

AGENDA
HAYES TOWNSHIP, CHARLEVOIX COUNTY
PLANNING COMMISSION
October 15, 2024 7:00 pm
Hayes Township Hall
9195 Major Douglas Sloan Road
Charlevoix, Michigan 49720
ZOOM

[https://us02web.zoom.us/j/83601481092?
pwd=bTRvd01yc2NtSHY5MXkrZDUxVDMrZz09](https://us02web.zoom.us/j/83601481092?pwd=bTRvd01yc2NtSHY5MXkrZDUxVDMrZz09)

Meeting ID: 836 0148 1092

Passcode: 068828

+1 312 626 6799 US (Chicago)

1. Call To Order
2. Pledge of Allegiance
3. Review and Approval of Agenda
4. Declaration of Conflict of Interest, if any
5. Review and Approval of Draft Minutes- September 17, 2024
6. Public Comment
7. Report of Township Board Representative to the Planning Commission
8. Report of Zoning Board of Appeals Representative to the Planning Commission
9. Zoning Administrator Report
10. New Business
 - Compatible Renewable Energy Ordinance Draft discussion (PA 233-234)
11. Old Business
 - Continued Review of Master Plan, if time allows
12. Set/Confirm Public Hearing Dates
13. Set/Confirm Date of next PC Meeting- October 22, 2024
14. Pubic Comment
15. Planning Commission Comment
16. Adjournment

Hayes Township Planning Commission
September 17th, 2024
Regular Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

CALL TO ORDER: Chairperson Roy Griffiths called the meeting to order at 7:00 p.m.

Members present: CT Martin, Matt Cunningham, Roy Griffiths (Chair), Carey Cuddeback, and Mark Snyder.

Excused: Rex Greenslade and Marilyn Morehead.

Also, present: April Hilton (Deputy Clerk/Recording Secretary), Ron VanZee (Zoning Administrator)

Audience: David Grossi, Kevin Willis, LuAnne Kozma, Jim McMahon, Tim Boyko, Carol Umlor, Sam Williamson and Ellis Boal.

REVIEW AGENDA:

Mr. Snyder made a motion, supported by Mr. Martin, to approve the agenda as presented.

Yeas: Matt Cunningham, Roy Griffiths, CT Martin, Carey Cuddeback, and Mark Snyder.

Nays: none **Motion Carries**

DECLARATIONS OF CONFLICTS OF INTERESTS:

Matt Cunningham recused himself for New Business item Shore land Landscaping Plan review 08740 Boyne City Road.

APPROVAL OF MINUTES AUGUST 20TH, 2024 REGULAR MEETING

Ms. Cuddeback made a motion, supported by Mr. Cunningham, to approve the August 20th, 2024, regular meeting minutes as corrected.

Yeas: Matt Cunningham, Roy Griffiths, CT Martin, Carey Cuddeback, and Mark Snyder.

Nays: none **Motion Carries**

PUBLIC COMMENTS: Public comments opened at 7:06pm.

Comments included:

- Suggested the Planning Commission use a process from 2019 for a Shore land Review. Including what should or should not be in the Shore land Protection strip. Would like to know the Survey committee meetings and members be public.
- Appreciates the correct to the incorrect number of retired residents in Hayes Township. Would like to know the source or how the number was calculated.

Public comments closed at 7:11pm

REPORT OF TOWNSHIP BOARD REPRESENTATIVE TO THE PLANNING COMMISSION:

Next meeting October 14th, 2024, at 7:00pm.

REPORT OF ZONING BOARD OF APPEALS REPRESENTATIVE:

Next ZBA Meeting is Scheduled for September 18th 2024 for a Variance request.

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ZONING ADMINISTRATOR REPORT:

Written report available at Hayes Township Hall.

New Business:

SHORELAND LANDSCAPING PLAN REVIEW 08740 BOYNE CITY ROAD:

Mr. Martin made a motion, supported by Mr. Snyder to remove the following items from the Shore land Landscaping Review.

5.03.3 items G, H, K, M, N, O, P, I

5.03.4 items B, D, E, F

5.03.5 items A (4, 5, 6, 7, 8, 9, 10, 11) B

Yeas: Roy Griffiths, CT Martin, Carey Cuddeback, and Mark Snyder.

Nays: none **Motion Carries**

Ms. Cuddeback made a motion, Supported by Mr. Snyder to approve the Site Plan Review and Shore land restoration Plan as submitted for 08740 Boyne City Road.

Yeas: Roy Griffiths, CT Martin, Carey Cuddeback, and Mark Snyder.

Nays: none **Motion Carries**

REVIEW OF MASTER PLAN:

Mark Snyder stated the Socioeconomic section of the Master Plan seems to be a very contentious subject. He believes this process is a great idea to gather information for what Hayes Township Residence want and desire. Along with considering the evolving future. Carey Cuddeback responded the information to calculate the number of retired residents was pulled from multiple sources, from the State of Michigan; the total amount of people in the state of Michigan and the amount of Retired people in the State of Michigan. Also, used information from the Census Beau.

Mr. Griffiths added the majority of changes within the Township in recent years have been zoning splits within families to produce housing opportunities. Since the Zoning Ordinance was adopted between 1979 and 1989 the desire to live up here has increased significantly. The number of out of state residents in higher than it has ever been.

Mr. Cunningham stated he has reached out to the Charlevoix County Road Commission and is waiting to hear back. Matt will research the long term plan for transportation from the City.

Ms. Cuddeback has been working on the Existing Land Use section. She has received information from Equalization including out of state residents have increased by 30%. A color coded map can be created through Equalization.

Mr. VanZee stated Hayes Township is at 5.7% in Conservancy, while MTA does not like to see a township with more then 2.3% in Conservancy land.

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Mr. Martin continued to research the Natural Resource section of the Master Plan. He stated he believes how this section is currently written very well and covers multiple areas. However, would like to add language for each property owner throughout the Township has an impact on the environment, specifically runoff into the lakes and streams.

Mr. Martin made a motion, supported by Mr. Snyder to adopt the plan for the survey process as presented with changes as work develops and will be submitted to the board for suggested changes and approval.

Yeas: Roy Griffiths, CT Martin, Carey Cuddeback, Mark Snyder, and Matt Cunningham.

Nays: none Motion Carries

SET/CONFIRM PUBLIC HEARING DATES: None

SET/CONFIRM DATE OF NEXT PC MEETING –OCTOBER 15th, 2024.

Next Planning Commission regular meeting will take place on October 15th, 2024, at 7:00 pm.

PUBLIC COMMENT:

Public Comment Opened at 8:12pm

Comments Included:

- Disappointed the members of the Steering Committee was not public information. And believes the meetings should be public. Disagrees the surveys should be of residents not just property owners.
- Supports the previous comment for more transparency. Never heard people not liking Conservancy land. When thinking of Affordable housing, would like to stress that sewer and water access should be considered before development.
- Found the discussion of the Master Plan was very interesting. Feels there will be an increase in Homelessness in the Charlevoix area due to the price of land. Affordable Housing issue is perplexing to them and would recommend consulting unions of the working class.
- Stated they agree with the amount of people desiring to live in Hayes Township will increase within the next 10 years. Stated they would like to see Hayes stay rural green belt and have the increase of residents elsewhere in Charlevoix County.
- Found the Master Plan Discussion very interesting, on a planning and design side of things suggested for the residential side of landscaping plans institute a professional stamp of approval and licensing fees.
- Stated they support the previous comments. Especially regarding the amount of Conservancy in Hayes Township and would like to see Hayes Township stay rural.

Hayes Township Planning Commission
September 17th, 2024
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Public Comment Closed at 8:24pm

PLANNING COMMISSION and STAFF COMMENT:

Mr. Martin clarified when he made a motion regarding the survey it was for the process of the survey.

Ms. Cuddeback stated the names of the steering committee have not been released because she does not have the members permission yet. The meetings will not be public because they are working meetings.

Mr. Snyder stated climate migration is being seen in Charlevoix recently because of the increase in temperatures in other parts of the country. Felt tonight included great conversation.

Mr. VanZee stated he was part of creating the current Master Plan and is happy to see the work being done to make the updates. Especially in regards to protecting the Township's natural resources. Reminded the Planning Commission to consider the question "do we abide" by the five year plan they are implementing into the new plan.

Mr. Griffiths stated the Planning Commission has to have discussion at these meetings, and just because something is discussed does not mean that is the direction of changes they are making. Stressed they must talk about all aspects of each sections. There has been great ideas and suggestions made and the Planning Commission is considering all of them, while trying to be realistic.

ADJOURNMENT: Ms. Cuddeback made a motion, supported by Mr. Cunningham, to adjourn the meeting at 8:36pm.

Yeas: Roy Griffiths, CT Martin, Carey Cuddeback, Mark Snyder, and Matt Cunningham.

Nays: none **Motion Carries**

Respectfully Submitted by:

April Hilton

Deputy Clerk/Recording Secretary



Zoning Administrator Report

October 2024

Zoning Administrator work in progress report for the month of September includes the following:

- Conducted several Inspections for Compliance.
- Received and reviewing Parcel Division Application on Quarterline Road.
- Approved Parcel Division and reconfiguration Application on Quarterline Road.
- Received and reviewing zoning permit application for a 72"x60" Free Standing Sign on US 31.
- Resolved a non-compliance complaint with landowner at 10283 Maple Grove Road.
- Resolving with assistance from Tip of the Mitt a non-compliant parcel on Susan Lake.
- Resolving a non-compliance nuisance complaint with landowner on Hyek Road.
- Continuing to receive updates towards compliance from landowner regarding non-compliance notice letter sent to 6099 Charlevoix Street.
- Received Shoreline Subcommittee Review and working with Tip of the Mitt for zoning permit application for Residence Reconstruction on Birdland Drive.
- Progress received from land owner on Susan Shore Drive for violation of Nuisance Ordinance.
- Zoning Board of Appeals Public approved Zoning Variance Application from Little Traverse Conservancy for a parcel on Division Ave. Waiting for Zoning Application for Shoreland Review.
- Second Notice letter was sent to Landowner on Villa Road for Violation of Nuisance Ordinance and a non-compliance complaint.
- Received Zoning permit application for a 12'x24' Storage Barn Structure on Burnett Road.



- Received Zoning permit application for a 20'X20' unattached Garage on Nine Mile Point.
- Received a Site Plan Approved by Tip of the Mitt to resolve a Zoning Ordinance Violation on Boyne City Road.
- First Notice Letter was sent to landowner on Peaceful Valley Road for potential violation.

24-09-01	9-16-24	000-049-00	06069 Nine Mile Point	Vincent & Cheryl Zuelling	14'X22' Addition to existing principle structure and New 12'X26' detached garage with attached 12'X8' shed after removing existing shed
24-09-02	9-16-24	113-008-10	9578 Pincherry Rd.	Matthew Berg	Rebuild 40'X64' Pole Barn in the same location as existing Pole Barn.
24-09-03	9-16-24	020-001-10	9385 Shrigley Rd.	Robert and Debroah Jess	New 30'X30' Detached garage
24-09-04	9-18-24	003-019-60	08740 Boyne City rd	David Vaneislander	New Lake Sunset Bunker Structure with Patio & Lake Shore Renovation as approved by ShoreLand Review Committee and Planning Commission
24-09-05	9-18-24	111-013-00	10367 Burnett Road	Gary Ruehle	New 12'X20' Enclosed Front Porch attached to principle structure

TOWNSHIP OF _____
COUNTY OF _____, STATE OF MICHIGAN
ORDINANCE NO. _____
ADOPTED: _____, 2024
EFFECTIVE: _____, 2024

COMPATIBLE RENEWABLE ENERGY ZONING ORDINANCE
TEXT AMENDMENTS

An amendment to the _____ Township Zoning Ordinance to regulate the development of certain energy facilities within the Township through a compatible renewable energy ordinance pursuant to 2023 PA 233, as may be amended, MCL 460.1221 *et. seq.*; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

THE TOWNSHIP OF _____
_____ COUNTY, MICHIGAN

ORDAINS:

SECTION I
AMENDMENT TO ZONING ORDINANCE TO CREATE A COMPATIBLE
RENEWABLE ENERGY ORDINANCE

The _____ Township Zoning Ordinance is amended to add the following new Article creating a Compatible Renewable Energy Ordinance to read as follows:

ARTICLE _____ COMPATIBLE RENEWABLE ENERGY ORDINANCE.

SECTION ____ DEFINITIONS.

Words used herein shall have the following definitions:

1. “Affected local unit” means a unit of local government in which all or part of a proposed energy facility will be located.
2. “Aircraft detection lighting system” means a sensor-based system designed to detect aircraft as they approach a wind energy facility and that automatically activates obstruction lights until they are no longer needed.
3. “Applicant” means an applicant for a Township permit.

4. “Certificate” means a certificate issued for an energy facility by the Michigan Public Service Commission under MCL 460.1226(5).

5. “Compatible renewable energy ordinance” means an ordinance that provides for the development of energy facilities within the local unit of government, the requirements of which are no more restrictive than the provisions included in section MCL 460.1226(8). A local unit of government is considered not to have a compatible renewable energy ordinance if it has a moratorium on the development of energy facilities in effect within its jurisdiction.

6. “Construction” means any substantial action taken constituting the placement, erection, expansion, or repowering of an energy facility.

7. “Dark sky-friendly lighting technology” means a light fixture that is designed to minimize the amount of light that escapes upward into the sky.

8. “Energy facility” means an energy storage facility, solar energy facility, or wind energy facility. An energy facility may be located on more than 1 parcel of property, including noncontiguous parcels, but shares a single point of interconnection to the grid.

9. “Energy storage facility” means a system that absorbs, stores, and discharges electricity with a nameplate capacity of 50 megawatts or more and an energy discharge capacity of 200 megawatt hours or more. Energy storage facility does not include either of the following:

- (i) Fossil fuel storage.
- (ii) Power-to-gas storage that directly uses fossil fuel inputs.

10. “Independent power producer”, or “IPP”, means a person that is not an electric provider but owns or operates facilities to generate electric power for sale to electric providers, this state, or local units of government.

11. “Light intensity dimming solution technology” means obstruction lighting that provides a means of tailoring the intensity level of lights according to surrounding visibility.

12. “Light-mitigating technology system” means an aircraft detection lighting system, a light intensity dimming solution technology, or a comparable solution that reduces the impact of nighttime lighting while maintaining night conspicuity sufficient to assist aircraft in identifying and avoiding collision with the wind energy facilities.

13. “Local unit of government” or “local unit” means a county, township, city, or village.

14. “Maximum blade tip height” means the nominal hub height plus the nominal blade length of a wind turbine, as listed in the wind turbine specifications provided by the wind turbine manufacturer. If not listed in the wind turbine specifications, maximum blade tip height means the actual hub height plus the actual blade length.

15. “Nameplate capacity” means the designed full-load sustained generating output of an energy facility. Nameplate capacity shall be determined by reference to the sustained output of

an energy facility even if components of the energy facility are located on different parcels, whether contiguous or noncontiguous.

16. “Nonparticipating property” means a property that is adjacent to an energy facility and that is not a participating property.

17. “Occupied community building” means a school, place of worship, day-care facility, public library, community center, or other similar building that the applicant knows or reasonably should know is used on a regular basis as a gathering place for community members.

18. “Participating property” means real property that either is owned by an applicant or that is the subject of an agreement that provides for the payment by an applicant to a landowner of monetary compensation related to an energy facility regardless of whether any part of that energy facility is constructed on the property.

19. “Person” means an individual, governmental entity authorized by this state, political subdivision of this state, business, proprietorship, firm, partnership, limited partnership, limited liability partnership, co partnership, joint venture, syndicate, business trust, labor organization, company, corporation, association, subchapter S corporation, limited liability company, committee, receiver, estate, trust, or any other legal entity or combination or group of persons acting jointly as a unit.

20. “Repowering”, with respect to an energy facility, means replacement of all or substantially all of the energy facility for the purpose of extending its life. Repowering does not include repairs related to the ongoing operations that do not increase the capacity or energy output of the energy facility.

21. “Solar energy facility” means a system that captures and converts solar energy into electricity, for the purpose of sale or for use in locations other than solely the solar energy facility property, and with a nameplate capacity of 50 megawatts or more. Solar energy facility includes, but is not limited to, the following equipment and facilities to be constructed by an electric provider or independent power producer: photovoltaic solar panels; solar inverters; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; energy storage facilities; overhead and underground control; communications and radio relay systems and telecommunications equipment; utility lines and installations; generation tie lines; solar monitoring stations; and accessory equipment and structures.

22. “Wind energy facility” means a system that captures and converts wind into electricity, for the purpose of sale or for use in locations other than solely the wind energy facility property, and with a nameplate capacity of 100 megawatts or more. Wind energy facility includes, but is not limited to, the following equipment and facilities to be constructed by an electric provider or independent power producer: wind towers; wind turbines; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; energy storage facilities; overhead and underground control; communications and

radio relay systems and telecommunications equipment; monitoring and recording equipment and facilities; erosion control facilities; utility lines and installations; generation tie lines; ancillary buildings; wind monitoring stations; and accessory equipment and structures.

SECTION_____APPLICATION TO CONSTRUCT AN ENERGY FACILITY.

An electric provider or IPP that proposes to obtain a certificate from the Michigan Public Service Commission to construct an energy facility within the Township shall follow the following application process:

1. At least 60 days before the public meeting provided for in MCL 460.1223, an electric provider or IPP shall offer in writing to meet with the Township Supervisor, or the Supervisor's designee, to discuss the site plan. The offer to meet must be delivered by email and certified mail and must also be sent to the Township Board in care of the Township Clerk in this same manner. The Supervisor or Supervisor's designee must respond within 30 days from the offer to meet.
2. Within 30 days following the meeting described in paragraph 1, the Township Supervisor shall notify the electric provider or IPP planning to construct the energy facility that the Township has a compatible renewable energy ordinance. If all affected local units with zoning jurisdiction provide similar timely notice to the electric provider or IPP, then the electric provider or IPP shall file for approval of a permit with the Township.
3. To file for approval of a permit the electric provider or IPP must submit a complete application to the Township Clerk. The application form to be used shall be adopted by resolution of the Township Board. The application shall contain the items set forth in MCL 460.1225(1), except for (l)(j) and (s). The application may also require other information to determine compliance with this Compatible Renewable Energy Ordinance. By resolution, the Township may establish an application fee and escrow policy to cover the Township's reasonable costs of review and processing of the application, including but not limited to staff, attorney, engineer, planning, environmental, or other professional costs.

SECTION_____APPLICATION REVIEW.

The application shall be processed as a special land use subject to the provisions of this Article. The [***Insert the decision-making bodies from your Township's special land use provisions; some are processed and decided by Planning Commission, others have Planning Commission recommendation with decision by the Township Board**] shall approve or deny the application within 120 days after receiving a complete application. This deadline may be extended by up to 120 days if jointly agreed upon by the Township Board and the applicant. In consideration of the application the [***Insert the approving body from above as provided in the Zoning Ordinance**] must approve the application and issue a permit for the requested construction if it complies with the following standards:

1. For a solar energy facility, all of the following:

- (i) The following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

<u>Setback Description</u>	<u>Setback Distance</u>
Occupied community buildings and dwellings on nonparticipating properties	300 feet from the nearest point on the outer wall
Public road right-of-way	50 feet measured from the nearest edge of a public road right-of-way
Nonparticipating parties	50 feet measured from the nearest shared property line

- (ii) Fencing for the solar energy facility complies with the latest version of the National Electric Code as of November 29, 2024 or any applicable successor standard approved by the Michigan Public Service Commission as provided in MCL 460.1226(8)(a)(ii).
- (iii) Solar panel components do not exceed a maximum height of 25 feet above ground when the arrays are at full tilt.
- (iv) The solar energy facility does not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
- (v) The solar energy facility will implement dark sky-friendly lighting solutions.
- (vi) The solar energy facility will comply with any more stringent requirements adopted by the Michigan Public Service Commission as provided in MCL 460.1226(8)(a)(iv).

2. For a wind energy facility, all of the following:

- (i) The following minimum setback distances, measured from the center of the base of the wind tower:

<u>Setback Description</u>	<u>Setback Distance</u>
Occupied community buildings and residences on nonparticipating properties	2.1 times the maximum blade tip height to the nearest point on the outside wall of the structure
Residences and other structures on participating properties	1.1 times the maximum blade tip height to the nearest point on the outside wall of the structure
Nonparticipating property lines	1.1 times the maximum blade tip height

<u>Setback Description</u>	<u>Setback Distance</u>
Public road right-of-way	1.1 times the maximum blade tip height to the center line of the public road right-of-way
Overhead communication and electric transmission, not including utility service lines to individual houses or outbuildings	1.1 times the maximum blade tip height to the center line of the easement containing the overhead line

- (ii) Each wind tower is sited such that any occupied community building or nonparticipating residence will not experience more than 30 hours per year of shadow flicker under planned operating conditions as indicated by industry standard computer modeling.
- (iii) Each wind tower blade tip does not exceed the height allowed under a Determination of No Hazard to Air Navigation by the Federal Aviation Administration under 14 CFR part 77.
- (iv) The wind energy facility does not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
- (v) The wind energy facility is equipped with a functioning light-mitigating technology. To allow proper conspicuity of a wind turbine at night during construction, a turbine may be lighted with temporary lighting until the permanent lighting configuration, including the light-mitigating technology, is implemented. The Township may grant a temporary exemption from the requirements of this subparagraph if installation of appropriate light mitigating technology is not feasible. A request for a temporary exemption must be in writing and state all of the following:
 - (A) The purpose of the exemption.
 - (B) The proposed length of the exemption.
 - (C) A description of the light-mitigating technologies submitted to the Federal Aviation Administration.
 - (D) The technical or economic reason a light-mitigating technology is not feasible.
 - (E) Any other relevant information requested by the Township.
- (vi) The wind energy facility meets any standards concerning radar interference, lighting, subject to subparagraph (v), or other relevant issues as determined by the Township.
- (vii) The wind energy facility will comply with any more stringent requirements adopted by the Michigan Public Service Commission as provided for in MCL 460.1226(8)(b)(vii). Before adopting such requirements, the commission must determine that the requirements are necessary for compliance with state or federal environmental regulations.

3. For an energy storage facility, all of the following:

- (i) The following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

<u>Setback Description</u>	<u>Setback Distance</u>
Occupied community buildings and dwellings on nonparticipating properties	300 feet from the nearest point on the outer wall
Public road right-of-way	50 feet measured from the nearest edge of a public road right-of-way
Nonparticipating parties	50 feet measured from the nearest shared property line

- (ii) The energy storage facility complies with the version of NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems” in effect on November 29, 2024 or any applicable successor standard adopted by the Michigan Public Service Commission as provided for in MCL 460.1226(8)(c)(ii).
- (iii) The energy storage facility does not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
- (iv) The energy storage facility will implement dark sky-friendly lighting solutions.
- (v) The energy storage facility will comply with any more stringent requirements adopted by the Michigan Public Service Commission as provided in MCL 460.1226(8)(c)(v).

SECTION _____ ISSUANCE AND COMPLIANCE WITH PERMIT.

1. Upon approval of an application the Township shall issue the permit to the electric provider or IPP. Construction of the proposed energy facility must begin within 5 years after the date the permit is issued and any challenges to the grant of the permit are concluded. The Township Board may extend this timeline at the request of the electric provider or IPP without requiring a new application.

2. The permit shall require the electric provider or IPP to remain in compliance at all times with the standards identified for approval of the permit and all documentation submitted with and affirmations made in the application, including, but not limited to, the site plan, decommissioning plan, fire response plan, and emergency plan. No changes may be made to the permit by the electric provider or IPP without the written agreement of the Township. The energy facility must further comply with all local ordinances, state and federal laws and regulations except as otherwise provided in Section MCL 460.1231. The Township shall not revoke a permit except

for material noncompliance with the permit by the electric provider or IPP.

3. A permit may be transferred to another electric provider or IPP upon the filing with the Township of an attestation by the transferee that it accepts the terms of the permit and acknowledges that it is subject to this Ordinance.

SECTION _____ HOST COMMUNITY AGREEMENT.

The permit holder shall enter into a host community agreement with the Township within 90 days after issuance of the permit. The host community agreement shall require that, upon commencement of any operation, the energy facility owner must pay the Township \$2,000.00 per megawatt of nameplate capacity located within the Township. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the Township and the permit holder within said 90 days.

SECTION _____ INTERPRETATION.

The provisions contained in this Article are intended to meet the definition of a Compatible Renewable Energy Ordinance pursuant to 2023 PA 233, as may be amended, MCL 460.1221 *et. seq.* and shall only be interpreted in a manner consistent with such intent.

SECTION II
SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

SECTION III
REPEAL

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION X
EFFECTIVE DATE

This ordinance shall take effect on the later of November 29, 2024 or eight (8) days after publication after adoption, which publication shall occur in a newspaper of general circulation in the Township within fifteen (15) days after adoption.

____ TOWNSHIP
____, Clerk

() -

07.18.2024

[Township letterhead]

RENEWABLE ENERGY LAND USE APPLICATION

Pursuant to PA 233 of 2023, Compatible Renewable Energy Ordinance

PRE-APPLICATION REQUIREMENTS

Prior to submitting any application, the applicant must attest (with attached proofs) that they have performed each of the following:

- ☐ At least 60 days prior to the public meetings provided for in MCL 460.1223, the Applicant offered to meet with the Township Supervisor or Supervisor's Designee of each affected local unit.
- ☐ Within 30 days of the meetings with each Supervisor or Supervisor's Designee, each applicable affected local unit notified the Applicant that the local unit has a Compatible Renewable Energy Ordinance.

APPLICATION PROCEDURES

Once this application is submitted, the Township shall follow these general procedures pursuant to its Compatible Renewable Energy Ordinance:

1. Township shall review and confirm the application has been completed. Applications which fail to include any required information shall be deemed incomplete and shall not be accepted.
2. Township shall review and consider the entire application, consulting with relevant planning, legal, engineering, and other professionals as necessary.
3. Within 120 days (or longer if agreed), Township shall approve or deny the application.
4. If application is approved, Township shall issue a permit to the Applicant authorizing the development of the renewable energy facility. Said permit shall be subject to the Township's Compatible Renewable Energy Ordinance.

APPLICANT INFORMATION

Contact Person	
Business Name	
Address Line 1	
Address Line 2	
City, State, ZIP	
Phone Number	
Email Address	

<u>PROJECT INFORMATION</u>			
Proposed Project	SOLAR ENERGY	WIND ENERGY	BATTERY STORAGE
Project Developer (if different from Applicant)			
Nameplate Capacity of entire Project (in MW)			
Nameplate Capacity of Project in Township			
Total Acreage of Project			
Total Acreage of Project located within Township			
Total number of participating parcels			
Total number of participating parcels located within Township			
Planned Start Date of Construction			
Planned Duration of Construction			

PROPERTY OWNER INFORMATION

Check here if same as applicant: ☐

Owner Name	
Business Name (if applicable)	
Address Line 1	
Address Line 2	
City, State, ZIP	
Phone Number	
Email Address	

Must attach documentation for each property owner of each participating property indicating the property owner's consent to the use of their property for the project. Said documentation shall include, at a minimum, proof of ownership of the property, a notarized signature of the property owner(s) granting consent to use their property for the project, provisions related to decommissioning, and the duration of the agreement.

PROPERTY INFORMATION

**IF MULTIPLE PROPERTIES/PARCELS, PLEASE CHECK
HERE AND ATTACH ADDITIONAL SHEETS:** ☐

Address Line 1	
Address Line 2	
City, State, ZIP	
Current Zoning District	
Current Property Use	
Land Use Master Plan Designation	
Gross Acreage	
Parcel Dimensions (approx.)	

SITE PLAN INFORMATION

All applicants must attach a detailed site plan to their application that fully adheres to this section. The site plan shall be prepared by a registered professional engineer and shall contain the professional seal of the preparer. Ten (10) copies of the site plan must be provided at a scale not to exceed one (1) inch equals one hundred (100) feet (1" = 100') for properties in excess of three (3) acres or one (1) inch equals twenty (20) feet for properties of three (3) acres or less.

The following items must be shown on the Site Plan:

1. The location and a description of the energy facility, including grid interconnection point.
2. A description of the anticipated effects of the energy facility on the environment, natural resources, and solid waste disposal capacity, which may include records of consultation with relevant state, tribal, and federal agencies.
3. Date, north arrow, and scale.
4. The signed seal, name, and address of the professional individual, and firm, responsible for the preparation of the site plan.
5. The name and address of the property owner and applicant.
6. A location sketch showing the subject property in relation to the surrounding area.
7. Legal description of the subject property.
8. The size (in acres) of the subject property, and approximate number of acres allocated to each proposed use (renewable facilities, accessory buildings, temporary construction buildings, parking, street right-of-way, open space, etc.).
9. Lot lines and required setbacks shown and dimensioned.
10. The location of all existing structures, and public road rights of way within the setback area. This shall include the use of such structures and shall identify such areas as occupied or vacant.
11. Gross floor area for buildings.
12. The location, footprint, and dimensions of all existing and proposed buildings and renewable energy facilities on the subject property.
13. The location of all existing and proposed drives, both temporary and permanent (including dimensions and radii), acceleration and deceleration lanes, signs, exterior lighting, curbing, parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided), and unloading areas.
14. The location of all existing vegetation and the location, type, and size of all proposed landscaping, and the location, height and type of existing and proposed fences and walls.
15. Size and location of existing and proposed utilities, including any proposed connections to public, or private community sewer or water supply systems.
16. The location and size of all surface water drainage facilities, including source, volume expected, route, and course to final destination.
17. Existing and proposed topographic contours at a minimum of five (5) foot intervals.
18. The existing zoning and use of all properties abutting the subject property.
19. Site specific information addressing compliance with the Township's Compatible Renewable Energy Ordinance Section IV.
20. Such other plans as required by this application, applicable law, or information required by Michigan Public Service Commission rule or order.

REQUIRED DOCUMENTATION

All applicants must attach documentation providing complete answers to each of the following:

- ☐ A description of the energy facility, including a complete and accurate site plan.
- ☐ A description of the expected use of the energy facility.
- ☐ Expected public benefits of the proposed energy facility.
- ☐ Expected direct impacts of the proposed energy facility on the environment and natural resources, and how the applicant intends to address and mitigate these impacts.
- ☐ Information on the effects of the proposed energy facility on public health and safety.
- ☐ A description of the portion of the community where the energy facility will be located.
- ☐ A statement and reasonable evidence that the proposed energy facility will not commence commercial operation until it complies with applicable state and federal environmental laws, including, but not limited to, the natural resources and environmental protection act, 1994 PA 451 (MCL 324.101 to 324.90106).
- ☐ Evidence of consultation, before submission of the application, with the department of environment, Great Lakes, and energy (EGLE) and other relevant state and federal agencies before submitting the application, including, but not limited to, the department of natural resources and the department of agriculture and rural development.
- ☐ The soil and economic survey report under section 60303 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.60303, for the county where the proposed energy facility will be located.
- ☐ Interconnection queue information for the applicable regional transmission organization.
- ☐ If the proposed site of the energy facility is undeveloped land, a description of feasible alternative developed locations, including, but not limited to, vacant industrial property and brownfields, and an explanation of why they were not chosen.
- ☐ If the energy facility is reasonably expected to have an impact on television signals, microwave signals, agricultural global position systems, military defense radar, radio reception, or weather and doppler radio, a plan to minimize and mitigate that impact. Information in the plan concerning military defense radar is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be disclosed by the commission or the electric provider or independent power producer except pursuant to court order.
- ☐ A stormwater assessment and a plan to minimize, mitigate, and repair any drainage impacts at the expense of the electric provider or IPP. The applicant shall make reasonable efforts to consult with the county drain commissioner before submitting the application and shall include evidence of those efforts in its application.
- ☐ A fire response plan and an emergency response plan.

DECOMMISSIONING PLAN

All applicants must attach a decommissioning plan that is consistent with agreements reached between the applicant and other landowners of participating properties and that ensures the return of all participating properties to a useful condition similar to that which existed before construction, including removal of facilities and infrastructure that have no ongoing purpose. The decommissioning plan shall include, but is not limited to, financial assurance in the form of a bond, a parent company guarantee, or an irrevocable letter of credit, but excluding cash. The amount of the financial assurance shall not be less than the estimated cost of decommissioning the energy facility, after deducting salvage value, as calculated by a third party with expertise in decommissioning, hired by the applicant. This amount is subject to verification by the Township. The financial assurance must be posted at 100% by the start of commercial operation and prior thereto must be in an amount to assure the return of all participating properties to the condition as provided herein.

In order to evaluate whether the decommissioning plan is consistent with the agreements reached between the applicant and other landowners and participating properties, applicant **must** attach copies of those agreements.

ADDITIONAL INFORMATION

[Pursuant to Section MCL 460.1223(3)(a), an affected local unit may require other information necessary to determine compliance with the compatible renewable energy ordinance. Consult your legal counsel regarding these additional requirements.]

CONSENT TO EXTENSION

Pursuant to Section 223(3)(b), the local unit of government must approve or deny the application within 120 days of receipt of a complete application. The Applicant and local unit may jointly agree to extend this deadline by up to 120 days.

☐ CHECK HERE IF YOU CONSENT TO EXTEND THE DEADLINE

LENGTH OF DEADLINE EXTENSION: _____

ATTESTATION

BY SUBMITTING THIS APPLICATION, THE APPLICANT ATTESTS THAT ALL INFORMATION PROVIDED IS COMPLETE, TRUE, AND ACCURATE TO THE BEST OF THEIR KNOWLEDGE. APPLICANT FURTHER ATTESTS THAT ANY PERMITS ISSUED SHALL BE IN RELIANCE ON THE INFORMATION PROVIDED IN THIS APPLICATION.

APPLICANT FURTHER AGREES THAT THE INFORMATION PROVIDED IN THIS APPLICATION IS TIED TO THE PROJECT AND THE PROPERTY. PRIOR TO ANY TRANSFER OF OWNERSHIP OR OPERATIONAL AUTHORITY, APPLICANT AGREES TO NOTIFY ANY NEW PARTIES OF THE TERMS OF THIS APPLICATION AND ANY PERMITS ISSUED. APPLICANT FURTHER AGREES TO IMMEDIATELY NOTIFY THE TOWNSHIP OF ANY CHANGES IN OWNERSHIP OR OPERATIONAL AUTHORITY.

I, APPLICANT, ATTEST THAT I HAVE REVIEWED THIS APPLICATION IN ITS ENTIRETY AND AGREE TO ABIDE BY ITS TERMS. I FURTHER ATTEST THAT I HAVE OBTAINED THE CONSENT OF ALL DEVELOPERS AND PROPERTY OWNERS INVOLVED IN THIS PROJECT TO REVIEW AND SUBMIT THIS APPLICATION.

PRINTED NAME

SIGNATURE

FOR TOWNSHIP USE ONLY

DATE RECEIVED: _____

- ☐ Applicant complied with all pre-application procedures, including meetings with chief elected officials.
- ☐ Each affected local unit properly notified the Applicant of their Compatible Renewable Energy Ordinance.
- ☐ Required application fee and escrow fee has been paid in full.
- ☐ Application is complete and provides answers to all required sections.
- ☐ Applicant has signed indicating agreement to all terms.

DATE ACCEPTED: _____

07.18.2024

_____**TOWNSHIP**
RESOLUTION
DATED: _____

ZONING APPLICATION FEE AND ESCROW POLICY

The _____ Township Board is authorized by state statute and Township Zoning Ordinance to establish fees for the processing of various types of zoning applications. In order to properly place the cost of processing these applications primarily upon the applicant instead of the public at large, the _____ Township Board hereby adopts this escrow fee policy requiring the deposit of specified amounts into escrow to be held by the Township Treasurer which deposit shall be used to offset the zoning fees and costs incurred by the township in the processing of the application(s).

Establishment of Fee Schedule by Resolution of the Township Board. The Township Board shall establish a Fee Schedule by resolution, which fee schedule may be changed from time to time by resolution of the Township Board. The Township Board shall post a copy of the most recent fee schedule in a conspicuous place in the office of the Township Clerk and on the Township's website.

Components of the Fee Schedule. Such fee schedule shall include an application fee which shall be a basic fee for the submission of an application and an escrow fee, which shall be a deposit upon which to draw for extraordinary expenses associated with particular types of applications.

Basic Fee. The basic fee shall approximate the basic costs to the Township for the processing of the application, which may include, the initial review by the Zoning Administrator, notices, publication, mailing, and copying costs and appearances at a single regularly-scheduled meeting by the Township Attorney, Planning Consultant and/or Zoning Administrator. No portion of the basic fee is refundable.

Special Meeting Fee. The basic application fee shall be increased an amount set by the Township Board on its adopted fee schedule if the applicant requests that a special meeting be called for consideration of the application.

Escrow Fee. The escrow fee shall be a deposit in the amount specified by resolution of the Township Board for the particular type of application made.

Escrow Fee. Pursuant to the Township schedule, the applicant shall make the required escrow fee deposit with the Township Zoning Administrator prior to consideration of the application and prior to required noticing and processing. All expenses not covered by the basic fee enumerated above shall be paid by the applicant from an escrow account established with the Township. These expenses include but are not limited to:

- A. Review by Township Attorney.

- B. Review by Township Planning Consultant.
- C. Review by Township Engineer.
- D. Beyond initial review by Zoning Administrator.
- E. Review by special consultants.
- F. Any additional public hearings, required mailing, legal notice and copies.

Deposit Required. The escrow fee amount shall be set by resolution of the Township Board in an initial amount dependent upon the type of application. The initial escrow deposit along with the basic application fee shall be paid to the Zoning Administrator at the time of the Application. The Zoning Administrator shall turn the escrow fee and application basic fee over to the Township Treasurer or Treasurer's designee. The applicant shall also at the time of application review this policy and sign an Escrow Policy Affidavit in the form attached to this policy. The application will not be processed without any required escrow deposit and the signing of the Escrow Policy Affidavit.

Accounting of Costs and Maintenance of Balance. The Township Treasurer or Treasurer's designee shall maintain records of funds expended upon each application for which an escrow deposit has been collected. At no time prior to the Township's completion of review and processing of the application shall the escrow be exhausted. If an Escrow Account balance is exhausted, the Township Zoning Administrator shall notify the applicant that the application will not be further processed until additional amounts are deposited into escrow. If the escrow balance is exhausted, an additional deposit of half the initial escrow fee shall be required to continue the review. Additional amounts above half the initial escrow fee may be required upon recommendation of the Township Planning Consultant, Township Engineer, Township Zoning Administrator and/or Township Attorney indicating that such additional funds are required in order to complete the Township's review and action on the application.

Failure to Maintain Escrow. Any additional escrow amounts required shall be deposited into the escrow fee account in order for the Township to continue processing the application. Failure of the applicant to maintain an escrow balance as specified above shall be cause for the application to be removed from further Township consideration until the shortfall is eliminated. No further review or processing of the application shall occur until the escrow fee account has been re-established to the appropriate level. The Township Zoning Board of Appeals or Planning Commission is authorized to dismiss an application and require re-application after a period of 90 days after notification of need to supplement escrow without payment.

Appeal of Amount. In the event an applicant objects to the reasonableness or the amount of an escrow fee, the amount of additional deposits required, or how the Township has applied the funds from the escrow fee account, the aggrieved applicant may appeal the determination regarding the matter to the Township Board. All such appeals shall be in writing and shall be made not later than thirty (30) days after receipt of the disputed escrow determination. The Township Board shall establish a date and time to hear the appeal and shall permit the applicant or the applicant's agent to appear before the Township Board at a regularly scheduled Board meeting to object and to

appeal the determination. The Township Board may affirm, modify, or reverse the determination. This provision applies only to a determination as to the reasonableness of the escrow fees and not to any other appeal.

Refund of Excess Escrow Funds. Within 45 days after final Township action on the application or withdrawal of the application by the applicant, the Township shall refund to the applicant any excess escrow funds without interest.

No Occupancy Permit or Building Permit. No final approval, building permit, certificate of use and occupancy permit, or other similar approvals shall be issued or final Township zoning approval be deemed granted until the escrow funds are paid in full.

Withdrawal of Application and Noncompliance. Should the applicant withdraw its application or otherwise fail to complete all actions necessary for the Township to issue a final building permit or final zoning approval, the Township may seek reimbursement for its costs incurred in responding to the application. The Township shall be permitted to take any legal action to collect such costs and shall be permitted to assess all costs and legal fees incurred in the collection process. Interest shall accrue on such costs at 1% per month until paid in full.

This escrow fee resolution was offered by _____, supported by _____.

The following members voted "yes":

The following members voted "no":

The Supervisor declared the resolution passed.

_____, Clerk

TOWNSHIP
ESCROW POLICY AFFIDAVIT

I have read and accept the _____ Township Zoning Application Fees and Escrow Policy and agree to abide by the same. I understand that the payment of the prescribed application and escrow fees is intended to cover the Township's costs associated with the processing and/or review of my zoning application and should not in any manner be construed as suggesting any particular outcome for the application. I agree that I shall be obligated to pay the fees prescribed under the policy regardless of whether my application is approved, denied, modified or withdrawn. In addition, I agree the Township shall be permitted to take any legal action to collect its fees and costs and shall be permitted to assess to me all costs and legal fees incurred in the collection process.

I understand that the Township may stop processing my application if the escrow fee drops below the parameters set forth in the Zoning Escrow Fee policy. It will be my responsibility to replenish the escrow fee to the amount required by the policy before processing my application resumes.

Name: _____

Signed: _____

Print Name: _____

Date: _____

Person/Company Responsible for Account (Billing Purposes)

Address: _____

City: _____ State: _____ Zip: _____

Telephone number: _____ Fax or Email: _____