

**MARION TOWNSHIP PLANNING COMMISSION
AGENDA**

REGULAR MEETING

June 28, 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: June 28,2022 Regular Meeting

Approval of Minutes from: May 24, 2022 Regular Meeting

Call to the Public:

Public Hearing:

New Business:

Unfinished Business:

1) SPR#03-22 Marion Oaks Clubhouse Final Site Plan Review (new site plan)

2) Master Plan-Final Updates, Path to Finalize

3) Solar Farm Ordinances received from Allissa Starling, PC direction and next steps for Ordinance Language.

4) Kennels-Allisa Starling's recommendations for Ordinance Language based on previous discussions/correspondence.

5) Status of Alissa Starling, Zack Michels, John Gromley discussions surrounding Zoning Enforcement and Storage Containers (no information)

Special Orders:

Announcements:

BOT passing GO for Solar Moratorium 6-23-2022

Call to the Public:

Adjournment

DRAFT

*Approved by: _____
Larry Grunn, *Chairperson*

Date: _____

**MARION TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
May 24, 2022 / 7:30PM**

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

OTHERS PRESENT: DAVE HAMANN – *ZONING ADMINISTRATOR*
ALISSA STARLING – *CARLISLE WORTMAN*

MEMBERS ABSENT: NONE

CALL TO ORDER:

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

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

Approval of the Regular Meeting Agenda for May 24, 2022

Bruce Powelson motioned to approve the agenda for the May 24, 2022 Planning Commission agenda. Jim Anderson seconded. **MOTION CARRIED**

APPROVAL OF MINUTES:

Approval of the Regular Meeting Minutes for April 20, 2022

Jim Anderson motioned to approve the minutes for the April 20, 2022 Planning Commission Meeting. Cheryl Range seconded. **MOTION CARRIED**

CALL TO THE PUBLIC:

Jay Drick introduced himself. He is running for County Commissioner in the August 2022 election. Les Andersen inquired about Jay Drick's opinion on open space land preservation. Les asked if Livingston County had any intention on contributing any funds towards open space land preservation.

NEW BUSINESS:

1) SPR# 02-21 HOWELL STORAGE EXPANSION – FINAL SITE PLAN

Jim Abraham is the owner of Howell Storage. Jim explained that he is going to replace all of his outside storage with his portable storage units. Jim Abraham also explained that the parking lot will not be asphalted and instead they will be using aggregate. His portable units have been approved by the Fire Department and the Livingston County Drain Commission. Alissa Starling from Carlisle Wortman suggested that they the building lights be down shielded and that a photo metric should be provided. Dave Hamann stated that the photo metrics would be provided after the Board meeting. Jim Anderson asked about the setbacks and the drainage issues. Jim Abraham stated that they do meet the setbacks and the drainage issue has been capped and re-routed.

Cheryl Range made a motion to recommend approval to the Board of Trustees for SPR# 02-21 Howell Storage Expansion's final site plan with the lighting conditions recommended by Carlisle Wortman. Jim Anderson seconded. **MOTION CARRIED.**

Alissa Starling stated that they do in fact have the photo metrics and only need to see the cut-sheet for the landscaping.

2) SPR# 02-22 MARION D-19 LLC – FINAL SITE PLAN REVIEW

Todd Lekander talked about his addition to the Marion D-19 gas station. He is hoping to be done by middle of September this year. Alissa Starling asked if Mr. Lekander could add the legal description to the site plan. Alissa also inquired about the lighting cut sheets and Todd explained that he provided those in the beginning for the first review. Todd Lekander also confirmed that they are well within the setbacks and have gotten approval from all outside agencies. Alissa asked Todd about the lighting in the parking lot. Todd Lekander stated that the parking lot lights are all down-shielded and not pointing at the road at all.

Cheryl Range made a motion to recommend approval to the Board of Trustees for SPR# 02-22 Marion D-19 LLC final site plan with the lighting conditions recommended by Carlisle Wortman. Larry Grunn seconded. **MOTION CARRIED.**

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

Sara Kunde discussed the plans for construction of the new Marion Oaks clubhouse.

John Martin resides at 446 Trestle (in Marion Oaks subdivision) and inquired about the square footage of the new clubhouse. Dave Hamann stated that this is not an architectural drawing, therefore it does not have certain details, such as square footage.

Jim Anderson inquired about the outdoor and parking lot lighting, the pool specs/details, the location of the dumpster and/or enclosure, landscaping details, the pool fencing details and the parking lot details.

Alissa Starling with Carlisle Wortman, stated that even with consent judgements, the applicant still has to follow the Township's zoning ordinances and site plan review procedures which includes, providing a site plan that contains all of the details mentioned in Carlisle Wortman's review letter.

Alissa Starling went over the review letter and outlined the following recommendations:

- A photo metric plan for the lighting in the parking lot, with spec sheets must be provided. Also, the parking lot lights (wall packs) should be down-shielded.
- The parking lot dimensions and calculations must be listed along with a parking table.
- If there is a trail plan that provides access to the adjacent recreational fields, then that plan needs to be provided to the Township.
- Additional landscaping should also be considered such as, planting 6-10 evergreens to help provide some vertical green-screening, during the winter months.
- The dumpster location and or enclosure needs to be shown on the site plan.
- All the building elevations and dimensions should be provided on the site plan.
- All pool fencing details, placement and sizing should be listed on the site plan.

Alissa told the Commissioners that if they feel there is not enough detail being shown on this site plan, then they have the authority to postpone further decision on this project until more information is provided.

Jim Anderson made a motion to postpone making a decision on SPR# 03-22 Marion Oaks Clubhouse, until the applicant re-submits an updated site plan with the mentioned conditions included. Cheryl Range seconded. **MOTION CARRIED**

Dave Hamann suggested that maybe Sara submit the architect plans along with the site plan, however he understands that the architect plans typically are not completed until the applicant gets the site plan approved.

4) DISCUSSION ON OPEN ITEMS AND PRIORITIZE WORK TASKS:

a. MASTER PLAN

Alissa Starling made the requested font and updates listed on the GOOGLE doc created by the Commissioners. Cheryl Range suggested not mentioning the term "ag tourism" or "Ag Business". Alissa said she would create an "Agriculture/Open Space" page. Jim Anderson suggested that Alissa look at Sio Township's Preservation PDR performance language in their Master Plan, for guidance.

Alissa stated that she would also add a paragraph about solar and renewable energy.

Alissa is going to do her best to come up with seemingly accurate census numbers for our Master Plan.

b. KENNELS

Jim Anderson will send Alissa what he presented to John Enos a few months back regarding animal kennels.

c. SOLAR

Alissa will have some language samples for the next Planning Commission meeting. Conway Township created some solar language about having bonds in place to protect the Township in the event that any solar equipment is abandoned. These bonds are evaluated every three years to make sure that the cost gets updated as time passes.

d. STORAGE CONTAINERS

Dave Hamann stated that he has been waiting for John Enos and John Gormley to work out their differences on Storage Containers, so we can put together some language for our ordinance. Dave said he would send Alissa some of the communication between Enos and Gormley. In the meantime, Alissa stated that she would get with John Enos about the Storage Containers and ask that he follow up with Dave.

Alissa inquired about the priority of these work tasks. Jim Anderson stated that The Master Plan, Kennels and Solar are the most important. Storage Containers will have to wait for John Enos to make some progress with Gormley on this item.

ANNOUNCEMENTS

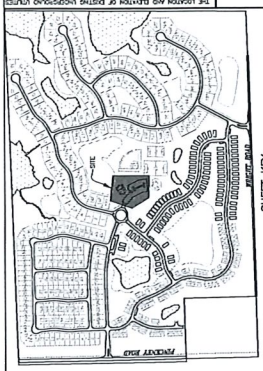
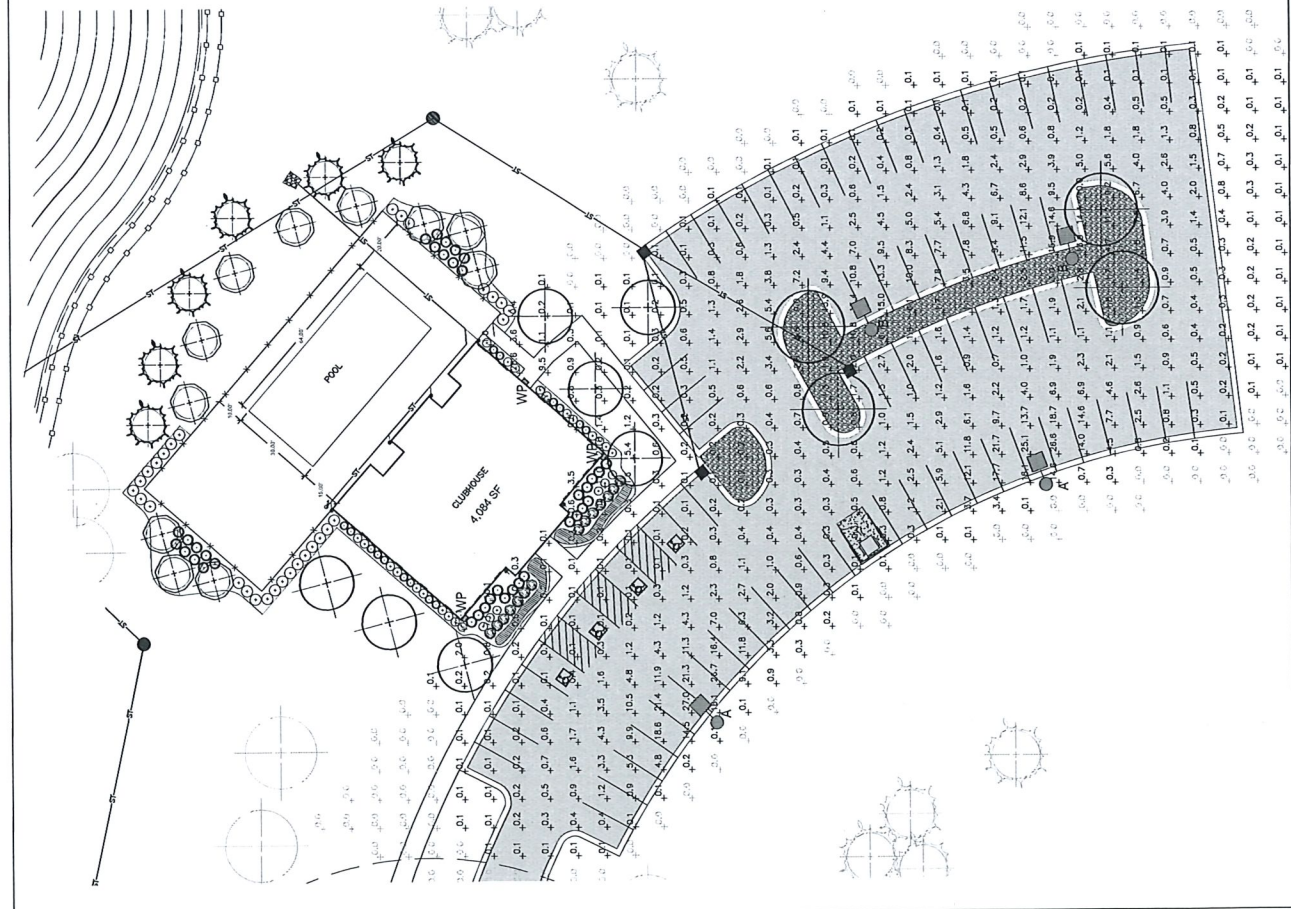
Jim Anderson said that the open space survey is in the Board packet for the meeting this week. It is a one-page, two-sided document. Sandy Donovan stated that it would be \$800 for the printing and mailing of the survey. (Around 5600 copies.)

CALL TO THE PUBLIC

Les Andersen spoke with a resident who is a leasing agent for solar energy. Les also asked about Moratoriums. Alissa stated that Moratoriums are OK, as long as you don't currently have any applications or any expressed interest from outside agencies. Bob Harvey has a friend who knows about Moratoriums and will get in contact with him tomorrow.

ADJOURNMENT

Jim Anderson made a motion to adjourn the Planning Commission meeting at 9:47 pm. Larry Grunn seconded. **MOTION CARRIED**



LEGEND

- Light Fixture
- Light Level Measured
- Light Level

SITE LIGHTING SUMMARY
 LIGHTING LEVELS ARE SHOWN IN FOOTCANDLES AT 5' IN ELEVATION
 UNLESS OTHERWISE NOTED
 ANALYSIS LEVEL ON THE SHEET IS



B-BOSS Engineering
 Engineers Surveyors Planners Landscape Architects
 3121 E. GRAND RIVER AVE.
 HOWELL, MI. 48843
 800.246.6735 FAX 917.548.1670

DESIGNED FOR
 MARION OAKS DEVELOPMENT, LLC
 1225 MARION DRIVE
 248-437-1844

PROJECT
 RECREATION AREA AT MARION OAKS

LIGHTING PLAN
 DATE: 6-01-23

NO.	REV.	DESCRIPTION
1	01	ISSUED FOR PERMIT
2	01	ISSUED FOR PERMIT
3	01	ISSUED FOR PERMIT
4	01	ISSUED FOR PERMIT
5	01	ISSUED FOR PERMIT
6	01	ISSUED FOR PERMIT
7	01	ISSUED FOR PERMIT
8	01	ISSUED FOR PERMIT
9	01	ISSUED FOR PERMIT
10	01	ISSUED FOR PERMIT

WPX LED

WPX LED is a high-performance, energy-efficient lighting solution. It features a long life span, low heat output, and excellent color rendering. The fixture is designed for outdoor use and is available in various sizes and finishes.

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D-Series Size 2

D-Series Size 2 is a high-performance, energy-efficient lighting solution. It features a long life span, low heat output, and excellent color rendering. The fixture is designed for outdoor use and is available in various sizes and finishes.

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LUMINAIRE SCHEDULE

SYMBOL	LABEL	QTY.	DESCRIPTION	CATALOG NUMBER	LAMP	LUMENS	LUF	HEIGHT	BASE HEIGHT	TOTAL HEIGHT
WPX	WPX LED	1	WPX LED 50W 5000K 100LM	WPX LED 50W 5000K 100LM	LED	5000	50	10'	N/A	10'
D	D-Series	2	D-Series LED 100W 5000K 100LM	D-Series LED 100W 5000K 100LM	LED	10000	100	10'	2'	12'
LP	LP	2	LP LED 100W 5000K 100LM	LP LED 100W 5000K 100LM	LED	10000	100	10'	7'	17'

ALL LUMINAIRE PROVIDED BY MANUFACTURER FOR CALCULATION OF LIGHTING LEVEL.

6.25 Large Solar Energy Systems. The following requirements shall apply to all Large Solar Energy Systems.

- A. Purpose and Intent: The purpose and intent of this Section is to establish standards for the siting, installation, operation, repair, decommissioning and removal of Large Solar Energy Systems within the Light Industrial and General Industrial Districts as a Special Land Use.

- B. Site Plan Drawing and Supporting Materials: All applications for a Large Solar Energy Systems use must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information:
 - 1. All requirements for a site plan contained in Article 11 of the Augusta Charter Township Zoning Ordinance.
 - 2. All lot lines and dimensions, including a legal description of each lot or parcel comprising the Large Solar Energy System.
 - 3. Names of owners of each lot or parcel within Augusta Charter Township that is proposed to be within the Large Solar Energy System.
 - 4. Vicinity map showing the location of all surrounding land uses.
 - 5. Location and height of all proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with a Large Solar Energy System.
 - 6. Horizontal and vertical (elevation) to scale drawings with dimensions that show the location of the proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above ground structures and utilities on the property.
 - 7. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Large Solar Energy System and within 100 feet of all exterior property lines of the Large Solar Energy System.
 - 8. Proposed setbacks from the Solar Array(s) to all existing and proposed structures within the Large Solar Energy System.
 - 9. Land elevations for the Solar Array(s) location and the relationship to the land elevations of all existing and proposed structures within

the Large Solar Energy System at a minimum of 5' contours.

10. Access driveways within and to the Large Solar Energy System, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Washtenaw County Road Commission approval and shall be planned so as to minimize the use of lands for that purpose.
 11. Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance or repair of the Large Solar Energy System.
 12. A written description of the maintenance program to be used for the Solar Array and other components of the Large Solar Energy System, including decommissioning and removal. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Large Solar Energy System is decommissioned.
 13. Planned lightning protection measures.
 14. A weed control and mosquito control plan shall be provided. No chemicals shall be used for weed or mosquito control that might have a detrimental impact on groundwater.
 15. Additional detail(s) and information as required by the Special Land Use requirements of the Augusta Charter Township Zoning Ordinance, or as required by the Planning Commission.
- C. Application Escrow Account: An escrow account shall be deposited with the Township by the Applicant when the Applicant applies for a Special Land Use Permit for a Large Solar Energy System. The monetary amount deposited by the Applicant in escrow with the Township shall be the amount estimated by the Township, to cover all reasonable costs and expenses associated with the Special Land Use Permit review and approval process, which costs shall include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that are reasonably related to the zoning review process for the application. The Applicant shall have thirty (30) days to refuse or approve of the amount estimated by the Township. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the Special Land Use Permit review process, the Township may require that the Applicant place additional funds into escrow with the Township if the existing escrow amount deposited by the Applicant is deemed insufficient by the Township. If the escrow account

needs replenishing and the Applicant refuses to do so within thirty (30) days, the Special Land Use Permit process shall cease unless and until the Applicant makes the required additional escrow deposit. Any applicable zoning escrow Resolutions or other Ordinances adopted by the Township must also be complied with by the Applicant. The Township shall provide a summary of all account activity to the Applicant within a timely manner upon request. Any funds remaining within the escrow after approval of the Special Land Use Permit shall be returned in a timely manner to the Applicant.

- D. Compliance with the County Building Code and the National Electric Safety Code: Construction of a Large Solar Energy System 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.
- E. Certified Solar Array Components: Components of a Solar Array shall be approved by the Institute of Electrical and Electronics Engineers ("IEEE"), Solar Rating and Certification Corporation ("SRCC"), Electronic Testing Laboratories ("EIL"), or other similar certification organization if the similar certification organization is approved by the Township, which approval shall not be unreasonably withheld.
- F. Height: Maximum height of a Solar Array, other collection device, components or buildings of the Large Solar Energy System, excluding substation and electrical transmission equipment, shall not exceed fifteen (15) feet (at full-tilt) (as measured from the natural grade at the base of improvements) at any time or location on the property. Substation and electrical transmission equipment shall not exceed one hundred (100) feet in height.
- G. Lot Size: A Large Solar Energy System shall be located on one or more parcels with an aggregate area of ten (10) acres or greater.
- H. Setbacks: A minimum setback distance of one hundred (100) feet from all exterior property lines of the Large Solar Energy System and existing public roads and railroad rights-of-way shall be required for all buildings and Solar Arrays. Additionally, a minimum setback distance of one hundred fifty (150) feet shall be provided from solar arrays, equipment, and fencing from all participating residential property lines. A five hundred (500)-foot setback with landscape screening is required where non-participating residential property adjoin the proposed solar use.
- I. Lot Coverage: A Large Solar Energy System is exempt from maximum lot coverage limitations.

J. Screening/Security: A Large Solar Energy System shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be six (6) feet in height with a one (1) foot extension arm consisting of a minimum of three strands of barbed-wire placed above the fencing and slanting outward as measured from the natural grade of the fencing perimeter. The Planning Commission may consider an alternative fence-type as part of the special land use approval. Electric fencing is not permitted. The perimeter of Large Solar Energy Systems shall also be screened and buffered by installed evergreen or native vegetative plantings whenever existing natural vegetation does not otherwise reasonably obscure the Large Solar Energy System from adjacent residential structures, subject to the following requirements:

1. The Large Solar Energy Systems shall be exempt from the landscape requirements of Article 5.7.
2. No landscaping shall be placed within fifty (50) feet of any right-of-way.
3. Landscape screening shall be installed to obscure the Large Solar Energy System from adjacent uses and from passersby. The evergreen and shrub vegetative buffer shall be composed of one (1) row of evergreen trees and two (2) offset rows of shrubs that at planting shall be a minimum of four (4) feet to six (6) feet in height (evergreen trees) and shrubs two (2) feet in height. The vegetative buffer shall be continuously maintained and the applicant shall replace all unhealthy (sixty (60) percent dead or greater) and dead material shall be replaced by the Applicant within one (1) year, or the next appropriate planting period, whichever occurs first. The applicant may plant a different species than originally planted upon approval from the Planning Commission and if the originally planted species does not thrive in this location.
3. All plant materials shall be installed between March 15 and November 15. If the Applicant requests a Final Certificate of Occupancy from the Township and the Applicant is unable to plant during the installation period, the Applicant will provide the Township with a letter of credit, surety or corporate guarantee for an amount equal to one and one-half (1.5) times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee.
4. Failure to install or continuously maintain the required vegetative buffer shall constitute a violation of this Ordinance and any Special Use Permit may be subject to revocation.

- K. Signage: No advertising or non-project related graphics shall be on any part of the Solar Arrays or other components of the Large Solar Energy System. This exclusion does not apply to entrance gate signage or notifications containing points of contact or any and all other information that may be required by authorities having jurisdiction for electrical operations and the safety and welfare of the public.
- L. Noise: No component of any Large Solar Energy System shall emit noise exceeding sixty-five (55) dBA as measured at the exterior property boundary or the existing ROW line.
- M. Lighting: All lighting for parking lots, driveways, external illumination of buildings, the illumination of signs, and any additional lighting used during construction and decommissioning of the solar use shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect driver visibility on adjacent public roads in accordance with Section 9.13.
- N. Wetlands: No additional wetlands shall be created or developed by the project.
- O. Drain Tiles: Drain tiles on the Large Solar Energy System site shall be surveyed and protected during the life of the project and are subject to professional review. If non-functioning drain tiles are discovered during the survey, they must be repaired and made functional. Any drain tiles rendered non-functioning directly as a result of construction, operation, maintenance or decommissioning of the Large Solar Energy System will be replaced or repaired so as not to create any drainage issues on the Large Solar Energy System site or on adjacent and surrounding properties.
- P. Distribution, Transmission and Interconnection: All collection lines and interconnections from the Solar Array(s) to any electrical substations shall be located and maintained underground inside the Large Solar Energy System, except in areas where technical or physical constraints make it preferable to install equipment above ground. This requirement excludes transmission equipment meant to connect the project substation to the local transmission system.
- Q. Abandonment and Decommissioning: Following the operational life of the project, the Applicant shall perform decommissioning and removal of the Large Solar Energy System 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. 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 more 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.

- R. **Complaints:** The operator of the project shall respond to complaints from neighboring property owners arising from and related to the operation of the Large Solar Energy System within (10) business days and shall attempt to resolve complaints consistent with Township ordinances and law. Complaints and any resolution reached must be reported to the Township Zoning Administrator.
- S. **Indemnity/Insurance:** Public liability and property damage insurance must be continuously maintained during the life of the project and the Township shall be listed as an additional insured and indemnified from all claims arising from the construction, use, maintenance and decommissioning of the Large Solar Energy System.
- T. A development agreement and/or a special land use permit agreement as provided for in Section 4.3(E) must be entered into with the Township Board before construction commences on a Large Solar Energy System.
- U. **General Standards:** The Planning Commission shall not approve any Large Solar Energy System Special Land Use Permit unless it finds that all of the general standards for Special Land Uses contained in Article 4 of this Ordinance are met.
- V. **Approval Time Limit and Extension:** Special Use and Site Plan approvals or permits under this Section shall be valid for one year but, if requested by the Applicant prior to that expiration date, shall automatically be extended for an additional one-year period.
- W. **Conditions and Modifications:** Any conditions and modifications approved by the Planning Commission shall be recorded in the Planning Commissions' meeting minutes. The Planning Commission may, in addition to other reasonable conditions, require landscaping, walls, fences and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts.

After approval, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Chairman of the Planning Commission and authorized representative of the Applicant. One copy shall be kept on file

by the Township Clerk, and one copy shall be returned to the Applicant's authorized representative.

- X. Inspection: The Township shall have the right at any reasonable time, to provide same-day notice to the Applicant to inspect the premises on which any Large Solar Energy System is located. The Township may hire one or more consultants, with approval from the Applicant (which shall not be unreasonably withheld), to assist with inspections at the Applicant's or project owner's expense. Inspections must be coordinated with, and escorted by, the Applicant's operations staff at the Large Solar Energy Facility to ensure compliance with the Occupational Safety and Health Administration (OSHA), NESC and all other applicable safety guidelines.

- Y. Maintenance and Repair: Each Large Solar Energy System must be kept and maintained in good repair and condition at all times. If the Township Zoning Administrator determines that a Large Solar Energy System fails to meet the requirements of this Ordinance and the Special Land Use Permit, or that it poses a safety hazard, the Zoning Administrator, or his or her designee, shall provide notice to the Applicant of the violation or safety hazard. If, after a reasonable cure period (not to exceed 7 days), the violations or safety hazards are not corrected, the Applicant is entitled to a hearing before the Township Board. If the Township Board determines that the violation or safety hazard requires that the Large Solar Energy System must be shut down, Applicant shall immediately shut down the Large Solar Energy System and not operate, start or restart the Large Solar Energy System until the issues have been resolved. Applicant shall keep a maintenance log on the Solar Array(s), which shall be available for the Township's review within 48 hours of such request. Applicant shall keep all sites within the Large Solar Energy System neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.

- Z. Roads: Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of a Large Solar Energy System shall be repaired at the Applicant's expense. In addition, the Applicant shall submit to the appropriate County agency a description of the routes to be used by construction and delivery vehicles and shall make road improvements determined to be necessary or appropriate by the County Road Commission to accommodate construction vehicles, equipment or other deliveries. The Applicant shall abide by all County and Township requirements regarding the use and/or repair of roads in the Township.

- AA. Continuing Security: If any Large Solar Energy System is approved for construction under this Section, Applicant shall post decommissioning security prior to the start of construction (in a mutually agreed upon form) for an amount necessary to accomplish the work specified in the

decommissioning plan as agreed upon by the Township and Applicant. The amount shall be reasonably sufficient to fully decommission the project and restore the property to its previous condition prior to construction and operation of the Large Solar Energy System. Such financial security shall be kept in full force and effect during the entire time that the Large Solar Energy System exists or is in place, and such financial security shall be irrevocable and non-cancelable.

1. Continuing Obligations: Failure to keep any required financial security in full force and effect at all times while a Large Solar Energy System 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 Large Solar Energy System 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.

BB. Other Requirements: Each Large Solar Energy System shall also comply with all applicable federal, state and county requirements, in addition to other applicable Township Ordinances.

**HANDY TOWNSHIP
SOLAR ENERGY FACILITIES ORDINANCE**

Handy 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 Solar Energy System. As a Special Use Permit for industrial solar energy facilities development in Handy 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 systems shall be ground mounted arrays of panels and shall be subject to this ordinance. Private Solar Energy Systems shall be permitted as an accessory use in all zoning districts.

Section 2. Amendment of Section 16.6 “SPECIAL USE SPECIFIC DESIGN STANDARDS”

Section 16.6 of the Township’s Zoning Ordinance entitled “Special Use Specific Design Standards” is hereby amended to add a subsection ~~“AAA,”~~ “BBB” entitled “Industrial Solar Energy Facilities” which shall read, in its entirety, as follows:

AAA. INDUSTRIAL SOLAR ENERGY FACILITIES

- 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 if 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: Handy 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.

Township: Handy Township, Livingston County, Michigan

Township Board: Handy Township Board

- B. Standards. The Planning Commission shall have the power to grant a Special Use Permit to allow an Industrial Solar Energy Facility in the, “AR” Agricultural Residential District, “RD” Research and Development, “I-1” Prime Industrial, “I-2” General Industrial, 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.

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

1. ~~Avian~~ 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)~~ (30) 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 an eight (8) foot tall chain link fence woven with a green opaque material to restrict the view into the facility. 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.

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 the 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 the 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 be gated, with wings as appropriate, to discourage trespassers.
6. Complaint Resolution.
- a. The Industrial Solar Energy Facility applicant shall submit a detailed, written complaint resolution process developed by the Industrial Solar Energy Facility applicant to resolve complaints from the Township Board or the property owners or residents concerning the construction or operation of the Industrial Solar Energy Facility. The complaint resolution process must be approved by the Planning Commission as a condition of approval of the special land use permit application.
 - b. The Township Board shall appoint a three (3) member complaint resolution committee to oversee and participate in all complaint resolution discussions or meetings between the township property owner or resident and the Industrial Solar Energy Facility owner.
 - c. The complaint resolution committee shall consist of one (1) Township Board member, one (1) Planning Commission member, and one (1) qualified elector chosen from the community.
 - d. The Township Board shall be kept apprised of all complaints and shall receive a report outlining the issues, the progress, and the resolution of each such complaint.

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 Land 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 Land 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 16.2. 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 Handy 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. Environmental Impact: Copy of the Environmental Impact analysis.
6. Avian and Wildlife Impact: Copy of the Avian and Wildlife Impact analysis.
7. Manufacturers' Material Safety Data Sheet(s): Documentation shall include the type and quantity of all materials used in the operation of all equipment.
8. Decommissioning: Copy of the decommissioning plans and a description of how any surety bond, if required, is applied to the decommissioning process.
9. Complaint Resolution: Description of the complaint resolution process.
10. 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. ~~to have access to.~~

11. 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, 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 ~~per-acre~~, 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.

- 1. Abandonment: An Industrial Solar Energy Facility that ceases to produce energy on a continuous basis for twelve (12) months will be considered abandoned. It is the responsibility of the responsible party or parties to remove all equipment and facilities and completely restore the parcel to its original condition prior to the installation of the solar facility.
 - a. Upon determination of abandonment, the Zoning Administrator shall notify the party or parties responsible that they must remove the Industrial Solar Energy Facility and restore the site to its condition prior to the development of

the facility within six (6) months of notice by the Planning Commission or its designee.

- b. If the responsible party or parties fail to comply, the landowner is then responsible for removal of the facility.
 - c. If the facility is not removed and the land restored to its prior condition within the six (6) month time period, the Planning Commission or its designee may remove the solar facility, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover costs required to remove the solar facility and restore the site to a non-hazardous pre-development condition.
 - d. Some type of metering system approved by the Planning Commission must be part of the project showing that the system is operational.
2. Decommissioning: A decommissioning plan signed by the party responsible for decommissioning and the landowner addressing the following shall be submitted prior to issuance of the zoning permit which shall include:
- a. The anticipated life of the project;
 - b. The estimated decommissioning costs net of salvage value in current dollars;
 - c. The method of ensuring that funds will be available for decommissioning and restoration, to include but not limited to complete removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels, and foundations. Complete restoration of the property to its original condition prior to the Industrial Solar Energy Facility construction; and
 - d. The anticipated manner in which the project will be decommissioned and the site restored.

Section 3. Addition of Section 2.35 “PRIVATE SOLAR ENERGY SYSTEMS”

Chapter 2 of the Township’s Zoning Ordinance entitled “General Provisions” is hereby amended to add a Section 2.35 entitled “Private Solar Energy Systems” which shall read, in its entirety, as follows:

Section 2.35 Private Solar Energy Systems

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

- A. No part of a Private Solar Energy Systems 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 Systems, the property owner shall submit, **for a Land Use Permit an**, a site plan, **along with all appropriaye 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 System shall not exceed the maximum building height for adjacent accessory buildings, but in no case shall the maximum height of any groundmounted system exceed twenty five (25) feet above the ground when oriented to maximum tilt.
- D. A groundmounted 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 Systems to any building or other structure shall be located underground. If batteries are used as part of the ground mounted Private Solar Energy System, they must be placed in a secured container or enclosure. Sinage 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 System.
- G. BIVPs, Ground Mounted or Roof Mounted Private Solar Energy Systems as defined in Section 16.6(~~AAA~~) **“BBB”** 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 System 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.

**IDA TOWNSHIP
SOLAR ENERGY SYSTEMS DRAFT ORDINANCE**

Section 2.2: Definitions

Decommission: To remove or retire from active service.

Photovoltaic Device: A system of components that generates electric energy from incident sunlight by means of the photovoltaic effect, whether or not the device is able to store the electric energy produces for later use.

Solar Array: Any number of Photovoltaic Devices connected to provide a single output of electric energy or other energy.

Solar Energy Systems, Large-Scale: An installation of more than one (1) ground-mounted, utility-scale solar energy system where the primary use of the land is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, for the sale, delivery or consumption of the generated energy with a capacity greater than one megawatt (MW).

Large-Scale Solar Energy Systems are only permitted in the (C-1) Commercial District and the (LI) Light Industrial District.

Solar Energy Systems, Personal: Small-scale solar panels or technologies permitted as accessory structures within all zoning districts. Personal Solar Energy Systems are comprised of a single unit which is installed and solely used for private purposes. These solar structures may be either ground-mounted, or building-mounted.

Solar Farm: See Solar Energy Systems, Large-Scale.

Solar Tracker: A device which maximizes the solar system's electricity production through panels that move to follow the sun throughout the day. As they are typically used as part of Large-Scale Solar Energy Systems, solar trackers are not to be permitted for use as part of a Personal Solar Energy System.

Substation: Part of a Large-Scale Solar Energy System, it is an interconnected network of electrical components comprising of transformers, auxiliaries, switchgear, and other mechanical equipment. The substation regulates incoming electrical energy generated while delivering electricity to consumers through outgoing transmission lines.

Section 6.48 Solar Energy Systems

A. Purpose: The purpose of this section is to provide regulation for the following permitted types of Solar Energy Systems.

1. *Personal-Scale Solar Energy Systems (Ground-Mounted and Building-Mounted):* Permitted within all zoning districts in the Township of Ida as accessory structures or uses under the conditions that they are located within a rear or side yard, comply with all applicable setback requirements, and are intended to be solely used for private purposes rather than commercial resale.
2. *Large-Scale Solar Energy Systems (Ground-Mounted):* Permitted **within the (LI) Light Industrial District as a permitted use and within the C-1 Commercial District as Special Land Use.**

B. General Standards for All Solar Energy Systems:

1. All Solar Energy Systems must be compliant with all Township Ordinances and other applicable regulation.
2. All Solar Energy Systems shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to the Township Building Official prior to installation. The Building Official may inspect the completed installation to verify compliance with the manufacturer's directions.
3. All Solar Energy Systems whether ground-mounted or building-mounted, shall be permanently and safely attached to whatever surface it is mounted to.
4. No building-mounted Solar Energy System shall exceed the dimensional height permitted in the zoning district in which it is located. No ground-mounted Solar Energy System shall exceed the height of the principal structure or **fourteen (14)** feet in height, whichever is less. Height is to be measured from the average grade at the base of the pole to the highest edge of the system. The Planning Commission may increase the maximum height requirements at their discretion dependent upon location and other factors.
5. All Solar Energy Systems are to be neutral in color to minimize reflectance onto surrounding properties and streets.
6. The following items shall apply to all Solar Energy Systems; however, additional flexibility or stricter regulations may be placed upon the solar energy system dependent upon the site's location within the Township and the land uses of adjacent parcels per the discretion of the Planning Commission.

- a. Electrical fencing is not permitted, unless also housing livestock or similar animals.
- b. Personal-Scale Solar Energy Systems are to be screened so that any mechanical equipment used as part of the solar energy system may not be seen from other residentially zoned properties.
- c. The perimeter of all sites containing Large-Scale Solar Energy Systems shall be screened and buffered per the direction of the Planning Commission.

C. Additional Standards for Large-Scale Solar Energy Systems: Large-scale Solar Energy Systems where the primary use of the land is to generate electric energy or other energy by converting sunlight for the sale, delivery or consumption of the generated energy with a capacity greater than one megawatt (MW) shall require site plan review, the receipt of a Special Land Use Permit, and fulfill the following standards supplemental to those established in section 6.48B.

1. A Large-Scale Solar Energy System may be located on one or more parcels with an aggregate area of ten (10) acres or greater.
2. Setbacks: A minimum setback distance of one hundred (100) feet from all exterior property lines of the Large Solar Energy System and existing public roads and railroad rights-of-way shall be required for all buildings and Solar Arrays, provided that a setback of two hundred and fifty (250) feet shall be required adjacent to any residential structure.
3. Design and operation of all Large-Scale Solar Energy Systems must be compliant with all applicable provisions of local, state, and federal laws and regulations.
4. All Large-Scale Solar Energy Systems shall be subject to the section 7.6 which delineates glare and exterior lighting standards. Lighting on sites housing a Large-Scale Solar Energy System shall be located, designed, and maintained to prevent the reflection and glare of light that would otherwise create a nuisance or safety hazard to operators of motor vehicles, pedestrians and neighboring land uses, and to promote "dark skies" in keeping with the rural character of Ida Township.
5. The Township shall have the right at any reasonable time, to provide same-day notice to the applicant to inspect the premises on which any Large-Scale Solar Energy System is located.
6. Noise: No component of any Large Solar Energy System shall emit noise exceeding sixty-five (65) dBA as measured at the exterior property boundary or the existing ROW line.

7. The owner or operator of a Large-Scale Solar Energy System shall maintain a current insurance policy with a bond rating acceptable to the Township to cover installation and operation. The amount of the policy shall be established as a condition of Special Land Use approval.

8. Screening/Security: A Large Solar Energy System shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be six (6) feet in height with a one (1) foot extension arm consisting of a minimum of three strands of barbed-wire placed above the fencing and slanting outward as measured from the natural grade of the fencing perimeter. Electric fencing is not permitted. The perimeter of Large Solar Energy Systems shall also be screened and buffered by installed evergreen or native vegetative plantings whenever existing natural vegetation does not otherwise reasonably obscure the Large Solar Energy System from adjacent residential structures, subject to the following requirements:
 - a. The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be a minimum of four (4) feet in height and shrubs two (2) feet in height. The evergreen trees shall be spaced no more than fifteen (15) feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than thirty (30) feet apart on center and shrubs shall be spaced no more than seven (7) feet apart on center. All unhealthy (sixty (60) percent dead or greater) and dead material shall be replaced by the Applicant within one (1) year, or the next appropriate planting period, whichever occurs first.
 - b. All plant materials shall be installed between March 15 and November 15. If the Applicant requests a Final Certificate of Occupancy from the Township and the Applicant is unable to plant during the installation period, the Applicant will provide the Township with a letter of credit, surety or corporate guarantee for an amount equal to one and one-half (1.5) times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee.
 - c. Failure to install or continuously maintain the required vegetative buffer shall constitute a violation of this Ordinance and any Special Use Permit may be subject to revocation.

9. Abandonment and Decommissioning:
 - a. Abandonment: Any Large-scale Solar Energy System that ceases to produce energy on a continuous basis for twelve (12) months will be considered abandoned. It is the duty of the responsible party or parties to remove all equipment and facilities and completely restore the parcel to its original condition prior to the installation of the solar facility.

2. Site Plan Drawing and Supporting Materials. All applications for Large-Scale Solar Energy Systems must be accompanied by detailed site plans drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan. Site plans shall display the following information:
- a. All requirements for a site plan contained in Section 6.4 of the Ida Township Zoning Ordinance;
 - b. Physical features and land uses of the project area, both before and after construction of the proposed project;
 - c. Locations of all above and below ground drainage systems, including but not limited to farm tiles, County drains, wetlands, and road ditches.
 - d. Proposed setbacks from the Solar Array(s) to all existing and proposed structures within the Large-Scale Solar Energy System;
 - e. Plan(s) showing the location of the proposed Large-Scale Solar Energy System, underground and overhead wiring (including the depth of underground wiring), new drainage facilities (if any), access drives (including width), substations and accessory structures on-site and within 100 feet of all exterior property lines;
 - f. Land elevations for the Solar Array(s) to all existing and proposed structures within the Large-Scale Solar Energy System at a minimum of five (5) foot contours;
 - g. Access driveways within and to the Large-Scale Solar Energy System accompanied with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Monroe County Road Commission approval and shall be planned to minimize the use of lands for that purpose;
 - h. Anticipated construction schedule;
 - i. Description of operations, including anticipated regular and unscheduled maintenance, types of maintenance to be performed, and decommissioning and removal procedures;
 - j. A complete description of proposed technologies, including type of solar panel and system, fixed mounted versus tracking, number of panels and angles of orientation;

- k. Proof of all necessary agreements and approvals by all applicable agencies including the Monroe County Road Commission and Monroe County Drain Commission;
 - l. Additional detail(s) and information as required by the Special Land Use requirements of the Ida Township Zoning Ordinance;
 - m. Additional information as required by the Planning Commission including, but not limited to planned security measures, screening, lighting, description of routes to be used by construction and delivery vehicles, etc.
3. Conditions and Modifications: Any conditions and/or changes approved by the Planning Commission shall be recorded in the Planning Commission's meeting minutes. The Planning Commission may, in addition to other reasonable conditions, require additional environmental study, walls, fences, and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts.

After approval, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Chairman of the Planning Commission and authorized representative of the applicant. One (1) copy shall be kept on file by the Township Clerk, and one (1) copy shall be returned to the applicant's authorized representative.

4. Escrow: An escrow account shall be set up when the applicant applies for a Special Land Use Permit for a Large-Scale Solar Energy System. 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 Land 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.
5. Complaints, Administration and Enforcement: Any complaints by a resident or property owner in the Township regarding any violations of this Ordinance shall be filed with the Township Zoning Administrator or his/her designee. Any and all violations of this Ordinance are subject to the penalties set forth in Section 3.11.

Section 8.411 Ground Mounted Solar Energy Systems.

The following requirements shall apply to all large solar energy systems.

- A. **Purpose and Intent.** The purpose and intent of this Section is to establish standards for the siting, installation, operation, repair, decommissioning and removal of large solar energy systems within general industrial districts as a special land use.
- B. **Site Plan Drawing and Supporting Materials.** All applications for a large solar energy systems use must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information:
 - 1. All requirements for a site plan contained in Article 20 of the City's Zoning Ordinance.
 - 2. All lot lines and dimensions, including a legal description of each lot or parcel comprising the large solar energy system.
 - 3. Names of owners of each lot or parcel within the City that is proposed to be within the large solar energy system.
 - 4. Vicinity map showing the location of all surrounding land uses.
 - 5. Location and height of all proposed solar array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with a large solar energy system.
 - 6. Horizontal and vertical (elevation) to scale drawings with dimensions that show the location of the proposed solar array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above ground structures and utilities on the property.
 - 7. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the large solar energy system and within one thousand (1,000) feet of the outside perimeter of the large solar energy system.
 - 8. Proposed setbacks from the solar array(s) to all existing and proposed structures within the large solar energy system.
 - 9. Land elevations for the solar array(s) location and the relationship to the land elevations of all existing and proposed structures within the large solar energy system.
 - 10. Access driveways within and to the large solar energy system, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Wayne County Road Commission approval, and shall be planned so as to minimize the use of lands for that purpose.
 - 11. Planned security measures to prevent unauthorized trespass and access and to warn of potential dangers during the construction, operation, removal, maintenance or repair of the large solar energy system.
 - 12. A written description of the maintenance program to be used for the solar array(s) and other components of the large solar energy system, including decommissioning and removal when determined by the City to be obsolete, uneconomic or abandoned. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the large solar energy system becomes obsolete, uneconomic or abandoned.
 - 13. A copy of the manufacturer's safety measures.

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14. Planned lighting protection measures.
 15. Additional detail(s) and information as required by the special land use requirements of the City's Zoning Ordinance.
- C. **Application Escrow Account.** An escrow account shall be deposited with the City's Community Development Department by the applicant when the applicant applies for a special land use approval for a large solar energy system. The monetary amount deposited by the applicant in escrow with the City shall be the amount estimated by the City to cover all reasonable costs and expenses associated with the special land use review and approval process, which costs shall include, but are not limited to, reasonable fees of the City Attorney, City Planner and City Engineer, as well as costs for any reports or studies that are reasonably related to the zoning review process for the application. Such escrow amount shall be in addition to any established filing or application fees. At any point during the special land use review process, the City may require that the applicant place additional funds into escrow with the City if the existing escrow amount deposited by the applicant is deemed insufficient by the City. If the escrow account needs replenishing and the applicant refuses to do so promptly, the special land use process shall cease unless and until the applicant makes the required additional escrow deposit. Any applicable zoning escrow resolutions or other ordinances adopted by the City must also be complied with by the applicant.
- D. **Compliance with the County Building Code and the National Electric Safety Code.** Construction of a large solar energy system 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.
- E. **Certified Solar Array Components.** Components of a solar array shall be approved by the Institute of Electrical and Electronics Engineers ("IEEE"), Solar Rating and Certification Corporation ("SRCC"), Electronic Testing Laboratories ("ETL"), or other similar certification organization acceptable to the City.
- F. **Height.** Maximum height of a solar array, other collection device, components or buildings of the large solar energy system shall not exceed fifteen (15) feet at any time or location on the property, as measured from the natural grade at the base of the solar array, device, component or building measured.
- G. **Lot Size.** A large solar energy system shall be located on one (1) or more parcels with an aggregate area of ten (10) acres or greater.
- H. **Setbacks.** A minimum setback distance of one hundred fifty (150) feet from all R-1 to R-4 zoning districts and seventy-five (75) feet from all other property boundaries on the outside perimeter of the large solar energy system shall be required for all buildings and solar arrays except for property boundaries where the applicable adjoining owner(s) agree to lessen that setback distance by executing a signed written waiver of this requirement in recordable form, provided no such waiver shall act to permit less than the required minimum setback of the applicable zoning district.
- I. **Screening/Security.** A large solar energy system shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be six (6) feet in height. Electrified fences, or any fence upon which spikes, nails, razor wire or other sharp or pointed instruments or security materials are fixed, attached or placed shall be prohibited. Barbed wire shall be prohibited, except in industrial districts where the Planning Commission may approve the use of barbed wire at the top of a fence extending over the property to be enclosed. The perimeter of large solar energy systems shall also be screened and buffered by installed evergreen vegetative plantings whenever existing natural forest vegetation does not otherwise continuously obscure the large solar energy system's entire perimeter from adjacent parcels, subject to the following requirements:

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1. Unless screened and buffered at all times by natural forest vegetation meeting the minimum spacing and height requirements, and having a substantially similar obscuring effect of an evergreen vegetative buffer installed pursuant to this Section, a continuous evergreen vegetative buffer shall be installed and maintained at all times at the perimeter of the all large solar energy systems, including without limitation between such large solar energy systems and adjacent residential or commercial/industrial areas and/or public highways or streets. Nothing contained herein shall be construed to prevent reasonable access to any large solar energy system as approved by the special land use permit.
 2. The evergreen vegetative buffer shall be composed of evergreen trees or shrubs that at planting shall be a minimum of six (6) feet in height. The evergreen trees or shrubs shall be spaced no more than ten (10) feet apart on center (from the central trunk of one plant to the central trunk of the next plant). Within five (5) years of planting, required evergreen vegetative screening shall be no less than fifteen (15) feet tall.
 3. Failure to continuously maintain the required evergreen vegetative buffer shall constitute a violation of this Section and sufficient grounds for revocation of any special land use previously granted.
- J. **Signage.** No lettering, company insignia, advertising or graphics shall be on any part of the solar arrays or other components of the large solar energy system.
- K. **Noise.** No component of any large solar energy system shall emit noise exceeding forty-five (45) DBA as measured at the outside perimeter of the project.
- L. **Lighting.** All lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect driver visibility on adjacent public roads in accordance with Article 16.
- M. **Distribution, Transmission and Interconnection.** All collection lines and interconnections from the solar array(s) to any electrical substations shall be located and maintained underground inside the large solar energy system. The Planning Commission may waive this requirement if it determines that it would be impractical or unreasonably expensive to install, place or maintain such collection lines and interconnections underground.
- N. **Abandonment and Decommissioning.** Following the operational life of the project, the applicant shall perform decommissioning and removal of the large solar energy system 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 approval. Under this plan, all structures and facilities shall be removed, including any structures below-grade, and removed offsite for disposal. No concrete, piping and other materials may be left in place. 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 condition within one hundred eighty (180) days of abandonment or decommissioning.
- O. **General Standards.** The Planning Commission shall not approve any large solar energy system unless it finds that all of the general standards for special land uses contained in Article 20 of this Ordinance are met.
- P. **Safety.** The Planning Commission shall not approve any large solar energy system special land use permit unless it finds the large solar energy system will not pose a safety hazard or unreasonable risk of harm to the occupants of any surrounding properties or area wildlife.
- Q. **Conditions and Modifications.** Any conditions and modifications approved by the Planning Commission shall be recorded in the Planning Commissions' meeting minutes. The Planning Commission may, in

addition to other reasonable conditions, require landscaping, walls, fences and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts. After approval, at least three (3) copies of the final approved site plan shall be signed and dated by the Chairman of the Planning Commission and authorized representative of the applicant. One (1) copy shall be kept on file by the City Clerk, and one (1) copy shall be returned to the applicant's authorized representative.

- R. **Inspection.** The City shall have the right at any reasonable time to inspect the premises on which any large solar energy system is located. The City may hire one (1) or more consultants to assist with any such inspections at the applicant's or project owner's expense.
- S. **Maintenance and Repair.** Each large solar energy system must be kept and maintained in good repair and condition at all times. If the Community Development Director determines that a large solar energy system fails at any time to meet the requirements of this Section and the special land use approval, or that it poses a potential safety hazard, the applicant shall shut down the large solar energy system within forty-eight (48) hours after notice by the Director and not operate, start or restart the large solar energy system until the condition has been corrected. Applicant shall keep a maintenance log on the solar array(s), which shall be available for the City's review on a monthly basis. Applicant shall keep all sites within the large solar energy system neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.
- T. **Continuing Security and Escrow.** If any large solar energy system is approved for construction under this Section, [the] applicant shall be required to post continuing security and a continuing escrow deposit prior to commencement of construction, which shall remain in effect until the large solar energy system has been finally removed, as provided below:
1. **Continuing Security.** If a special land use is approved pursuant to this Section, the Planning Commission shall require security in the form of a cash deposit, irrevocable letter of credit, or surety bond acceptable to the City, which will be furnished by the applicant to the City in order to ensure full compliance with this Section and all conditions of approval. When determining the amount of each required security, the City may also require an annual escalator or increase based on the Consumer Price Index (or the equivalent or its successor). Such financial guarantee shall be deposited or filed with the City Clerk after a special land use permit has been approved but before construction commences on the large solar energy system. At a minimum, the financial security shall be in an amount determined by the City to be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the large solar energy system. Such financial security shall be kept in full force and effect during the entire time that the large solar energy system exists or is in place, and such financial security shall be irrevocable and non-cancelable.
 2. **Continuing Escrow Deposit.** A continuing escrow deposit shall be held by the City and shall be funded in cash by the applicant prior to the commencement of construction of any large solar energy system and shall be maintained by the owner or operator until the large solar energy system has been permanently decommissioned and removed. The monetary amount placed by the applicant in escrow with the City shall be estimated by the City to cover all reasonable costs and expenses associated with continuing enforcement of this Ordinance and the terms of the special land use approval, which costs can include, but are not limited to, reasonable fees for the City Attorney, City Planner and City Engineer, as well as costs for any reports or studies that the City determines are reasonably related to enforcement of the Section and the special land use approval. If the Clerk is required to expend any portion of the escrow deposit or if the existing escrow amount paid by the applicant proves to be insufficient to cover the City's enforcement costs, the City may require the large solar energy system applicant to place additional monies into escrow with the City.

3. **Continuing Obligations.** Failure to keep any required financial security and escrow deposit in full force and effect at all times while a large solar energy system exists or is in place shall constitute a material and significant violation of the special land use approval and this Ordinance, and will subject the large solar energy system applicant, owner and operator to all remedies available to the City, including enforcement action and revocation of the special land use approval.

U. **Conditions.** In addition to the requirements of this Section, the Planning Commission may impose additional reasonable conditions on the approval of a large solar energy system as a special land use approval.

V. **City Exemption.** Development on City of Riverview property is exempt from the requirements of the City's Zoning Ordinance.

W. **Other Requirements.** Each large solar energy system shall also comply with all applicable federal, state and county requirements, in addition to other applicable City ordinances.

(Ord. No. 694, art. I, 12-4-2017)



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TO: Marion Township Planning Commission
FROM: John L. Enos, AICP, Township Planner
DATE: June 20, 2022
RE: Kennel Amendment

At our last PC meeting we discussed the need to further explore options for kennel regulations in the Township. We have wrestled with the issues associated with connecting to the current Livingston County Kennel Licensing. We consulted various community ordinances, in conjunction with Livingston County, and suggest the following language that would regulate kennels and not differentiate between commercial or hobby kennels.

Add the following definition.

Kennel: 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. (Livingston County Animal Control Ordinance, Article II, sub section m)

Note: This definition provides for four (4) or more dogs. For those residents that have between one (1) and three (3) dogs, a license for each dog from Livingston County will still be required.

Section 17.19A Kennels

- A. Permitted by special use permit in the Rural Residential and Suburban Residential Districts.
(Previously, hobby kennels were permitted in Urban Residential as well)
- B. Site Requirements: A kennel shall be on a lot with a minimum lot size two (2) acres for four (4) 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 two hundred (200) feet to any adjacent residential lot line.

This is a very large buffer and increase from previous ordinance of fifty (50) feet for a hobby kennel or one hundred (100) feet for a commercial kennel. 1-acre equals about 208.71 feet long and 208.71 feet wide (if you're measuring it as a square). These added provisions in this ordinance will make having a small, hobby kennel exclusionary to many residents.

D. Performance Standards:

1. Locational Requirements: Kennels shall be operated in conformance with all applicable Livingston 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.

A noise level chart showing examples of sounds with dB levels ranging from 0 to 180 decibels to provide comparison:

dB	Example	Home & Yard Appliances Workshop & Construction	
0	healthy hearing threshold		
10	a pin dropping		
20	rustling leaves		
30	whisper		
40	babbling brook	computer	
50	light traffic	refrigerator	
60	conversational speech	air conditioner	
70	shower	dishwasher	
75	toilet flushing	vacuum cleaner	
80	alarm clock	garbage disposal	
85	passing diesel truck	snow blower	
90	squeeze toy	lawn mower	arc welder
95	inside subway car	food processor	belt sander
100	motorcycle (riding)		handheld drill
105	sporting event		table saw
110	rock band		jackhammer
115	emergency vehicle siren		riveter
120	thunderclap		oxygen torch
125	balloon popping		
130	peak stadium crowd noise		
135	air raid siren		
140	jet engine at takeoff		

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. 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.~~ (If area has sufficient fencing, we find letting dogs run and play unsupervised for a short period of time would not be harmful or cumbersome)

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. 8. The outside perimeter of the run and/or exercise area of a hobby or commercial kennel shall be enclosed by fencing at sufficient height or completely covered on sides and top to prohibit the escape of dogs.
7. All dogs must be licensed and maintained in a healthful and careful manner.
8. 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. (We don't feel this is necessary. Concrete can get very hot in the summer, and it is not suitable material for dogs to live on. Would a fenced field area be sufficient to let dogs run in?)

Alternative: (Sourced from Rio Rancho, New Mexico)

a. Indoor Area:

- i. Indoor animal housing areas must 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.

1. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor. No storage of solid animal waste from animals kept within the kennel shall be stored exposed outdoors.

2. Dog's odors shall not be detectable beyond the lot lines of the property in which the kennel is located.

3. Dust and drainage from the kennel enclosure shall not create a nuisance or hazard to adjoining property or uses.