

AGENDA
HAYES TOWNSHIP, CHARLEVOIX COUNTY
PLANNING COMMISSION
October 22, 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- October 15, 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
 - Shoreland landscape plan review- 6995 Birdland
 - Compatible Renewable Energy Ordinance continued review
11. Old Business
12. Set/Confirm Public Hearing Dates
13. Set/Confirm Date of Next Regular PC Meeting- November 19, 2024
14. Public Comment
15. Planning Commission and Staff Comment
16. Adjournment

Public Comment at Meetings of the Hayes Township Planning Commission

The Hayes Township Planning Commission values public input and offers an opportunity for the public to comment at its meetings. This affords the Planning Commission the opportunity to hear your views and remarks. If you speak, you should not expect to engage the Planning Commission members or any staff in discussion or debate.

Planning Commission Members will not respond to comments made during the Public Comment unless it becomes necessary to ask a clarifying question, correct a factual error, or to provide specific factual information.

Questions about Township matters are best directed to individual Board members or Township staff (Planner, Zoning Administrator, or Assessor) between meetings. Contact information is available on the township website at: hayestownshipmi.gov.

The availability of public comment is recognized by the Michigan Open Meetings Act. The Act provides that rules may be adopted for orderly comment from the public. To that end, the following rules have been established by the Planning Commission:

1. A person who wishes to speak during Public Comment will sign in and signify that they would like to speak on the form.
2. The person will begin by stating their name, spelling it out if requested.
3. The person addresses the Chairperson, or other person chairing the meeting, on behalf of the entire Planning Commission. Public comment is NOT to be addressed to individual Planning Commission members, to any township staff present, or to other members of the audience.
4. For the first Public Comment period, there is a three (3) minute time allotment for each speaker. The time limit may be extended by the Chairperson or majority of the Planning Commission members present. If a speaker uses less than three (3) minutes, they may not use the remaining time at that Public Comment. A speaker may speak only once at Public Comment. There is no provision for another audience member to 'donate' their three (3) minutes to another speaker. For the second Public Comment session speakers are limited to two (2) minute each.
5. A speaker will be out of order if the speaker disrupts the meeting, fails to be germane, speaks longer than the allotted time, uses vulgarities or makes a personal attack on a Planning Commission member or Township employee that is unrelated to the performance of that person's duties.
6. If a speaker is called out of order, that speaker will not be able to speak again at the same meeting except by special leave of the Planning Commission. If the speaker continues to disrupt the meeting or is disorderly, law enforcement will be called to remove the speaker.
7. The Chairperson, or other person chairing the meeting, will have the discretion to permit members to speak at times other than the times reserved for Public Comment.

Hayes Township Planning Commission
October 15th, 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, Roy Griffiths (Chair), Carey Cuddeback, Rex Greenslade, Marilyn Morehead and Mark Snyder.

Excused: Matt Cunningham

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

Audience: LuAnne Kozma, Julie Collard, Kristin Baranski, Rebekah Berg, David Zipp, Alexander Curly, Jim McMahon, Diane McMahon, Kevin Willis, Tim Boyko, Debbie Luhrs, Carol Umlor, and Melvin Czechowski.

REVIEW AGENDA:

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

Yeas: Rex Greenslade, Marilyn Morehead, Roy Griffiths, CT Martin, Carey Cuddeback, and Mark Snyder.

Nays: none **Motion Carries**

DECLARATIONS OF CONFLICTS OF INTERESTS:

None

APPROVAL OF MINUTES SEPTEMBER 17TH, 2024 REGULAR MEETING

Mr. Snyder made a motion, supported by Ms. Morehead, to approve the September 17th, 2024, regular meeting minutes as corrected.

Yeas: Rex Greenslade, Marilyn Morehead, Roy Griffiths, CT Martin, Carey Cuddeback, and Mark Snyder.

Nays: none **Motion Carries**

PUBLIC COMMENTS: Public comments opened at 7:02pm.

None

Public comments closed at 7:02pm

REPORT OF TOWNSHIP BOARD REPRESENTATIVE TO THE PLANNING COMMISSION:

Next meeting November 11th, 2024, at 7:00pm.

REPORT OF ZONING BOARD OF APPEALS REPRESENTATIVE:

ZBA did not meet.

ZONING ADMINISTRATOR REPORT:

Written report available at Hayes Township Hall.

Hayes Township Planning Commission
October 15th, 2024
Regular Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

New Business:

COMPATIBLE RENEWABLE ENERGY ORDINANCE DRAFT DISCUSSION (PA 233-234):

- PA 233-234 will be in effect on November 29th 2024.
- There is no way for a Township to prohibit Renewable Energy.
- MTA recommends Townships to put regulations for Renewable energy in the Township Ordinance, suggest a Special Use Permit required.
- A Zoning Permit Application submitted for Renewable Energy must be decided on within 120 days.
- MTA recommends having language in the Zoning Ordinance that states the Developer of the project is responsible for all the cost involved in the Renewable Energy project they are proposing.
- The Township needs a Zoning Ordinance for Renewable Energy to protect the Township from Legal and Financial Responsibility.
- PA 233-234 cannot force a land owner to allow a development of Renewable Energy on their land.
- Reviewed and discussed the proposed Zoning Ordinance text amendments recommended by the Michigan Township Association.
- The Township can restrict the zoning districts allowing Renewable Energy Facilities.
- The Planning Commission came to a consensus to limit Renewable Energy Facilities to only Commercial, Industrial, Conservation and Agricultural Zoning districts.
- The Planning Commission came to a consensus to change all setback distances for Solar Energy Facilities and Energy Storage Facilities to be measured from the nearest property line.
- The Planning Commission came to a consensus to change the setback distance from the nearest shared property line to be 300 feet for Solar Energy Facilities and Energy Storage Facilities.
- The Planning Commission came to a consensus to refer to the current Hayes Township Lighting ordinance when implementing dark sky friendly lighting solutions for Solar, Wind and Energy storage Facilities.
- Planning Commission will add "road way" to item 2 (II) regarding shadow flicker of a wind turbine.
- Will consultant the Township attorney about decommissioning language in the Zoning Ordinance for Solar, Wind and Energy Storage Facilities.

Hayes Township Planning Commission
October 15th, 2024
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OLD BUSINESS:

REVIEW OF MASTER PLAN:

To be continued.

SET/CONFIRM PUBLIC HEARING DATES: None

SET/CONFIRM DATE OF NEXT PC MEETING –OCTOBER 22ND, 2024.

Next Planning Commission meeting will take place on October 22ND, 2024, at 7:00 pm.

PUBLIC COMMENT:

Public Comment Opened at 9:09pm

Comments Included:

- Stated they have lived in Hayes Township since 1974, and when they have attended meetings they always hear how people do not want to see development changes in Hayes Township. Concerned with what will happen to land being sold due to farms retiring.
- Stated they found it to be a good meeting, however, would like clarification how a developer can negotiate the Zoning Ordinance.
- Would like to know when the State of Michigan created PA 233-234.
- Stated they agree with the property line setbacks. Concerned with the noise ordinance and dark sky ordinance for the renewable energy facilities. Concerned of the throw distance if a blade were to come off of one of the Wind Turbines. Suggest language regarding view screening.

Public Comment Closed at 9:18pm

PLANNING COMMISSION and STAFF COMMENT:

Mr. Griffiths stated with renewable energy applications coming in as Special Use Permits the conditions are set by the Planning Commission and do not go in front of the ZBA.

Mr. Greenslade stated they are concerned about leaving a better place for future generations.

ADJOURNMENT: Ms. Morehead made a motion, supported by Ms. Cuddeback, to adjourn the meeting at 9:21pm.

Yeas: Roy Griffiths, CT Martin, Carey Cuddeback, Mark Snyder, Marilyn Morehead, and Rex Greenslade.

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.

[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 OF **HAYES**
COUNTY OF **CHARLEVOIX**, STATE OF
MICHIGAN ORDINANCE NO. **T B D**

ADOPTED: **TBD**, 2024

EFFECTIVE: **TBD**, 2024

COMPATIBLE RENEWABLE ENERGY ZONING ORDINANCE
TEXT AMENDMENTS

An amendment to the **Hayes** 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 **Hayes**
****Charlevoix** COUNTY, MICHIGAN**

ORDAINS:

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

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

ARTICLE **TBD 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.

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, **golf course, restaurants** 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

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 property line
Public road right-of-way	100 50 feet measured from the nearest edge of a public road right-of-way
Nonparticipating parties	100 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 property line
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

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