximity to electrical transmission lines to limit potential impact on other areas and uses within the Township.

B. Permitted Accessory Uses:

1. Accessory uses or structures clearly incidental to the operation of an approved Utility Solar Energy Facility.

C. Uses Permitted By Special Use Permit: (See specific Provisions in Article XVII)

1. Utility Solar Energy Facilities.

D. Site Development Requirements: [Could be included here or in specific use standards.]

1. Minimum Site Area.
2. Minimum Frontage.
3. Yard and Setback Requirements.
4. Maximum Lot Coverage.
5. Maximum Height.
6. OTHER PROVISIONS.

24. AMENDMENT OF ARTICLE XVII: “STANDARDS FOR SPECIFIC SPECIAL USES ~~SPECIFIC DESIGN STANDARDS~~”

Article XVII STANDARDS FOR SPECIFIC SPECIAL LAND USES of the Township's Zoning Ordinance ~~entitled “STANDARDS FOR SPECIFIC SPECIAL LAND USES”~~ is hereby amended to add ~~a sub~~Section 17.34 ~~entitled “Utility~~ Solar Energy Facilities” which shall read, in its entirety, as follows:

17.34 ~~INDUSTRIAL~~UTILITY SOLAR ENERGY FACILITIES

- A. Intent and Purpose:** The purpose and intent of this Section is to establish standards for the siting, installation, operation, repair, decommissioning, and removal of Utility Solar Energy Facilities; establish the process for the reviewing and permitting of such facilities; protect the health, welfare, safety, and quality of life of the general public; and ensure compatibility with land uses in the vicinity of the areas affected by such facilities.
- B. Locational Requirements:** ~~The Planning Commission shall have the power to grant a Special Use Permit to allow an Industrial~~Utility Solar Energy Facility ~~Facilities are permitted by special land use permit in the “SR” Suburban Residential District and “RR” Rural Residential District, subject to the restrictions contained in this Ordinance. This Special Use Permit, if denied by the Planning Commission, may be appealed in the same manner as any Special Land Use Permit.~~

OR

Locational Requirements: Utility Solar Energy Facilities are permitted by special land use in the Solar Farm Overlay District.

OR

Locational Requirements: Utility Solar Energy Facilities are permitted by special land use within the Rural Residential District and within one (1) mile of high-voltage transmission corridors.

C. Site Requirements:

1. The site shall be at least twenty (20) acres.
2. The site shall have direct access from a public road or shall have an access easement with a width of at least thirty-three (33) feet that shall be paved or graveled in a manner sufficient to provide access at all times of the year.

D. Buffering Requirements:

1. There shall be a landscape buffer at twenty (20) feet wide. The buffer shall contain evergreen trees or bushes planted not less than eight (8) feet apart linearly. Plantings shall be least four (4) feet tall at time of planting and shall reach a height of ten (10) feet within three (3) growing seasons. The trees may be trimmed but must maintain a height of at least ten (10) feet.
2. 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 at the next appropriate planting time.
3. All fences and improved areas located on the site shall comply with the applicable setback for the underlying zoning district in which it is located.
4. Furthermore, any All structures or and other improved areas located within the fence shall be at least thirty (30) feet from the fence line.
5. Solar energy systems and related accessory structures, such as transformers shall be at least one hundred (100) feet from non-participating properties and road rights-of-way.
6. Solar energy systems and related accessory structures, such as transformers, shall be at least one hundred (100) feet from residential dwellings, churches or religious institutions, schools, family or group child day-care homes, bed and breakfast establishments, residential facilities, and any other residence or inhabited structure.

B.E. Performance Standards:

1. Utility Solar Energy Facilities shall be designed, constructed, operated, and maintained in compliance with all applicable provisions of local, state, and federal laws and regulations.
2. Fencing: Utility Solar Energy Facility compounds shall be surrounded by a fence designed to prevent unauthorized access and screen the facility.
 - a. The fence shall be at least seven (7) feet tall with a thirty-six (36) inch deep concrete foundation for posts.
 - b. The fence shall be agricultural-style fence, woven with a green opaque material.

Solar Energy

Zoning Ordinance Amendment (REDLINE)

Draft August 15, 2022

- c. Gates shall be the same height and constructed of the same material as the fencing. Access, such as knock box, shall be provided for emergency responders.
- d. Alternate fencing may be approved by the Planning Commission upon a finding that the alternative provides adequate access control and visual screening.

3. Safety:

- a. All collection system wiring shall comply with all applicable safety and stray voltage standards.
 - b. All electrical connection systems and lines from the Utility Solar Energy Facility to the electrical grid connection shall be located and maintained a minimum of six (6) feet underground within and adjacent to the site.
 - c. All access gates and doors to Utility Solar Energy Facility compounds and electrical equipment shall be lockable and kept secured at all times when service personnel are not present.
 - d. The applicant shall be responsible for maintenance of the access roads. At the landowner's discretion, the entrance of each access road from the public right of way shall install a swinging gate, as appropriate, to discourage trespassers.
 - e. The manufacturer's or installer's identification and appropriate warning sign shall be posted on or near solar panels in a clearly visible manner.
 - f. Fire suppression plans shall be kept on-site and accessible for emergency responders.
4. Advertising or non-project related graphics shall be prohibited. This exclusion does not apply to signs required by this Ordinance.
5. Signs shall be posted at entrances to Utility Solar Energy Facility compounds containing emergency contact information, operator contact information, and complaint resolution information. The Planning Commission may require additional signs with this information on the fence surrounding the compound.
6. The Utility Solar Energy Facility owner and operator and property owner shall be responsible, jointly and severally, for mitigating erosion or flooding resulting from the Utility Solar Energy Facility.
7. The Utility Solar Energy Facility owner and 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 a Utility Solar Energy Facility.
8. Utility Solar Energy Facilities shall not have any on-site battery storage.
9. Plants or grasses not part of the buffer area shall be maintained not to exceed a height of twelve (12) inches.

B. Standards:

~~The following standards will be used when preparing, submitting, and reviewing a Special Use Permit application for an Industrial Utility Solar Energy Facility:~~

4.10. Wildlife Analysis Impact-:

- a. The applicant shall have a third party qualified professional conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate, or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- b. Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.
- c. At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law. The applicant shall follow all pre-construction and post-construction recommendations of the United States Fish and Wildlife Service.
- d. The analysis shall indicate whether a ~~post-post~~ construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted. Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above-ground lines, transformers, or conductors should follow any Avian Power Line Interaction Committee (APLIC, <http://www.aplic.org/>) guidelines to prevent avian mortality.

2.11. Environmental Impact:

- a. The applicant shall have a third-party qualified professional conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to, wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate, or mitigate adverse impacts identified in the analysis.
- b. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. The applicant shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq.) including but not limited to Part 31 Water Resources Protection (MCL 324.3101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.), Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), Part 303 Wetlands (MCL 324.30301 et seq.), Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.), Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.). ~~The applicant shall be responsible for making repairs to any public roads, drains and infrastructure damaged by the construction of the industrial~~ Utility solar energy facility.

3. Setbacks, Separation, and Security.

~~All fences and improved areas located on the site shall comply with the applicable setback for the district in which it is located. Furthermore, any structures or other improved areas located within the fence shall be at least thirty (30) feet from the fence line.~~

- ~~a. An IndustrialUtility Solar Energy Facility shall be located at least one hundred (100) feet from any residential dwellings, churches, schools, family or group child day-care homes, bed and breakfast establishments, residential facilities, and any other residence or inhabited structure.~~
- ~~b. An IndustrialUtility Solar Energy Facility shall be located at least one hundred (100) feet from any non-participating property line.~~
- ~~c. All access roads and storage areas shall be established on a thirty-three (33) foot minimum easement to a public right of way, which shall be paved or graveled in a manner sufficient to provide a solid base at all times of the year.~~
- ~~d. All IndustrialUtility Solar Energy Facilities shall have a minimum landscape buffer of twenty (20) feet. The buffer shall contain evergreen trees or bushes planted no more than eight (8) feet apart and be at least four (4) feet tall at time of planting. The buffer shall obtain a height of ten (10) feet within three (3) growing seasons. The trees may be trimmed but no lower than a height of ten (10) feet.~~
- ~~e. Each owner, operator, or maintainer of the IndustrialUtility Solar Energy Facility to which this Ordinance applies shall utilize good husbandry techniques with respect to said vegetation, including but not limited to, proper pruning, proper fertilizer, 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 at the next appropriate planting time. Plants or grasses not part of the buffer area shall be maintained by the facility operator not to exceed a height of twelve (12) inches.~~
- ~~f. Site Security. IndustrialUtility Solar Energy Facilities shall be surrounded by a seven (7) foot tall, agricultural style fence woven with a green opaque material, and including thirty-six (36) inch concrete foundation below posts. The fence will be designed to restrict unauthorized access. The gate will be the same height and constructed of the same material as the fencing.

The manufacturers or installer's identification and appropriate warning sign shall be posted on or near the panels in a clearly visible manner; furthermore, an information sign shall be posted at all the entrances which shall list the name and phone number of the operator of the facility.~~
- ~~g. IndustrialUtility Solar Energy Facilities shall not be located on parcels of land less than twenty (20) acres in size.~~

~~No advertising or non-project related graphics shall be on any part of the solar arrays or other components of an IndustrialUtility Solar Energy Facility. This exclusion does not apply to entrance gate signage or notifications containing points of contact or all other information that may be required by authorities having jurisdiction for electrical operations and~~

~~the safety and welfare of the public. Applicant shall provide signage containing point of contact information, in case of emergency, in a central location.~~

~~4. Responsibility for Erosion and Flooding.~~

~~Any erosion or flooding of property as a result of the construction of IndustrialUtility Solar Energy Facility structures or access roads is the responsibility of the developer/owner of the structures.~~

~~5. Safety.~~

- ~~a. All collection system wiring shall comply with all applicable safety and stray voltage standards.~~
- ~~b. All access doors to an IndustrialUtility Solar Energy Facility and electrical equipment shall be lockable and kept secured at all times when service personnel are not present.~~
- ~~c. A sign shall be posted near the entrance to an IndustrialUtility Solar Energy Facility that will contain emergency contact information.~~
- ~~d. The project shall be designed and operated in compliance with all applicable provisions of local, state, and federal laws and regulations.~~
- ~~e. The applicant shall be responsible for maintenance of the access roads. At the landowner's discretion, the entrance of each access road from the public right of way shall install a swinging gate, as appropriate, to discourage trespassers.~~

C.F. ~~C.~~ Application Procedures.

A developer/operator of any **IndustrialUtility** Solar Energy Facility shall follow the following procedures for application for a Special Use Permit to construct an **IndustrialUtility** Solar Energy Facility.

1. Make application for Special Use Permit to the Planning Commission as required in Section 16.1. The application shall be accompanied by the required fees and information as requested in this ordinance.
2. The Planning Commission will review the application in a public meeting which shall be posted pursuant to the procedures set forth in the Michigan Zoning Enabling Act, PA 110 of 2006, MCL 125.3101 *et seq.*
3. **Procedure:** The Planning Commission will review a Special Use Permit application for an **IndustrialUtility** Solar Energy Facility, will hold a public hearing and render a decision, per the procedures for review in Section 18.03 A decision on the Special Land Use Permit application by the Planning Commission is inclusive of all proposed **IndustrialUtility** Solar Energy Facility components, underground electrical lines, sub-station(s), junction boxes, laydown yard(s), concrete batch plant(s), and any operations/maintenance building(s).

D.G. ~~D.~~ Application Requirements.:

An applicant proposing an **IndustrialUtility** Solar Energy Facility must submit the following materials with the Special Use Permit Application:

1. Applicant Identification: Applicant's name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved in the application (substitution may include a legal description or parcel identifications number(s)), and any additional contact information. Each application for a ~~Industrial~~Utility Solar Energy Facility shall also be dated to indicate the date the application is submitted to Marion Township.
2. Project Description: A general description of the proposed project including a legal description of the property or properties on which the project would be located and an anticipated construction schedule.
3. Insurance: Proof of the applicant's public liability insurance for at least Ten Million dollars (\$10,000,000) to cover the ~~Industrial~~Utility Solar Energy Facility, the Township, and the Landowner.
4. Certifications: Certification that applicant will comply with all applicable state and federal laws and regulations. Note: Land enrolled in the Michigan Farmland Preservation Program through Part 361 of the Natural Resources and Environmental Protection Act, 1994 Act 451 as amended, more commonly known as PA 116, must receive approval from the Michigan Department of Agriculture to locate an ~~Industrial~~Utility Solar Energy Facility on the property prior to construction.
5. Compliance with the County Building Code and the National Electric Safety Code: Construction of an ~~Industrial~~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.
6. Environmental Impact: Copy of the Environmental Impact ~~analysis~~Analysis.
7. ~~Avian and~~ Wildlife Impact: Copy of the ~~Avian and~~ Wildlife Impact ~~analysis~~Analysis.
8. Manufacturers' Material Safety Data Sheet(s): Documentation shall include the type and quantity of all materials used in the operation of all equipment.
9. Decommissioning Plan: Copy of the decommissioning plans and a description of how any surety bond, if required, is applied to the decommissioning process.
10. Complaint Resolution Protocol: Copy of Complaint Resolution Protocol. Applicant shall provide a Complain Resolution protocol at time of submission of final site plan. The operator of the project or its assigns shall initially respond within (10) business days to complaints from neighboring property owners arising from and related to the operation of the Solar Energy Facility. Any resolution shall include lawful and reasonable solutions consistent with the Zoning Ordinance, which shall also be provided to the Township Zoning Administrator. The operator of the IndustrialUtility Solar Energy Facility or its assigns reserve the right to adjudicate any claims, including Residential Claims, in a court of proper jurisdiction. Applicant will submit annual report to Township Board that

~~details complaints received regarding the IndustrialUtility Solar Energy Facility and status of complaint resolution and actions taken to mitigate complaints.~~

11. Fire Suppression Plan: A plan describing the fire suppression process and procedure, as well as training for emergency personnel. ~~Plans shall be kept on-site and accessible for emergency responders.~~
12. Site Plan: The site plan prepared in accordance with Article XVIII Site Plan Requirements shall be submitted, showing the location, size, and screening of all buildings and structures. ~~shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed project.~~ The site plan shall also include the following:
 - a. Survey of the property showing existing features such as contours, large trees, buildings, structures, roads (rights-of-way), utility easements, land use, zoning district, ownership of property, and vehicular access;
 - b. Water bodies, waterways, wetlands, and drainage channels;
 - c. Lighting plan;
 - d. Plan(s) showing the location of proposed **IndustrialUtility** Solar Energy Facility, underground and overhead wiring (including the depth of underground wiring), new drainage facilities (if any), access drives (including width), substations and accessory structures;
 - e. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary in the Township to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond ~~which that~~ guarantees the repair of damage to public roads and other areas caused by construction;
 - f. Anticipated construction schedule;
 - g. Description of operations, including anticipated regular and unscheduled maintenance;
 - h. The applicant must also obtain a permit from the Livingston County Road Commission and/or Michigan Department of Transportation (MDOT) for permission to connect access roads to existing County roads and from the Livingston County Drain Commission for any culverts or other drainage facilities;
 - i. Proof of approval by Livingston County, Road Commission, and Drain Commission.
 - j. Any other relevant studies, reports, certificates, or approvals as may be reasonably required by the Planning Commission;
 - k. A copy of the agreement between the applicant and the utility company that will be purchasing electricity from the proposed **IndustrialUtility** Solar Energy Facility;
 - ~~l. The IndustrialUtility Solar Energy Facility shall not have any on-site battery storage;~~

~~m. All electrical connection systems and lines from the IndustrialUtility Solar Energy Facility to the electrical grid connection shall be located and maintained a minimum of six (6) feet underground both on the property where the Solar Energy Facility is located and off site;~~

~~n.l. An affidavit or evidence of an agreement between the lot owner or operator confirming the owner or operator has the permission of the property owner to apply for the necessary permits for construction and operation of IndustrialUtility Solar Energy Facility;~~

~~o.m. A complete description of the proposed technology to include type of solar panel and system, maximum height, fixed mounted versus tracking, number of panels and angles of orientation;~~

~~p.n. An escrow deposit shall be provided to the Township in an amount included in the Township's Annual Fee Schedule; and~~

~~q.o. A complete set of photos of the entire development area prior to construction.~~

13. Application Fee. ~~Review fees shall be submitted for An applicant for an IndustrialUtility Solar Energy Facility shall remit a Land Use Permit application fee, Special Use Permit application fee, a site plan review fee, and required escrow fee to the Township in the amount specified in the fee schedule adopted by the Board of Trustees. This shall include but not be limited to independent review by experts, as deemed necessary by the Planning Commission schedule is based on the cost to the Township of the review which may be adjusted from time to time.~~

~~An escrow account shall be set up when the applicant applies for a Special Use Permit for an IndustrialUtility Solar Energy Facility. The monetary amount filed by the applicant with the Township shall be in accordance with the fee schedule set by the Township Board. These funds are used to cover all reasonable costs and expenses associated with the Special Use Permit and site plan 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 it may have done related to the zoning 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 prove insufficient. If the escrow account needs replenishing and the applicant refuses to do so within fourteen (14) days after receiving notice, the zoning review and approval process shall cease until and unless the applicant makes the required escrow deposit. Any escrow amounts which are in excess of actual costs shall be returned to the applicant.~~

E.H. Abandonment and Decommissioning:

Following the operational life of the project, the Applicant shall perform decommissioning and removal of the IndustrialUtility Solar Energy Facility and all its components and restore the site to its original conditions. ~~The Applicant shall prepare~~

~~a Decommissioning Plan and submit it to the Planning Commission for review and approval prior to issuance of the Special Land User Permit~~

1. The decommissioning plan shall be written to provide security to the Township for one hundred percent (100%) of the cost to remove and dispose of all panels, wiring, and restoration of the land to its original conditions. ~~All work must be done when soil is dry to prevent compaction.~~ 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. Once value of decommissioning is determined, it shall be updated on a periodic basis of not less than every three (3) years.
2. All abandonment and decommissioning work must be done when soil is dry or frozen to prevent compaction.
3. ~~Any Solar Solar Array energy systems or combination of Photovoltaic Devices that is-are~~ not operated for a continuous period of twelve (12) months shall be considered abandoned and shall be removed ~~under the Decommissioning Plan whether or not other solar arrays or photovoltaic devices are operating.~~
4. Solar energy systems that are damaged shall be replaced or removed within seven (7) days.
- 4.5. The ground must be restored to its original topography within three hundred sixty-five (365) days of abandonment or decommissioning. ~~If aAn extension is 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. required, good faith effort is acceptable.~~
- 2.6. ~~Applicant shall provide an An~~ annual report shall be provided to the Zoning Administrator showing continuity ~~in-of~~ operation and shall notify ~~Township-the Zoning Administrator~~ if use is to cease, prior to decommissioning, or abandonment.
- 3.7. Continuing Obligations: Failure to keep any required financial security in full force and effect at all times while a ~~IndustrialUtility~~ Solar Energy Facility exists or is in place shall constitute a material and significant violation of the Special Land Use Permit and this Ordinance, and will subject the ~~IndustrialUtility~~ 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.

O. Complaint Resolution:

Utility Solar Energy Facilities shall provide a complaint resolution process, as described below.

1. The site shall have signs posted with contact information to collect complaints related to the Utility Solar Energy Facility.
2. A log shall be kept of all complaints received.
3. The operator or its agent shall respond to complainants within ten (10) business

- days and shall provide notification to the Zoning Administrator.
4. Any resolution shall include lawful and reasonable solutions consistent with the Zoning Ordinance, which shall also be provided to the Zoning Administrator.
 5. The operator or its assigns reserve the right to adjudicate any claims, including residential claims, in a court of competent jurisdiction.
 6. 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.

35. ADDITION OF SECTION 2.356.31 “PRIVATE SOLAR ENERGY FACILITIES SYSTEMS”

Article VI GENERAL PROVISIONS of the ~~Township's~~ Zoning Ordinance entitled is hereby amended to add a Section 6.31 entitled “Private Solar Energy Facilities Systems” which shall read, in its entirety, as follows:

Section 2.356.31 Private Solar Energy Facilities Systems

Private Solar Energy Facilities Systems shall be permitted as an accessory use in all zoning districts, provided that subject to the following:

- A. A ~~Township~~ land use permit and applicable building permits shall be required for the installation of any Private Solar Energy Facility System. The application shall include a scaled plot plan shown the property lines, setbacks, existing and proposed buildings and structures, road rights-of-way, wiring location, and panel information.
- A.B. Ground-mounted Private Solar Energy System shall be located in the rear yard or side yard and shall meet the rear and side yard setbacks for the zoning district in which it is located.
- B.C. No part of a ~~Roof-mounted~~ Private Solar Energy Facility Systems erected on a roof shall not extend beyond the peak of the roof. If the Private Solar Energy System is mounted on a building in an area other than the roof, ~~no part~~ it shall not extend vertically beyond the wall on which it is mounted and shall not extend more than twelve (12) inches beyond the wall on which it is mounted.
- C. ~~Prior to the installation of a ground-mounted Private Solar Energy Facility, the property owner shall submit, for a Land Use Permit, a site plan, along with all appropriate fees, to the Zoning Administrator. The site plan shall include setbacks, panel size, and the location of property lines, buildings, fences, greenbelts, and road right of ways. Setbacks shall conform with the current setback requirements for the underlying zoning district. The site plan must be drawn to scale.~~

- D. ~~A ground~~Ground-mounted Private Solar Energy ~~Facility Systems shall not exceed the maximum building height for adjacent accessory buildings, but in no case shall~~ Facility Systems shall not exceed the maximum building height for adjacent accessory buildings, but in no case shall ~~have a the~~ maximum height of ~~any ground mounted system exceed~~ twenty-five (25) feet above the ground when oriented to maximum tilt.
- E. ~~A ground mounted Private Solar Energy System shall be located in the rear yard or side yard and shall meet the rear and side yard setback requirements set forth in the underlying zoning district.~~
- E. All power transmission lines, wires, or conduits from a ground-mounted Private Solar Energy ~~Facilities System~~ to any building or other structure shall be located underground.
- F. ~~If batteries are used as part of the ground mounted~~Batteries associated with Private Solar Energy ~~Facility Systems, they~~ must be placed located within a secured container or enclosure.
- F.G. Signage ~~will shall~~ be provided in a visible location with disconnection procedures for emergency first responders ~~in case of fire or other emergency.~~
- ~~C.A. A Township land use permit and building permits shall be required for the installation of any Private Solar Energy Facility.~~
- H. ~~BIVPs, Ground Mounted or Roof Mounted~~All Private Solar Energy ~~Facilities Systems as defined in Section 17.34, including BIVPs, ground-mounted, and structure mounted,~~ shall conform to applicable County, State, and Federal ~~Regulations laws and regulations,~~ and safety requirements including Michigan Building codes.
- I. ~~In the event that a~~ Private Solar Energy ~~Facility Systems that have has~~ been abandoned for a period of one (1) year, ~~it~~ shall be removed by the property owner within six (6) months from of the date of abandonment.

MARION TOWNSHIP SOLAR ENERGY ZONING ORDINANCE AMENDMENTS

An amendment the Marion Township Zoning Ordinance to add definitions related to solar energy, establish a solar farm energy overlay district, establish standards for utility scale solar energy facilities, and establish standards for private solar energy systems.

1. AMENDMENT OF ARTICLE III: DEFINITIONS

Section 3.02 Definitions of the Zoning Ordinance is hereby amended to add the following solar energy definitions which shall read, in its entirety, as follows:

Solar Energy: The following definitions shall apply in the application of this Ordinance.

1. **Abandonment:** Any solar energy system or facility that is no longer producing power.
2. **Building Integrated Photovoltaics (BIVPs):** A private or Utility Scale solar energy system that is integrated into the structure of a building, such as solar roof tiles and solar shingles.
3. **Decommission:** To remove or retire a solar energy system or facility from active service.
4. **Ground-Mounted Solar Energy System:** A private or Utility Scale solar energy system that is not attached to or mounted on any roof or exterior wall of any principal or accessory building.
5. **Height:** The height of a solar energy system, measured vertically from the adjacent grade to its highest point at maximum tilt.
6. **Inhabited Structure:** Any existing structure usable for living or non-agricultural commercial purposes, including, but not limited to: working, sleeping, eating, cooking, recreation, office, office storage, or any combination thereof. An area used only for storage incidental to a residential use, including agricultural barns, is not included in this definition. If it is not clear by this definition, the Zoning Administrator shall make a determination of any structure regarding whether or not it is inhabited.
7. **Non-Participating Property:** A property that is not subject to an Utility Scale Solar Energy Facility lease or easement agreement at the time an application is submitted for a Special Land Use for the purposes of constructing an Utility Scale Solar Energy Facility.
8. **Participating Property:** A property that participates in a lease or easement agreement, or other contractual agreement, with an entity submitting a Special Land Use Permit application for the purpose of developing an Utility Scale Solar Energy Facility.

9. **Private Solar Energy System:** A solar energy system used exclusively for private purposes and not used for commercial resale of energy, except for the sale of surplus electrical energy back to the electrical grid.
10. **Roof or Building-Mounted Solar Energy System:** A private or Utility solar energy system that is attached to or mounted on any roof or exterior wall of any principal or accessory building but excluding BIVPs.
11. **Solar Energy System:** A device designed to collect and transform solar energy into electricity.
12. **Solar Farm:** See Utility Solar Energy Facilities.
13. **Utility Scale Solar Energy Facility:** A Solar Energy System where the principal design, purpose, or use of such system is to provide energy to off-site uses or the wholesale or retail sale of generated electricity to any person or entity.

2. AMENDMENT OF ARTICLE VII: ZONING DISTRICTS AND MAPS

[If there is an interest in creating a solar farm overlay district.]

Section 7.01 Establishment of Districts of the Zoning Ordinance is hereby amended to add SFO Solar Farm Overlay District, which shall read, in its entirety, as follows:

Section 7.01 Establishment of Districts

For the purpose of this Ordinance, the Township is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names.

RR: Rural Residential District

SR: Suburban Residential District

UR: Urban Residential District

ERS-1: Existing Residential Subdivision District

ERS-2: Existing Residential Subdivision District

MHP: Mobile Home Park

HS: Highway Service District

LI: Light Industrial District

PL: Public Lands District

Other Areas

PUD: Planned Unit Development Overlay District

SFO: Solar Farm Overlay District

WPA: Wellhead Protection Area

3. ADDITION OF ARTICLE XII: "SOLAR FARM OVERLAY DISTRICT"

A new Article XII entitled "SOLAR FARM OVERLAY DISTRICT" is hereby added to the Zoning Ordinance which shall read, in its entirety, as follows:

ARTICLE XII: SOLAR FARM OVERLAY DISTRICT

Section 12.01 SFO: Solar Farm Overlay District

A. Intent: It is the intent of the Solar Farm Overlay District (SFO) to provide for the location and siting of Utility Solar Energy Facilities to promote economic development while protecting the public health, safety, and welfare; mitigating adverse impacts to agricultural lands, natural and environmentally-sensitive areas, and developed residential areas; and preserving scenic views and cultural resources. The Solar Farm Overlay District is intended to include areas with large tracts of land in proximity to electrical transmission lines to limit potential impact on other areas and uses within the Township.

B. Permitted Accessory Uses:

1. Accessory uses or structures clearly incidental to the operation of an approved Utility Solar Energy Facility.

C. Uses Permitted By Special Use Permit: (See specific Provisions in Article XVII)

1. Utility Solar Energy Facilities.

D. Site Development Requirements: *[Could be included here or in specific use standards.]*

1. Minimum Site Area.
2. Minimum Frontage.
3. Yard and Setback Requirements.
4. Maximum Lot Coverage.
5. Maximum Height.
6. OTHER PROVISIONS.

4. AMENDMENT OF ARTICLE XVII: “STANDARDS FOR SPECIFIC SPECIAL USES”

Article XVII STANDARDS FOR SPECIFIC SPECIAL LAND USES of the Zoning Ordinance is hereby amended to add Section 17.34 “Utility Solar Energy Facilities” which shall read, in its entirety, as follows:

17.34 UTILITY SOLAR ENERGY FACILITIES

A. Intent and Purpose: The purpose and intent of this Section is to establish standards for the siting, installation, operation, repair, decommissioning, and removal of Utility Solar Energy Facilities; establish the process for the reviewing and permitting of such facilities; protect the health, welfare, safety, and quality of life of the general public; and ensure compatibility with land uses in the vicinity of the areas affected by such facilities.

B. Locational Requirements: Utility Solar Energy Facilities are permitted by special land use permit in the Suburban Residential District and Rural Residential District.

OR

Locational Requirements: Utility Solar Energy Facilities are permitted by special land use in the Solar Farm Overlay District.

OR

Locational Requirements: Utility Solar Energy Facilities are permitted by special land use within the Rural Residential District and within one (1) mile of high-voltage transmission corridors.

C. Site Requirements:

1. The site shall be at least twenty (20) acres.
2. The site shall have direct access from a public road or shall have an access easement with a width of at least thirty-three (33) feet that shall be paved or graveled in a manner sufficient to provide access at all times of the year.

D. Buffering Requirements:

1. There shall be a landscape buffer at twenty (20) feet wide. The buffer shall contain evergreen trees or bushes planted not less than eight (8) feet apart linearly. Plantings shall be least four (4) feet tall at time of planting and shall reach a height of ten (10) feet within three (3) growing seasons. The trees may be trimmed but must maintain a height of at least ten (10) feet.
 2. 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 at the next appropriate planting time.
 3. All fences and improved areas shall comply with the applicable setback for the underlying zoning district in which it is located.
-

4. All structures and improved areas located within the fence shall be at least thirty (30) feet from the fence line.
5. Solar energy systems and related accessory structures, such as transformers shall be at least one hundred (100) feet from non-participating properties and road rights-of-way.
6. Solar energy systems and related accessory structures, such as transformers, shall be at least one hundred (100) feet from residential dwellings, churches or religious institutions, schools, family or group child day-care homes, bed and breakfast establishments, residential facilities, and any other residence or inhabited structure.

E. Performance Standards:

1. Utility Solar Energy Facilities shall be designed, constructed, operated, and maintained in compliance with all applicable provisions of local, state, and federal laws and regulations.
 2. Fencing: Utility Solar Energy Facility compounds shall be surrounded by a fence designed to prevent unauthorized access and screen the facility.
 - a. The fence shall be at least seven (7) feet tall with a thirty-six (36) inch deep concrete foundation for posts.
 - b. The fence shall be agricultural-style fence, woven with a green opaque material.
 - c. Gates shall be the same height and constructed of the same material as the fencing. Access, such as knock box, shall be provided for emergency responders.
 - d. Alternate fencing may be approved by the Planning Commission upon a finding that the alternative provides adequate access control and visual screening.
 3. Safety:
 - a. All collection system wiring shall comply with all applicable safety and stray voltage standards.
 - b. All electrical connection systems and lines from the Utility Solar Energy Facility to the electrical grid connection shall be located and maintained a minimum of six (6) feet underground within and adjacent to the site.
 - c. All access gates and doors to Utility Solar Energy Facility compounds and electrical equipment shall be lockable and kept secured at all times when service personnel are not present.
 - d. The applicant shall be responsible for maintenance of the access roads. At the landowner's discretion, the entrance of each access road from the public right of way shall install a swinging gate, as appropriate, to discourage trespassers.
 - e. The manufacturers or installer's identification and appropriate warning sign shall be posted on or near solar panels in a clearly visible manner.
 - f. Fire suppression plans shall be kept on-site and accessible for emergency responders.
 4. Advertising or non-project related graphics shall be prohibited. This exclusion does not apply to signs required by this Ordinance.
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5. Signs shall be posted at entrances to Utility Solar Energy Facility compounds containing emergency contact information, operator contact information, and complaint resolution information. The Planning Commission may require additional signs with this information on the fence surrounding the compound.
6. The Utility Solar Energy Facility owner and operator and property owner shall be responsible, jointly and severally, for mitigating erosion or flooding resulting from the Utility Solar Energy Facility.
7. The Utility Solar Energy Facility owner and 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 a Utility Solar Energy Facility.
8. Utility Solar Energy Facilities shall not have any on-site battery storage.
9. Plants or grasses not part of the buffer area shall be maintained not to exceed a height of twelve (12) inches.

10. Wildlife Impact:

- a. The applicant shall have a third party qualified professional conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate, or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- b. Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.
- c. At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law. The applicant shall follow all pre-construction and post-construction recommendations of the United States Fish and Wildlife Service.
- d. The analysis shall indicate whether a post-construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted. Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above-ground lines, transformers, or conductors should follow any Avian Power Line Interaction Committee (APLIC, <http://www.aplic.org/>) guidelines to prevent avian mortality.

11. Environmental Impact:

- a. The applicant shall have a third-party qualified professional conduct an analysis to identify and assess any potential impacts on the natural environment including,

but not limited to, wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate, or mitigate adverse impacts identified in the analysis.

- b. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. The applicant shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq.) including but not limited to Part 31 Water Resources Protection (MCL 324.3101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.), Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), Part 303 Wetlands (MCL 324.30301 et seq.), Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.), Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.).

F. Application Procedures.

A developer/operator of any Utility Solar Energy Facility shall follow the following procedures for application for a Special Use Permit to construct an Utility Solar Energy Facility.

1. Make application for Special Use Permit to the Planning Commission as required in Section 16.1. The application shall be accompanied by the required fees and information as requested in this ordinance.
2. The Planning Commission will review the application in a public meeting which shall be posted pursuant to the procedures set forth in the Michigan Zoning Enabling Act, PA 110 of 2006, MCL 125.3101 *et seq.*
3. **Procedure:** The Planning Commission will review a Special Use Permit application for an Utility Solar Energy Facility, will hold a public hearing and render a decision, per the procedures for review in Section 18.03. A decision on the Special Land Use Permit application by the Planning Commission is inclusive of all proposed Utility Solar Energy Facility components, underground electrical lines, sub-station(s), junction boxes, laydown yard(s), concrete batch plant(s), and any operations/maintenance building(s).

G. Application Requirements:

An applicant proposing an Utility Solar Energy Facility must submit the following materials with the Special Use Permit Application:

1. Applicant Identification: Applicant's name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved in the application (substitution may include a legal description or parcel identifications number(s)), and any additional contact information. Each application for a Utility Solar Energy Facility shall also be dated to indicate the date the application is submitted to Marion Township.

2. Project Description: A general description of the proposed project including a legal description of the property or properties on which the project would be located and an anticipated construction schedule.
3. Insurance: Proof of the applicant's public liability insurance for at least Ten Million dollars (\$10,000,000) to cover the Utility Solar Energy Facility, the Township, and the Landowner.
4. Certifications: Certification that applicant will comply with all applicable state and federal laws and regulations. Note: Land enrolled in the Michigan Farmland Preservation Program through Part 361 of the Natural Resources and Environmental Protection Act, 1994 Act 451 as amended, more commonly known as PA 116, must receive approval from the Michigan Department of Agriculture to locate an Utility Solar Energy Facility on the property prior to construction.
5. Compliance with the County Building Code and the National Electric Safety Code: Construction of an 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.
6. Environmental Impact: Copy of the Environmental Impact Analysis.
7. Wildlife Impact: Copy of the Wildlife Impact Analysis.
8. Manufacturers' Material Safety Data Sheet(s): Documentation shall include the type and quantity of all materials used in the operation of all equipment.
9. Decommissioning Plan: Copy of the decommissioning plans and a description of how any surety bond, if required, is applied to the decommissioning process.
10. Complaint Resolution Protocol: Copy of Complaint Resolution Protocol.
11. Fire Suppression Plan: A plan describing the fire suppression process and procedure, as well as training for emergency personnel.
12. Site Plan: The site plan prepared in accordance with Article XVIII Site Plan Requirements shall be submitted, showing the location, size, and screening of all buildings and structures. The site plan shall also include the following:
 - a. Survey of the property showing existing features such as contours, large trees, buildings, structures, roads (rights-of-way), utility easements, land use, zoning district, ownership of property, and vehicular access;
 - b. Water bodies, waterways, wetlands, and drainage channels;
 - c. Lighting plan;
 - d. Plan(s) showing the location of proposed Utility Solar Energy Facility, underground and overhead wiring (including the depth of underground wiring), new drainage facilities (if any), access drives (including width), substations and accessory structures;
 - e. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary in the Township to

accommodate construction vehicles, equipment or other deliveries, and an agreement or bond that guarantees the repair of damage to public roads and other areas caused by construction;

- f. Anticipated construction schedule;
- g. Description of operations, including anticipated regular and unscheduled maintenance;
- h. The applicant must also obtain a permit from the Livingston County Road Commission and/or Michigan Department of Transportation (MDOT) for permission to connect access roads to existing County roads and from the Livingston County Drain Commission for any culverts or other drainage facilities;
- i. Proof of approval by Livingston County, Road Commission, and Drain Commission.
- j. Any other relevant studies, reports, certificates, or approvals as may be reasonably required by the Planning Commission;
- k. A copy of the agreement between the applicant and the utility company that will be purchasing electricity from the proposed Utility Solar Energy Facility;
- l. An affidavit or evidence of an agreement between the lot owner or operator confirming the owner or operator has the permission of the property owner to apply for the necessary permits for construction and operation of Utility Solar Energy Facility;
- m. A complete description of the proposed technology to include type of solar panel and system, maximum height, fixed mounted versus tracking, number of panels and angles of orientation;
- n. An escrow deposit shall be provided to the Township in an amount included in the Township's Annual Fee Schedule; and
- o. A complete set of photos of the entire development area prior to construction.

13. Application Fee. Review fees shall be submitted for a Land Use Permit application, Special Use Permit application, site plan review, and required escrow fee to the Township in the amount specified in the fee schedule adopted by the Board of Trustees. This shall include but not be limited to independent review by experts, as deemed necessary by the Planning Commission.

H. Abandonment and Decommissioning:

Following the operational life of the project, the Applicant shall perform decommissioning and removal of the Utility Solar Energy Facility and all its components and restore the site to its original conditions.

- 1. The decommissioning plan shall be written to provide security to the Township for one hundred percent (100%) 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. Once value of decommissioning is determined, it shall be updated on a periodic basis of not less than every three (3) years.

2. All abandonment and decommissioning work must be done when soil is dry or frozen to prevent compaction.
3. Solar energy systems that are not operated for a continuous period of twelve (12) months shall be considered abandoned and shall be removed whether or not other solar arrays or photovoltaic devices are operating.
4. Solar energy systems that are damaged shall be replaced or removed within seven (7) days.
5. 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.
6. 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.
7. 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 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.

O. Complaint Resolution:

Utility Solar Energy Facilities shall provide a complaint resolution process, as described below.

1. The site shall have signs posted with contact information to collect complaints related to the Utility Solar Energy Facility.
2. A log shall be kept of all complaints received.
3. The operator or its agent shall respond to complainants within ten (10) business days and shall provide notification to the Zoning Administrator.
4. Any resolution shall include lawful and reasonable solutions consistent with the Zoning Ordinance, which shall also be provided to the Zoning Administrator.
5. The operator or its assigns reserve the right to adjudicate any claims, including residential claims, in a court of competent jurisdiction.
6. 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.

5. ADDITION OF SECTION 6.31 “PRIVATE SOLAR ENERGY SYSTEMS”

Article VI GENERAL PROVISIONS of the Zoning Ordinance entitled is hereby amended to add a Section 6.31 entitled “Private Solar Energy Systems” which shall read, in its entirety, as follows:

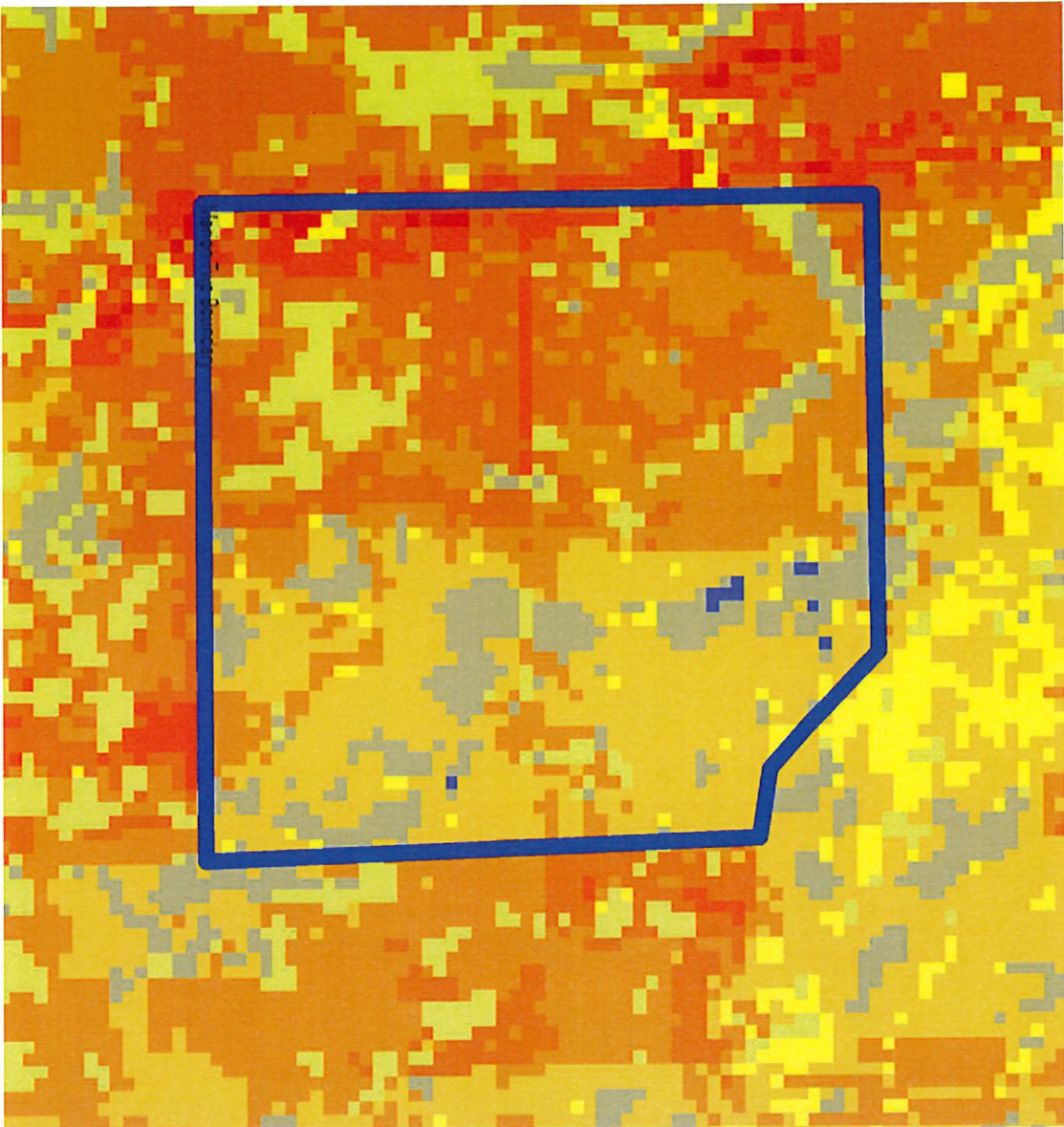
Section 6.31 Private Solar Energy Systems

Private Solar Energy Systems shall be permitted as an accessory use in all zoning districts, subject to the following:

- A. A land use permit and applicable building permits shall be required for the installation of any Private Solar Energy System. The application shall include a scaled plot plan shown the property lines, setbacks, existing and proposed buildings and structures, road rights-of-way, wiring location, and panel information.
- B. Ground-mounted Private Solar Energy System shall be located in the rear yard or side yard and shall meet the rear and side yard setbacks for the zoning district in which it is located.
- C. Roof-mounted Private Solar Energy Systems erected on a roof shall not extend beyond the peak of the roof. If the Private Solar Energy System is mounted on a building in an area other than the roof, it shall not extend vertically beyond the wall on which it is mounted and shall not extend more than twelve (12) inches beyond the wall on which it is mounted.
- D. Ground-mounted Private Solar Energy Systems shall have a maximum height of twenty-five (25) feet above the ground when oriented to maximum tilt.
- E. All power transmission lines, wires, or conduits from a ground-mounted Private Solar Energy System to any building or other structure shall be located underground.
- F. Batteries associated with Private Solar Energy Systems must be located within a secured container or enclosure.
- G. Signage shall be provided in a visible location with disconnection procedures for emergency first responders.
- H. All Private Solar Energy Systems, including BIVPs, ground-mounted, and structure mounted, shall conform to applicable County, State, and Federal laws and regulations and safety requirements including Michigan Building codes.
- I. Private Solar Energy Systems that have been abandoned for a period of one (1) year shall be removed by the property owner within six (6) months of the date of abandonment.

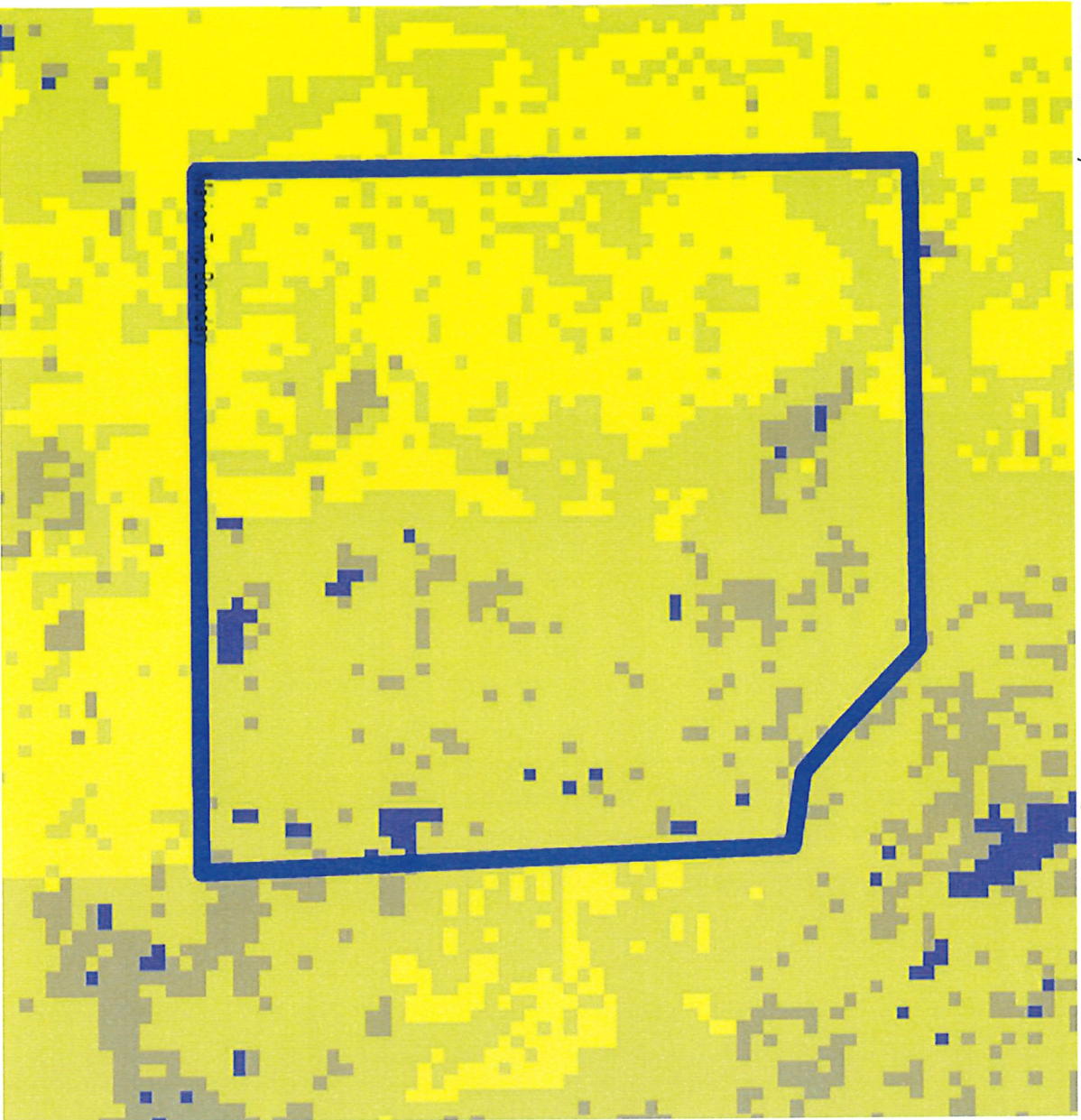
Utility Scale Solar Suitability

Transmission Line Corridor – solar suitability based on proximity to energy lines. Red is most suitable and yellow is the minimum required for suitability.



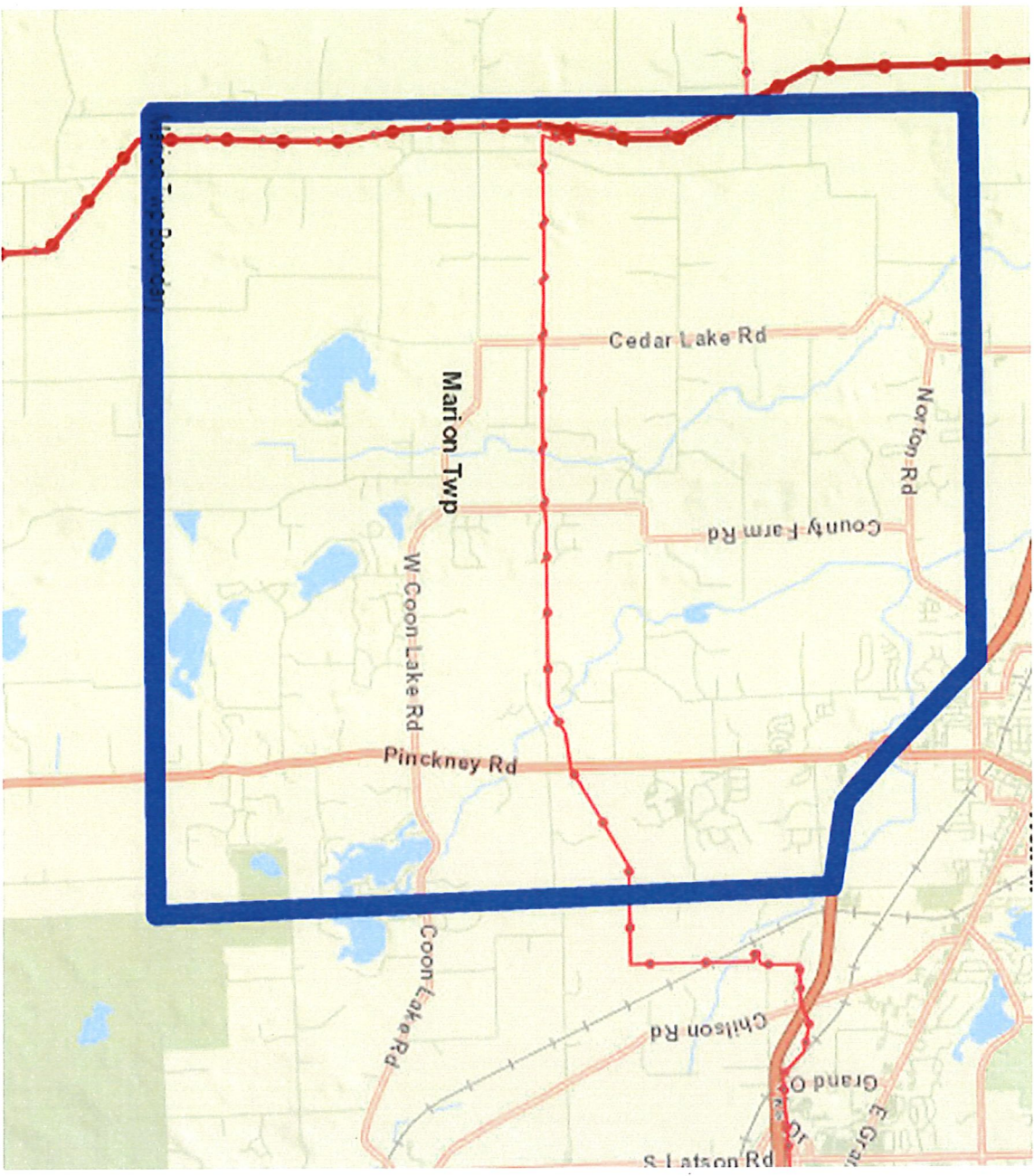
Utility Scale Solar Suitability

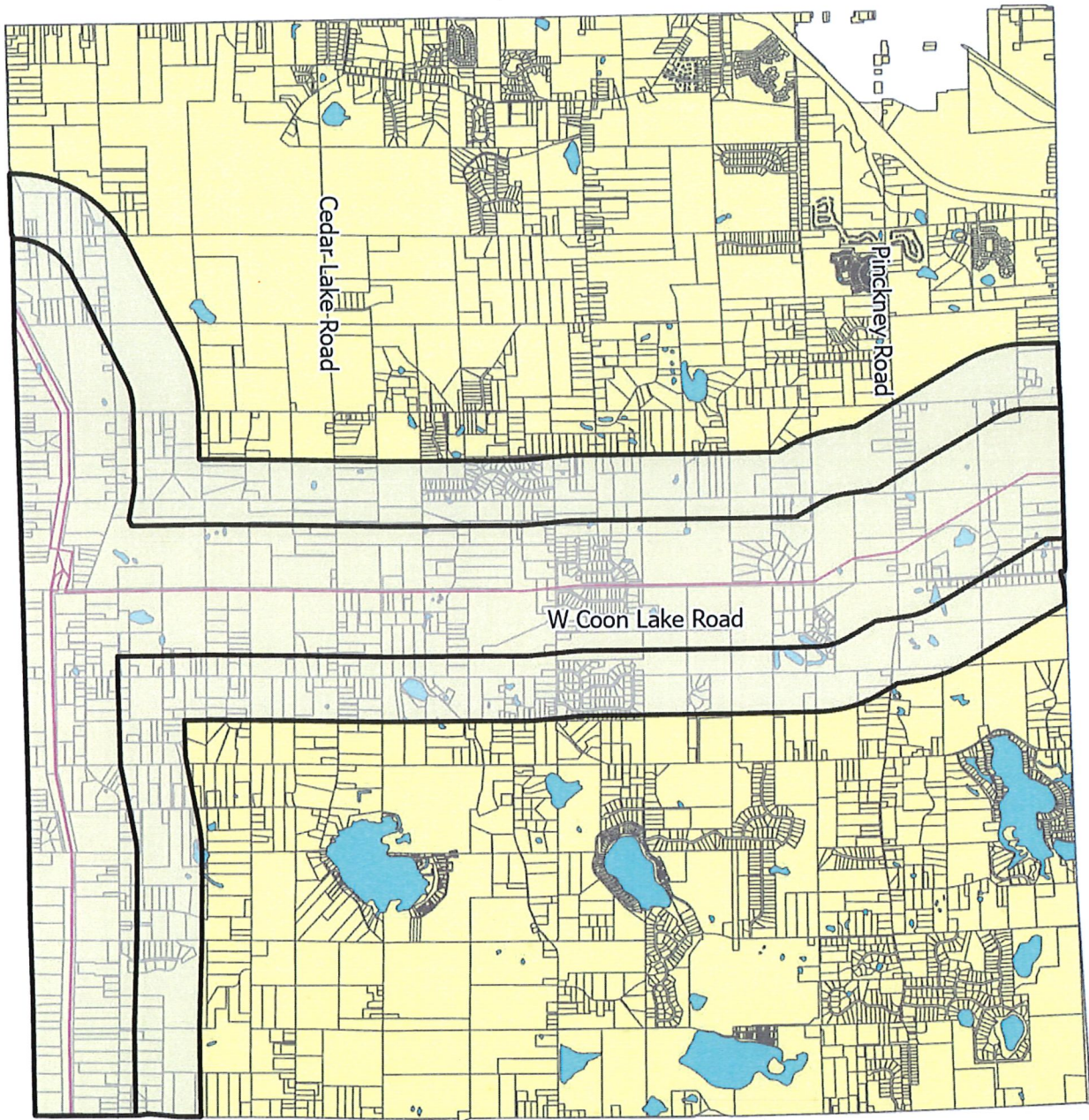
Solar suitability based on solar resources received. Yellow is the minimum grade required for use.



Utility Scale Solar Suitability

Transmission Line Location

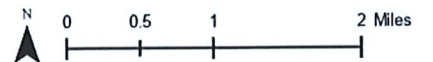




Transmission Line Buffer

Marion Township,
Livingston County

 0.5 mile/1 mile buffer



Data: Energy Zone Mapping
Prepared by: Carlisle/Wortman Associates
August 2022



**MARION TOWNSHIP
KENNEL ORDINANCE**

Marion Township Ordains:

Section 1. Purpose & Intent

The purpose and intent of this ordinance is to establish standards for the siting, installation, operation, repair, decommissioning and removal of Industrial Solar Energy Facilities. As a Special Use Permit for industrial Solar Energy Facilities development in Marion Township, for the review and permitting of such facilities, to protect the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by such facilities. Industrial Solar Energy Facilities shall be ground mounted arrays of panels and shall be subject to this ordinance. Private Solar Energy Facilities shall be permitted as an accessory use in all zoning districts.

3.02 DEFINITIONS

- A. Definitions. As used in this subsection, the following terms shall have the following definitions:

Kennels: Any Lot or premises on which four (4) or more dogs of more than four (4) months in age are kept temporarily or permanently, as pets or any lot or premises on which one (1) or more dog(s) of more than four (4) months in age are kept temporarily or permanently for the purpose of caring for, dog rescue, boarding, training or sporting purposes, breeding, for sale, or otherwise, excluding a facility that is exclusive to only grooming services. This definition shall not be deemed to apply to a litter of puppies with their mother and under six (6) months of age.

Note: This definition provides for four (4) or more dogs. For those residents that have between one (1) and three (3) dogs, each dog must be vaccinated and licensed as required in conformance to the Livingston County Animal Control Ordinance, Article IV – Licensing and Vaccination, Sections 1-7.

Amendment of Article XVII: “SPECIAL USE SPECIFIC DESIGN STANDARDS”

Article XVII of the Township’s Zoning Ordinance entitled “STANDARDS FOR SPECIFIC SPECIAL LAND USES” is hereby amended to merge subsection 17.19A and 17.19B to 17.19 entitled “Kennels” which shall read, in its entirety, as follows

17.19 Kennels

- A. **Locational Requirements:** Kennels are permitted by special use permit in the Rural Residential and Suburban Residential Districts.
- B. **Site Requirements:** A -kennel shall be on a lot with a minimum lot size of two (2) acres for the first eleven (11) dogs and an

additional one-third (1/3) acre for each additional animal thereafter.

C. **Buffering Requirements:** Accessory buildings where dogs are kept, runs, and exercise areas shall not be located nearer than one hundred (100) feet to any adjacent residential lot line.

D. Performance Standards:

1. All kennels shall be operated in conformance with all applicable county, state and federal regulations.
2. The main kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized.
3. Habitual barking or unusual noise from the kennel, which results in a nuisance to neighboring landowners or residents, is prohibited. The intensity level of sounds shall not exceed seventy-five (75) decibels at the lot line of industrial uses, sixty-five (65) decibels at the lot line of commercial uses, and fifty-five (55) decibels at the common lot line when adjacent to residential uses and residential districts. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards
4. Exercise yards, when provided for training or exercising, shall not be used between the hours of 10:00 p.m. and 7:00 a.m.
5. Runs and/or exercise areas, and buildings where the animals are maintained, shall be located in the rear yard only.
6. The kennel area shall be screened from view by appropriate screening as determined by the Planning Commission in conformance with Section 6.13.
7. The outside perimeter of the run and/or exercise area kennel shall be enclosed by fencing at sufficient height or completely covered on sides and top to prohibit the escape of dogs.
8. All dogs must be licensed, vaccinated, and maintained in a healthful and careful manner, in conformance with the Livingston County Animal Control Ordinance, Article IV, Sections 1-7, Licensing, and vaccination.

a. Indoor Area:

- i. Indoor animal housing areas shall be provided with sufficient heating and cooling to protect animals from extreme temperatures and to provide for adequate care at all times. The ambient temperature shall be consistent with the needs of the animal

species and their life stage and medical condition. Adequate fresh drinking water must be present at all times for each animal.

- ii. Housing, whelping and husbandry areas must be of sufficient size to allow room for each animal to stand and walk around freely, and exercise normal postural movements as well as allowing adequate room for bedding, food/water bowls, and the birth and care of any offspring.
- iii. All floors in the animal housing area must be able to be cleaned and sanitized.
- iv. Convenient toilet and hand washing facilities with hot and cold running water shall be available to maintain personal hygiene of kennel staff..
- v. Animal play areas shall be of sufficient size to allow for maintenance of sanitary conditions and to avoid overcrowding of animals.

b. Outdoor Area:

- i. Outdoor areas and exercise areas shall have adequate walls or fences to keep foster animals secured and to restrict the entry of dangerous animals from the outside.
- ii. Outdoor areas and exercise areas shall be provided with areas of shade from direct sunlight, and adequate shelter to protect from rain, snow, or weather detrimental to the health of the animal. Adequate fresh drinking water must be present at all times for each animal while in outdoor or exercise areas.
- iii. Outdoor areas and exercise areas shall have adequate drainage to prevent standing water.

Animals shall not be allowed in outside areas unless they are able, in the environmental conditions present at that time, to maintain the normal body temperature appropriate for that species.

- iv. Kennel staff shall be present at all times in the outdoor and exercise areas when animals are being exercised.
8. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor.
 9. Dogs odors shall not be detectable beyond the lot lines of the property in which the kennel is located.
 10. Dust and drainage from the kennel enclosure shall not create a nuisance or hazard to adjoining property or uses.