

SOLAR ENERGY ORDINANCE 2021-12-4

Brant Township, Saginaw County, MI

DEFINITIONS

- 1) Solar Energy System: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy of transferring heat from a collector to another medium using mechanical, electrical or chemical means.
- 2) Solar Energy Systems Accessory: A solar panel or array mounted on a building, pole, or rack which is directly connected to or designed to serve the energy needs of the primary use. This use will be governed by Accessory Use Brant Township Zoning
- 3) Solar Farms: A solar array composed of multiple solar panels on ground-mounted rack or poles which is not directly connected to or designed to serve the energy needs of the primary use, but rather for the primary purpose of the wholesale sales of generated electricity. Solar farms include but are not limited to community solar gardens which are defined as solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system. A community solar system may be either an accessory or principle use.

Solar Farms: Permitted by Special Use Permit in A-1 Agricultural District and meet requirements of this ordinance amendment.

Intent and Purpose: To allow and promote the use of solar energy within the Township as a clean alternative energy source and to provide associated placement, land development, installation and construction regulations for solar farm facilities subject to reasonable conditions that will protect the public health, safety and welfare. These regulations establish minimum requirements for solar farm facilities, while promoting a renewable energy source in a safe, effective and efficient manner.

Minimum Lot Size: There is no minimum lot size. Each solar farm is permitted as a special land use which review will consider its compatibility with the surrounding area.

Height Restrictions: All photovoltaic panels and support structures located in a solar farm shall be restricted to a maximum height of sixteen (16) feet when oriented at a maximum tilt.

Setbacks: All photovoltaic solar panels and support structures associated with such facilities (excluding perimeter fencing) shall be setback a minimum of seventy-five (75) feet from a side or rear property line and a minimum of fifty (50) feet from any road right-of-way. All facilities shall also be setback at least to the limit of any established County drain right-of-way or easement unless special provisions are formally agreed to with the Saginaw County Public Works Commissioner so as not to impede/obstruct access along the County drain.

Maximum Lot Coverage: Maximum lot coverage restrictions shall not apply to photovoltaic solar panels. Any other regulated structures on the parcel are subject to the maximum lot coverage restrictions of the underlying zoning district.

Safety/Access: A security fence (height and material to be proposed and reviewed/approved through the special land use permit process) shall be placed around the perimeter of the solar farm and electrical equipment. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.

Noise: No solar farm facilities shall exceed sixty (60) dBA as measured at the property line.

Glare: Solar farm facilities shall be located or placed so that concentrated solar glare shall not be directed toward or onto nearby properties or roadways at any time of the day.

Landscaping: The special land use application for a solar farm shall include a proposed landscaping and screening/buffering plan prepared by a licensed landscape architect. This plan will be reviewed through the special land use approval process to assure that the proposed facility is appropriately landscaped in relation to adjacent land uses and road rights-of-way. The use of berms and evergreen plantings along property lines adjacent to residential land uses is required. Trees shall be a minimum of four (4) feet tall at time of planting and be placed in two (2) rows twelve (12) feet apart. Each tree shall be planted twelve (12) feet apart and the rows shall be staggered so it appears to have trees ever 6 feet. All trees shall remain in good condition for the life of the solar farm. If Berms are being used berms shall be a minimum of ten (10) feet tall

Local, State and Federal Permits: Solar farm facilities shall be required to obtain all necessary permits and licensing from the underlying Township, Saginaw County, State of Michigan and U.S. Government as applicable prior to construction and shall maintain any necessary approvals as required by the respective jurisdictions or agencies.

Electrical Interconnections: All electrical interconnections or distribution lines shall comply with all applicable codes and standard commercial large-scale utility requirements. Use of above ground transmission lines are prohibited within the site.

Additional Site Plan Requirements

The applicant shall submit a site plan in full compliance with Section 907 of this zoning ordinance for each Solar Energy Facility and other solar energy appurtenances. Additional requirements for a Solar Energy Facility site plan are as follows:

1. The project area boundaries.
2. The location, height, and dimensions of all existing and proposed structures and fencing.
3. The location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or State maintained road.

4. Existing topography.
5. Water bodies, waterways, wetlands, drainage channels, and drain easements.
6. A site grading, erosion control and storm water drainage plan. The plans will be reviewed by the Township's engineering firm at the applicant's cost.
7. All comments from the Saginaw County Public Works Commissioner's office and Saginaw County Road Commission pertaining to the proposed solar energy facility shall be submitted to the Brant Township Planning Commission.
8. All new infrastructures, both above and below ground, related to the project. This includes inverters and batteries.
9. Identification of a construction/set-up/laydown area.
10. Project design and layout will ensure any structures or other improved areas located within the fenced/improved area shall be located a minimum of one-hundred (100) feet from any residential structure, church, school, family or group child day-care home, and bed and breakfast establishments.
11. No portion of the Solar Energy Facility shall contain or be used to display advertising. The manufacturers' name and equipment information or dedication of ownership shall be allowed on any equipment of the solar energy system provided they comply with the prevailing sign regulation.

Additional Special Use Criteria

In addition to the special land use (and site plan) requirements contained in Brant Township Zoning the applicant shall address the following topics in the application for solar farm facilities:

1. Project description and Rationale: Identify the type, size, rated power output, performance, safety and noise characteristics of the system including the transmission line/grid connection for the project. Identify the project construction time frame, project life, development phases (and potential future expansions) and likely markets for the generated energy.
2. Analysis of On-Site Traffic: Estimated construction jobs and estimated permanent jobs associated with the development.
3. Visual Impacts: Graphically demonstrate the visual impact of the project using photos or renditions of the project with consideration given to setbacks and proposed landscaping.
4. Environmental Analysis: Identify impacts on surface water quality and any impacts to County drains and/or established natural or private drainage features in the area.
5. Waste: Identify any solid or hazardous waste generated by the project.

6. Lighting: Provide plans showing all lighting within the facility. No light may adversely affect adjacent parcels. All lighting shall conform to the requirements of this ordinance and must be shielded from adjoining parcels. Light poles are restricted to a maximum height of eighteen (18) feet.

7. Transportation Plan: Provide a proposed access plan during construction and operational phases. Show proposed project service road ingress and egress locations onto adjacent roadways and the layout of the facility service road system. Due to infrequent access following construction, it is not required to pave or curb solar panel access drives.

8. Public Safety: Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways and to the general public that may be created.

9. Sound Limitations: Identify noise levels at the property lines of the project when completed and operational.

10. Telecommunications Interference: Identify any electromagnetic fields and communications interference that may be generated by the project.

11. Life of the Project and Final Reclamation: Describe the decommissioning and final reclamation plan after the anticipated useful life or abandonment/termination of the project. This includes supplying evidence of an agreement with the underlying property owner that ensures proper removal of all equipment and restoration of the site within six (6) months of decommissioning or abandonment of the project.

To ensure proper removal of the project upon abandonment/termination of the project, applicants shall include a description of the financial security guaranteeing removal of the system which must be posted with the Township within fifteen (15) days after approval or before a building or construction permit is issued for the project. The financial security shall be: 1) a cash bond; or 2) an irrevocable bank letter of credit or a performance bond, in a form approved by the Township. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the applicant and shall be subject to approval by the Township.

If the owner of the project or the underlying property owner fails to remove or repair any defective, abandoned or terminated project, the Township, in addition to any other remedy under this Ordinance, may pursue legal action to abate the violation by seeking to remove the project and recover any and all costs, including attorney fees.

12. Township Review: Because of the ever-changing technical capabilities of photovoltaic solar panels and of new technology in general, the Township Planning Commission and Board of Trustees shall have the authority to review and consider alternatives in both the dimensional and physical requirements contained in this Section as part of the special land use review process.

13. Insurance: Proof of the applicant's public liability insurance with at least \$3,000,000 per occurrence to cover the Solar Energy Facility, the Township, and the landowner.

14. Emergency Services: The large scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. The owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

15. Fee: An applicant shall remit an application fee and an escrow deposit, in the amount specified by the Township schedule of Fees for Zoning Action. This schedule shall be based on the cost of the application review and may be adjusted from time to time. If professional review of plans is required, then such costs shall be paid from the escrow deposit.

16. Complaint Resolution: The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. All complaints shall be acknowledged within ten (10) days of receipt of such complaint and the Township supervisor shall also be notified of each complaint. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint.

a) During construction, the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.

b) A report of all complaints and resolutions to complaints shall be filed with the township on a quarterly basis.

This Ordinance shall take effect thirty (30) days from the date of its publication, and all Ordinances or a part of Ordinances in conflict with this Ordinance shall be repealed.

PUBLISHED NOTICE OF PUBLIC HEARING

Notice of Public Hearing for the above Amendment to the Brant Township Zoning Ordinance was published in the Tri-County Citizen on the 3rd day of October, 2021.

POSTED NOTICE OF PUBLIC HEARING

Notice of Public Hearing for the above Amendment to the Brant Township Zoning Ordinance was posted on the Brant Township Bulletin Board and Tri County Citizen the 3rd day of October, 2021.

SUBMISSION TO COUNTY PLANNING COMMISSION FOR REVIEW

The above Amendment to the Brant Township Zoning Ordinance was submitted to the Saginaw County Zoning Department on the 15th day of October, 2021.

SUBMISSION TO TOWNSHIP BOARD FOR CONSIDERATION

The above Zoning Ordinance was submitted to the Brant Township Board on the 14th day of September, 2021.

ADOPTION

The above Amendment to the Brant Township Zoning Ordinance is a true copy made and passed at a regular meeting of the Brant Township Board on the 14th day of December, 2021, the roll call vote being as follows:

YEAS: Rob Fowler, Barb Fowler, Theresa Morris, Kensmith, Paula Cooper
NAYS:
ABSENT/ABSTAIN: None

PUBLICATION OF ORDINANCE

A legally proper summary of the above Ordinance was published in the Tri-County Citizen on the 9th day of January, 2022.

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Brant Township Board at a meeting held on December 14, 2021, pursuant to the procedures required by law.

Robert Sault

BRANT TOWNSHIP