

**MARION TOWNSHIP PLANNING COMMISSION
AGENDA**

REGULAR MEETING

July 26, 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: July 26, 2022 Regular Meeting

Approval of Minutes from: June 28, 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
- 4) Any feedback from John and John meeting of 7/18/2022

Special Orders:

Announcements:

Survey update

Call to the Public:

Adjournment

PLANNING COMMISSION
REGULAR MEETING
JUNE 28, 2022 - 7:30PM

DRAFT

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

MEMBERS ABSENT: LARRY GRUNN- CHAIRPERSON

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

CALL TO ORDER

Jim Anderson called the meeting to order at 7:30 pm.

CALL TO THE PUBLIC

None

APPROVAL OF AGENDA

Bruce Powelson made a motion to approve the agenda for the June 28, 2022 Planning Commission meeting as presented. Cheryl Range seconded. **MOTION CARRIED**

APPROVAL OF MINUTES

Bruce Powelson made a motion to approve the minutes from the May 24, 2022 Planning Commission meeting. Cheryl Range seconded. **MOTION CARRIED**

UNFINISHED BUSINESS

1) SPR# 03-22 MARION OAKS CLUBHOUSE FINAL SITE PLAN REVIEW

Sara Kunde was present and requested approval for the Marion Oaks final site plan review. Sara reviewed the recommendations from Carlisle Wortman.

- There will be appropriate signs posted around the clubhouse. The signage details can be provided at a later time if needed.
- There will be a self-closing gate with a latch to access the pool area, which will meet the required specifications from the Building Department.
- The height of the gate around the dumpster, will match the height of the rest of the walls.
- The dimensions of the clubhouse will be provided.
- The elevation of the clubhouse that faces the pool, will be provided.

Dave Hamann explained the proper process for site plan reviews. All of these changes should be made to the site plan at the end of this process. The Board of Trustees should see the same exact site plan that was approved by the Planning Commission.

Cheryl Range motioned to recommend approval to the Board of Trustees for SPR# 03-22 Marion Oaks Clubhouse Final Site-Plan Review, with the recommendations listed on Carlisle Wortman's "June 28, 2022" review letter. Bruce Powelson seconded. **MOTION CARRIED**

2) MASTER PLAN - FINAL UPDATES, PATH TO FINALIZE

Planning Commission Minutes
Regular Meeting 06/28/2022
BY: Jessica Timberlake

Zack Michels with Carlisle Wortman explained that he added a page about Open Space and Land Preservations - page 62. He also added a page on Solar Energy - page 63.

Jim Anderson stated that the five bullet points on page 63 do not reference Solar Energy. They should be moved to page 62.

Jim Anderson stated that Alissa Starling did get some updated SEMCOG numbers for the Census page.

Bob Hanvey inquired about who will be maintaining and storing the final draft of the Master Plan. Jim Anderson suggested that after Alissa and Zack make the updates from tonight's meeting, that the Township should then take over the final draft Master Plan.

Zack explained that he does have to include the resolution to adopt that Master Plan somewhere in the Master Plan. He will include it in the front of the Master Plan.

Jim suggested that after the changes are made, he will send a PDF copy to everyone and he will keep the final in Microsoft Word along with the Clerk's office. Zack reviewed all of the mentioned changes.

- Move the five bullet points from page 63 to page 62 instead.
- Include some different language about Solar Energy.
- Add the resolution to adopt the Master Plan on the back of the front page.
- Try to get the maps to zoom in and out when being viewed.
- Send out a PDF and Microsoft Word document to all of the Commissioners.

3) SOLAR FARM ORDINANCES FROM ALISSA STARLING

Cheryl Range stated that she really likes Handy Township's language on Solar Farms. Bruce Powelson asked about the fence height. Dave explained that our ordinance doesn't cover any fence under seven feet. Bruce suggested that the fence be taller, rather than shorter. Bruce also mentioned that they should be allowed to store batteries on site and it should not be prohibited like it states in the Handy Township language. Zack explained that lithium batteries do not burn out in a fire so storing them on site could be a fire hazard.

Jim Anderson said we need to provide Zack with some direction.

- Use Handy Township's Solar Farm language as a template/inspiration.
- Require taller fences, not shorter.
- Include robust language on the decommissioning funds.
 - Abandonment time frame.
 - Require a report from the operator every six months.
 - Make sure that there are enough bond funds to decommission, if necessary.
 - If Solar Farm is abandoned for 180 days, then property must be commissioned back to its original condition
- Include the number of complaint resolutions. (Page 5 in Handy Townships language)
- List all of the codes.
- The "Electric code" should also be noted.
- The Township should have the ability to enter the property.

Dave asked the commissioners if they are in favor of allowing Solar Farms in Marion Township or would they rather minimize the opportunity for Solar Farms. Jim Anderson asked Les Andersen for his opinion. Les asked if Solar Farm equipment would be assessed as personal property. Zack said that it would be assessed as personal property and that usually the leaser pays the personal property tax, not the property owner.

4) KENNELS

Jim Anderson stated that he is OK with John Enos "June 20, 2022" memo on Kennels.

Cheryl Range suggested 4 or 6 months.

Bob Hanvey does not like #8 on page 3 where it discusses septic systems/municipal sewer.

Commissioners discussed further options for Kennel language.

Zack reviewed the agreed upon changes for the Kennel ordinance:

- Four or more dogs that are older than 4-months of age.
- Does not apply to litter pups under 6-months of age.
- 200-foot setback on both sides.
- The parcel has to be more than two acres.
- Add NO two-acre parcels.
- Bob mentioned to include the language in #3 in Enos review letter that reads "The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards."
- For #8, include the alternative language from Rio Rancho, New Mexico.

- Include our language from 6.13 in #3 of John' review letter.

5) STATUS OF ALISSA STARLING, ZACK MICHELS AND JOHN GORMLEY DISCUSSIONS SURROUNDING ZONING ENFORCEMENT AND STORAGE CONTAINERS

Zack stated that he tried discussing this with John Enos and was not successful. Zack suggested that the Township Supervisor send an email to both John Enos and John Gormley, asking for an update on Zoning Enforcement and Storage Containers. Bob stated that he would do that. Dave Hamann suggested inviting both of them to the next Planning Commission meeting because there are actually several items that need to be discussed such as:

- Storage Containers
- Changes to 6.19 and 6.20.
- Section 18 changes.
- Changes to the PUD Agreement
- Discussion on ticketing and enforcement.

Zack also suggested forming an "Ordinance Change Committee" or a small group to pump out ordinance changes. Then we can have the attorney review them, prior to them being presented to the Planning Commission and the Board of Trustees.

Jim Anderson made a motion for Bob Hanvey and Dave Hamann to contact John Gormley and John Enos to discuss these pending legal issues. Bruce Powelson seconded. **MOTION CARRIED.**

SPECIAL ORDERS

Jim Anderson said that the survey about Open Space and Land Preservation was approved and will be mailed out on June 30, 2022 with the tax bills. There is also a link on the website.

ANNOUNCEMENTS

The Board of Trustees passed the General Ordinance for Solar Moratorium at the June 23, 2022 Board meeting.

ADJOURNMENT

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

MINUTES TAKEN BY: Jessica Timberlake

***** DRAFT *****

RESOLUTION 22-XXX

RESOLUTION TO ADOPT A MASTER PLAN FOR MARION TOWNSHIP

At a regular meeting of the Marion Township Planning Commission, called to order by Supervisor XX on DATE at TIME;

Present:

Absent:

The following resolution was offered by NAME and supported by NAME;

WHEREAS, the Planning Enabling Act (PA 33 of 2008) provided for a township planning commission to prepare, amend, and adopt a master plan for the physical development of the community; and

WHEREAS, the Marion Township Planning Commission has prepared a Master Plan for the Township, in compliance with the Planning Enabling Act, including relevant charts, maps, and text; and

WHEREAS, the Planning Commission has provided opportunity for public input into the Master Planning process; and

WHEREAS, the Township Board approved and subsequently distributed a draft copy of the Master Plan to all bodies required by the Zoning Enabling Act for review and comment; and

WHEREAS, no person or entity submitted comments indicating that the proposed Master Plan is substantially inconsistent with the Master Plan of any adjacent community; and

WHEREAS, the Planning Commission held a duly-noticed public hearing on the Master Plan on DATE; and

WHEREAS, based on the consideration of public comments, the Planning Commission is satisfied that the Master Plan is ready for adoption; and

WHEREAS, the Township Board asserts its right to approve the Master Plan, in accordance with the Planning Enabling Act;

NOW, THEREFORE, BE IT RESOLVED, that the Marion Township Planning Commission has reviewed and approved the Master Plan.

YEAS:

NAYS:

ABSENT:

**MARION TOWNSHIP
SOLAR ENERGY FACILITIES ORDINANCE**

Marion Township Ordains:

1. Section 3.02 DEFINITIONS

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

Abandonment: Any facility that is left in a state where it is no longer producing power.

Building Integrated Photovoltaics (BIVPs): A private or industrial solar energy system that is integrated into the structure of a building, such as solar roof tiles and solar shingles.

Decommission: To remove or retire from active service.

Ground Mounted Private Solar Energy System: A private or industrial solar energy system that is not attached to or mounted on any roof or exterior wall of any principal or accessory building.

Height: The height of the Industrial Solar Energy Facility to its highest point at maximum tilt.

Industrial 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.

Industrial Solar Energy Facility Permit: A permit issued upon compliance with standards of this Ordinance.

Inhabited Structure: Any existing structure usable for living or non-agricultural commercial purposes, which includes 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.

IEC: International Electrotechnical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.

ISO: International Organization for Standardization. ISO is an international standard-setting body composed of representatives from various national standards organizations.

Non-Participating Parcel: A property that is not subject to an Industrial 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 Solar Energy facility.

Participating Parcel: 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 Solar Energy facility.

Peak: The pointed top of anything.

Planning Commission: Marion Township Planning Commission

Private Solar Energy System: A solar energy system used exclusively for private purposes and not utilized for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid.

Roof or Building Mounted Solar Energy System: A private or industrial solar energy system that is attached to or mounted on any roof or exterior wall of any principal or accessory building but excluding BIVPs.

Solar Farm: See Industrial Solar Energy Facilities.

Township: Marion Township, Livingston County, Michigan

Township Board: Marion Township Board

2. 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 add a subsection 17.34 entitled "Solar Energy Facilities" which shall read, in its entirety, as follows

17.34 INDUSTRIAL SOLAR ENERGY FACILITIES

Purpose & Intent

The purpose and intent of this Section is to establish standards for the siting, installation, operation, repair, decommissioning, and removal of Industrial Solar Energy Facilities; require a Special Use Permit for Industrial Solar Energy Facilities development in Marion Township; 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. 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.

A. **Locational Requirements:** The Planning Commission shall have the power to grant a Special Use Permit to allow an Industrial Solar Energy Facility in the "SR" Suburban Residential District and "RR" Rural Residential, 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.

B. **Standards.**

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

1. **Wildlife Analysis.**

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.

2. 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 solar energy facility.

3. Setbacks, Separation, and Security.

- a. 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.
- b. An Industrial 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.
- c. An Industrial Solar Energy Facility shall be located at least one hundred (100) feet from any non-participating property line.
- d. 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.
- e. All Industrial 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.
- f. Each owner, operator, or maintainer of the Industrial 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.
- g. Site Security. Industrial 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.
- h. 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.

- i. Industrial Solar Energy Facilities shall not be located on parcels of land less than twenty (20) acres in size.
 - j. No advertising or non-project related graphics shall be on any part of the solar arrays or other components of an Industrial 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 Industrial 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 Industrial 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 Industrial 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. Application Procedures.

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

An applicant proposing an Industrial 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 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 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 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 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. Avian and Wildlife Impact: Copy of the Avian and 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: 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: 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 Industrial 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 Industrial 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 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 include:
 - 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 Industrial 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 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 Industrial Solar Energy Facility;
- l. The Industrial Solar Energy Facility shall not have any on-site battery storage;
- m. All electrical connection systems and lines from the Industrial 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. 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 Industrial Solar Energy Facility;
- o. 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. An escrow deposit shall be provided to the Township in an amount included in the Township's Annual Fee Schedule; and
- q. A complete set of photos of the entire development area prior to construction.

E. Application Fee.

An applicant for an Industrial 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. This 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 Industrial 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.

F. Abandonment and Decommissioning

Following the operational life of the project, the Applicant shall perform decommissioning and removal of the Industrial Solar Energy Facility and all its components. 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. 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. Any Solar Array or combination of Photovoltaic Devices that is not operated for a continuous period of twelve (12) months shall be considered abandoned and shall be removed under the Decommissioning Plan. The ground must be restored to its original topography within three hundred sixty-five (365) days of abandonment or decommissioning. If an extension is required, good faith effort is acceptable.

1. Applicant shall provide an annual report showing continuity in operation and shall notify Township if use is to cease, prior to decommissioning, or abandonment.
2. Continuing Obligations: Failure to keep any required financial security in full force and effect at all times while a Industrial 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 Industrial Solar Energy Facility Applicant, owner, and operator 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.

3. Addition of Section 2.35 "PRIVATE SOLAR ENERGY FACILITIES"

Article VI of the Township's Zoning Ordinance entitled "General Provisions" is hereby amended to add a Section 6.31 entitled "Private Solar Energy Facilities" which shall read, in its entirety, as follows:

Section 2.35 Private Solar Energy Facilities

Private Solar Energy Facilities shall be permitted as an accessory use in all zoning districts, provided that:

- A. No part of a Private Solar Energy Facility erected on a roof shall 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 shall extend beyond the wall on which it is mounted.
- B. 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.
- C. A ground-mounted Private Solar Energy Facility shall not exceed the maximum building height for adjacent accessory buildings, but in no case shall the maximum height of any ground mounted system exceed twenty-five (25) feet above the ground when oriented to maximum tilt.
- D. 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 to any building or other structure shall be located underground. If batteries are used as part of the ground mounted Private Solar Energy Facility, they must be placed in a secured container or enclosure. Signage will be provided with disconnection procedures for emergency first responders in case of fire or other emergency.
- F. A Township land use permit and building permits shall be required for the installation of any Private Solar Energy Facility.
- G. BIVPs, Ground Mounted or Roof Mounted Private Solar Energy Facilities as defined in Section 17.34 shall conform to applicable County, State, and Federal Regulations, and safety requirements including Michigan Building codes.
- H. In the event that a Private Solar Energy Facility has been abandoned for a period of one (1) year, it shall be removed by the property owner within six (6) months from the date of abandonment.

**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.

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:** ~~Commercial~~ Kennels are permitted by special use permit in the Rural Residential and Suburban Residential Districts.
- B. **Site Requirements:** A ~~commercial~~ kennel shall be on a lot with a minimum lot size of five (5) 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. During the hours between 7:00 a.m. until 10:00 p.m., animals shall be permitted in outdoor runs or pens. Animals shall be kept confined and not allowed to run at large on the property, except as part of supervised training.~~
6. Runs and/or exercise areas, and buildings where the animals are maintained, shall be located in the rear yard only.
7. The kennel area shall be screened from view by appropriate screening as determined by the Planning Commission in conformance with Section 6.13.
8. 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. The outside perimeter of the run and/or exercise area of a hobby or commercial kennel shall be enclosed by chain link or cyclone fencing at sufficient height or completely covered on sides and top to prohibit the escape of dogs.~~
9. All dogs must be licensed and maintained in a healthful and careful manner.

~~10. Outdoor runs and breeding areas shall have concrete surfaces, suitable for cleaning by high-pressure water, and shall be provided with an adequate septic system or municipal sewer connection as approved by the Livingston County Health Department.~~

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.
- ii. Housing, whelping and queening 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.
- 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.
- iii. Outdoor areas and exercise areas shall have adequate drainage to prevent standing water.
- iv. 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.

11. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor.

12. Dogs odors shall not be detectable beyond the lot lines of the property in which the kennel is located.
13. Dust and drainage from the kennel enclosure shall not create a nuisance or hazard to adjoining property or uses.

~~Section 17.19B Hobby Kennels~~

- ~~A. **Locational Requirements:** Hobby kennels are permitted by special use permit in the Urban Residential District.~~
- ~~B. **Site Requirements:** A hobby kennel shall be on a lot with a minimum size of one (1) acre for the first three (3) dogs and one-third (1/3) acre shall be required for each additional dog with a limit of ten (10) dogs.~~
- ~~C. **Buffering Requirements:** Accessory buildings where animals are kept, runs, and exercise areas shall not be located nearer than fifty (50) feet to any adjacent residential lot line.~~
- ~~D. Performance Standards:~~
- ~~1. Hobby kennels shall only house dogs owned by the occupant of the dwelling unit.~~
 - ~~2. All kennels shall be operated in conformance with all applicable county, state and federal regulations.~~

Dates, locations and driving directions

Aug. 16: Comfort Inn Hotel & Conference Center
2424 S. Mission, Mt. Pleasant (989) 772-4000

Upon arrival use the Conference Center entrance at the back of the building.

From U.S. 127 (Northbound): Take the first Mt. Pleasant exit (Business 127/CMU) and turn left onto West Campus Dr. The facility will be on your left.

From U.S. 127 (Southbound): Take the U.S. 127 BR exit toward Mt. Pleasant. Follow Mission Rd. to West Campus Dr. and turn right. The facility will be on your left.

Aug. 24: Otsego Resort Conference Center
696 M-32 E. Main St., Gaylord (800) 752-5510

From I-75: Take Exit 282 and head east. Follow M-32 (Main St.) through Gaylord for approximately 1.5 miles and the main entrance drive will be on your left.

As you enter, follow the signs toward the main lodge and Conference Center, which are located in the same building. Use the Conference Center entrance and you'll find the class in the Special Events Center.

Aug. 31: Van Buren ISD Conference Center
490 S. Paw Paw St., Lawrence (269) 674-8091

From I-94: Take Exit 52 and turn left toward Lawrence. The Conference Center will be on your left, approximately one mile from the exit.

Joining us online: Watch your email for login instructions the week of Aug. 22. Sign in at 5 p.m. on Aug. 31 to watch live and get your questions answered in real time OR watch the recorded version anytime at your convenience from September until Dec. 1. You can do either—or both—whatever works for you!

Do you have special dietary needs or need special accommodations? Email kristin@michigantownships.org or call (517) 321-6467, ext. 230 at least a week in advance.

Cancellations, substitution and switching policy

Written cancellation requests received at the MTA office by Aug. 2 will receive a full refund. In-person event "no shows" or those who cancel after Aug. 2 will be converted to online access. No refunds will be issued after Aug. 2 without extenuating circumstances. If space allows, you may switch locations at no charge if you notify MTA of the change at least one week prior to class; otherwise, a \$25/person fee will be assessed. You may substitute another individual from your township without incurring a charge; please notify MTA of the change.

Prsrt Std.
US Postage
Paid
Lansing, MI
Permit #765



**MICHIGAN
TOWNSHIPS
ASSOCIATION**

512 Westshire Drive
P.O. Box 80078
Lansing, MI 48908-0078

Evening class explores
emerging issues in
planning & zoning



**MICHIGAN
TOWNSHIPS
ASSOCIATION**

Hot Topics in Planning & Zoning

An evening workshop held
from 5 to 8 p.m.
Both in-person and online options!



Examine hot topics in township planning and zoning

Join MTA for a how-to guide and real-life practical experiences at the summer's hottest workshop series, *Hot Topics in Planning & Zoning*. This evening program identifies emerging issues in planning and zoning, and is a must for planning commissioners, township board members and zoning administrators.

Dig into hot-button land use and zoning issues that are a key topic of conversation in townships across the state. Short-term rental regulations in residential neighborhoods and zoning provisions for solar energy are just a few of the topics up for discussion. We'll also review recommendations for how "hot potato" topics and conflict of interest get handled in your township to avoid confusion, contention and ensure everyone knows their part in the process. You won't want to miss this discussion on matching your township's planning and zoning with the character of your community! Learn what to do when your current approach to restricting an existing use isn't working and what you can (and can't!) do to balance property rights with preservation of your neighborhood residential, or agricultural, character.

Designed and presented by MTA Legal Counsel Catherine Kaufman, who brings her unique experience as both a planner and an attorney, and Seth Koches with the firm Bauckham, Sparks, Thall, Seeber & Kaufman PC, this workshop offers real-life, practical application.

Continue the learning

Participants can pre-purchase MTA's Planning & Zoning Book Package, which includes *The Township Guide to Planning & Zoning and Planning & Zoning Decision-making* for \$77—an 18% discount over regular rates! (Online participants pay \$82 which covers shipping & handling.) *The P&Z Guide* provides a detailed look at the planning process and outlines a successful program, while *Decision-making* aims to help you reach defensible decisions and build a strong community based on sound planning principles and procedures. Books will be distributed onsite or shipped to online registrants.

Event Details

4 p.m.
Registration check-in begins and dinner is served

5 to 8 p.m.

Class in session; breaks will be provided

This course was designated by Michigan State University Extension for Master Citizen Planner (MCP) program credit.

When & Where

Aug. 16:
Comfort Inn Hotel & Conference Center,
Mt. Pleasant

Aug. 24:
Otsego Resort Conference Center, Gaylord

Aug. 31:
Van Buren ISD Conference Center, Lawrence

Can't make the date? Prefer to join online?
Watch live from the computer nearest you on Aug. 31 OR review a recorded version (available in September) anytime at your convenience until Dec. 1. OR do both!

Hot Planning & Zoning Topics

To register send completed form with payment to MTA, P.O. Box 80078, Lansing, MI 48908-0078. Payment via credit card may be faxed to (517) 321-8908. Or register online at www.michigantownships.org.

Township _____ County _____

Name & Title _____ Email _____

Joining: In person Online Add P&Z Books: Yes No

Name & Title _____ Email _____

Joining: In person Online Add P&Z Books: Yes No

Name & Title _____ Email _____

Joining: In person Online Add P&Z Books: Yes No

When will you join us:

Aug. 16: Mt. Pleasant

Aug. 24: Gaylord

Aug. 31: Lawrence OR Online Only

Early-bird Rate*: Expires Aug. 2

\$103/person (*Premium subscribers pay \$82/person***)

Regular Rate*: After Aug. 2

\$123/person (*Premium subscribers pay \$98/person***)

(# registered) x \$ _____ (rate*) = \$ _____

(# of book packages) x (\$77/each*) = \$ _____

Online only add \$5/package for book S&H = \$ _____

AMOUNT ENCLOSED = \$ _____

*Rates applies to MTA members. Non-members, call for rates.

***Premium subscribers are townships that have purchased an online learning subscription to MTA Online at the premium level. Find out if your township is a premium subscriber at*

www.michigantownships.org/mtaonline.asp

NOTE: Payment must accompany form in order to be processed.

Check enclosed (payable to MTA)

Charge to: (circle one) MasterCard VISA

Card # _____ Expires _____

Print Card Holder's Name _____ Signature _____

