

Springport Township
Ordinance # 43
Solar Energy Systems, General Regulations:

Any Small Solar Energy System mounted on the ground shall comply with those requirements applicable to an accessory building, or those requirements applicable to an accessory building within the zoning district in which the Solar Energy System is located, whichever are more stringent.

- A. A site plan shall be prepared and submitted to the Zoning Administrator for approval prior to commencing installation. The site plan shall include the proposed location and an elevation drawing showing the proposed height and foundation details.
- B. Small Solar Energy Systems shall not be constructed or installed in the front yard of any lot, absent a showing that the Solar Energy System cannot be operated efficiently on any other location on the property, and that such operation will not unreasonably interfere with adjacent properties or rights-of-way.
- C. Any Small Solar Energy System erected on a building shall not extend beyond the peak of the roof, provided that a Small Solar Energy System erected on a flat roof shall otherwise comply with the other requirements of this Section. In no event shall any portion of a Solar Energy System extend beyond the lesser of either thirty (30) feet or the maximum building height permitted within the district in which that Solar Energy System is located.
- D. Any Solar Energy System mounted on the roof of a property must be installed with a minimum three (3) foot setback from the edges of the roof, the peak, the eave, or the valley.
- E. No Solar Energy System shall be installed in such a way as to pose a hazard.
- F. All Solar Energy Systems must conform to all applicable federal, state and county requirements, in addition to other applicable Township Ordinances, as well as any applicable industry standards.
- G. All Solar Energy Systems must be installed in a manner ensuring that concentrated solar glare shall not be directed onto nearby properties or roadways.

- H. Any Small Solar Energy System mounted on the ground shall be sufficiently screened from the view of adjacent properties or roadways through the use of solid fencing or the installation of a wall, hedge, or other vegetation not less than four (4) feet and no more than eight (8) feet in height.
- I. All power transmission lines from a ground-mounted Solar Energy System to any building or other structure shall be located underground. The Planning Commission may waive this requirement, or may limit it through conditions, if it determines that it would be impractical or unreasonably expensive to install, place or maintain such transmission lines underground.
- J. Any Solar Energy System and the surrounding premises must be kept and maintained in good repair and condition at all times and must continuously conform with all applicable building and electrical codes. This shall include, but is not limited to, ensuring that any fencing is maintained to provide sufficient protection and screening, that the property is kept clear of trash and other debris, that all aspects of the Solar Energy System are maintained according to industry standards, and that no portion of the Solar Energy System is in a blighted, unsafe, or substandard manner.
- K. An Abandoned Solar Energy System shall be removed by the property owner within six (6) months.

Solar Energy, Large Systems:

The purpose and intent of this Subsection is to establish standards for the siting, installation, operation, repair, decommissioning and removal of Large Solar Energy Systems as a conditional use.

- A. Site Plan Drawing and Supporting Materials: All applications for a Large Solar Energy System must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information, in addition to the information required by other Sections in this Ordinance:
 - I. All lot lines and dimensions, including a legal description of each lot or parcel comprising the Large Solar Energy System.
 - II. Names of owners of each lot or parcel within the Township that is proposed to be within the Large Solar Energy System.
 - III. Vicinity map showing the location of all surrounding land uses.
 - IV. Location and height of all proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above- ground structures and utilities associated with the Large Solar Energy System.
 - V. Geotechnical report, prepared by a Professional Engineer licensed in the State of Michigan, demonstrating appropriate foundation designs and pavement designs based on findings of the geotechnical soil report. These geotechnical soil borings will also need to demonstrate the in-situ soil conditions prior to the proposed development.
 - VI. Ground cover must meet one or more of the four types of Dual Use defined in this ordinance
 - VII. Horizontal and vertical (elevation) scale drawings with dimensions that show the location of the proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above ground structures and utilities on the property.

- VIII. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Large Solar Energy System and within one thousand (1,000) feet of the outside perimeter of the Large Solar Energy System.
- IX. Proposed setbacks from the Solar Array(s) to all boundary lines and all existing and proposed structures within the Large Solar Energy System.
- X. Land elevations for the Solar Array(s) location and the relationship to the land elevations of all existing and proposed structures within the Large Solar Energy System.
- XI. Access driveways within and to the Large Solar Energy System, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Jackson County Department of Transportation or Michigan Department of Transportation approval as appropriate and shall be planned so as to minimize the use of lands for that purpose.
- XII. Planned security measures to prevent unauthorized trespass and access and to warn of potential dangers during the construction, operation, removal, maintenance or repair of the Large Solar Energy System.
- XIII. A written description of the maintenance program to be used for the Solar Array(s) and other components of the Large Solar Energy System, including decommissioning and removal procedures when determined by the Township to be obsolete, uneconomic or an Abandoned Solar Energy System. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Large Solar Energy System becomes obsolete, uneconomical or an Abandoned Solar Energy System.
- XIV. A copy of the manufacturer's safety measures.
- XV. Planned lighting protection measures.

B. Environmental Impact: The environmental impact of the Large Solar Energy System, as reflected in an environmental impact study, including, but not limited to, a review of the following factors:

1. Impact on area water resources;
2. Impact on air quality;
3. Noise impacts caused by the Solar Energy System;
4. Impact on utilities and infrastructure;
5. Protection of neighboring property owners and children;
6. Impact on wildlife;
7. Effects on floodplains and wetlands;
8. Unique farmlands or soils;
9. Areas of aesthetic or historical importance;
10. Archeological or cultural concerns; and
11. Any other environmental factors typically evaluated by other members of the commercial energy industry when evaluating locations for a proposed power- generating facility.

C. A written description of measures to be taken to support the flow of rainwater throughout the Large Solar Energy System, including any measures to promote the growth of vegetation beneath the arrays or otherwise limit the impacts of stormwater runoff. The measures shall be subject to the approval of the Jackson County Drain Commission.

D. A written contract with any energy provider or other purchaser of the energy produced by the Large Solar Energy System, demonstrating a commitment to purchase said energy. If this information is considered a confidential trade secret, the Township, upon written request from an energy provider, will keep such

information confidential to the extent and through the means authorized by Public Act 442 of 1976.

- E. Additional detail(s) and information as required by the conditional use requirements of the Zoning Ordinance, or as required by the Township.
- F. Compliance with the State Building Code and the National Electric Safety Code: Construction of a Large Solar Energy System shall comply with the National Electric Safety Code and the state construction codes as a condition of any conditional use permit under this section.
- G. Certified Solar Array Components: Components of a Solar Array shall be approved by the Institute of Electrical and Electronics Engineers ("IEEE"), Solar Rating and Certification Corporation ("SRCC"), Electronic Testing Laboratories ("ETL"), or other similar certification organization acceptable to the Township.
- H. Height: Maximum height of a Solar Array shall not exceed fifteen (15) feet. Other collection devices, components or buildings of the Large Solar Energy System shall not exceed thirty-five (35) feet, or the maximum building height permitted within the district in which that Solar Energy System is located, whichever is less, at any time or location on the property. The height shall be measured from the natural grade at the base of the Solar Array, device, component or building measured. The Planning Commission may waive or modify these height requirements for certain aspects of a Solar Energy System (such as structures associated with above-ground transmission lines) through the implementation of conditions when appropriate.
- I. Lot Size: A Large Solar Energy System shall be located on one (1) or more parcels with an aggregate area of Eighty (80) contiguous acres or smaller.
- J. The maximum amount of Township land developed as Large-Scale Solar Energy System Facilities shall not exceed fifty percent (50%) of the combined acreage of the Commercial and Industrial Districts within the Township.
- K. Setbacks: A minimum setback distance of one-hundred (100) feet from all property boundaries on the outside perimeter of the Large Solar Energy System shall be required for all buildings and Solar Arrays except for property boundaries where the applicable adjoining owner(s) agree to lessen or increase that setback distance by executing a signed written waiver of this requirement in recordable

form, provided no such waiver shall act to permit less than the required minimum setback of the applicable zoning district.

- L. Lot Coverage: A Large Solar Energy System is exempt from maximum lot coverage limitations.

- M. Screening/Security: A Large Solar Energy System shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be at least seven (7) feet and no more than eight (8) feet in height as measured from the natural grade of the fencing perimeter. Electric fencing is not permitted. The fencing system shall have openings that allow wildlife to traverse over or through the fenced area. The perimeter of Large Solar Energy Systems shall also be screened and buffered by buffer areas whenever existing natural forest vegetation does not otherwise continuously obscure the Large Solar Energy System's entire perimeter from adjacent parcels, subject to the following requirements:

1. Unless screened and buffered at all times by natural forest vegetation meeting the minimum spacing and height requirements, and having a substantially similar obscuring effect of an evergreen vegetative buffer installed pursuant to this Section, a continuous evergreen vegetative buffer shall be installed and maintained at all times at the perimeter of all Large Solar Energy Systems, including without limitation between such Large Solar Energy Systems and adjacent residential or agricultural areas and/or public highways or streets. Nothing contained herein shall be construed to prevent reasonable access to any Large Solar Energy System as approved by the conditional use permit.

2. The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at the time of planting shall be a minimum of four (4) feet in height, with shrubs being at least two (2) feet in height. The evergreen trees shall be spaced no more than fifteen (15) feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than thirty (30) feet apart on center and shrubs shall be spaced no more than seven (7) feet apart on center. All unhealthy (sixty percent (60%) dead or greater) and dead material shall be replaced by the applicant within six (6) months, or the next appropriate planting period, whichever occurs first, but under no circumstances should the applicant allow unhealthy or dead material to remain in place for more than six (6) consecutive months. Failure to

maintain the required evergreen vegetative buffer required by this section shall constitute a violation of this Ordinance and sufficient grounds for revocation of any conditional use permit previously granted.

3. All plant materials shall be installed between March 15 and October 15. If the applicant requests a final certificate of occupancy from the Township and the applicant is unable to plant during the installation period, the applicant will provide the Township with a letter of credit or cash escrow for an amount equal to one and one half (1.5) times the cost of any planting deficiencies, and the Township shall hold that security. After all plantings have occurred, the Township shall return the financial guarantee.

- N. Signage: No lettering, company insignia, advertising, graphics or other commercially- oriented inscriptions or designs shall be on any part of the Solar Arrays or other components of the Large Solar Energy System. This section does not prohibit signs reasonably necessary to inform the public of potential safety hazards associated with the Large Solar Energy System, nor does it prohibit any other signs that may be required by this Ordinance, the conditional use permit or other applicable law.
- O. Noise: No component of any Large Solar Energy System shall emit noise exceeding fifty (45) dBA averaged over a one (1) hour period as measured at the outside perimeter of the project.
- P. Lighting: All lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from and be shielded from adjacent properties and shall be arranged so as to not adversely affect driver visibility on adjacent public roads.
- Q. Glare: All solar panels shall be placed such that concentrated solar glare shall not be directed onto nearby properties or roadways (public or private) at any time of the day.
- R. Distribution, Transmission and Interconnection: All collection lines and interconnections from the Solar Array(s) to any electrical substations shall be located and maintained underground inside the Large Solar Energy System. The Planning Commission may waive this requirement, or modify it with appropriate conditions, if it determines that it would be impractical or unreasonably expensive

to install, place or maintain such collection lines and interconnections underground.

- S. Abandonment and Decommissioning: Following the operational life of the project, or at the time the project becomes obsolete, uneconomic or an Abandoned Solar Energy System, as determined by the Zoning Administrator or any other expert or specialist to be designated by the Township to make such a determination, the applicant shall perform decommissioning and removal of the Large Solar Energy System and all its components.
- T. The applicant shall prepare a decommissioning plan prepared by a Professional Engineer licensed in the State of Michigan, and submit it to the Planning Commission for review as a part of the Conditional Use Permit.
- U. Under this plan, the Owner/Operator is required to remove all structures, equipment, conduit, fencing, roads and structure foundations, including any equipment, structures or materials below-grade, and removed off site for disposal. No concrete, piping and other materials may be left in place. Any Solar Array or combination of Photovoltaic Devices that become an Abandoned Solar Energy System shall be removed under the decommissioning plan.
- V. The ground must be restored to its original condition and the site shall be revegetated to blend with the existing surrounding vegetation within one hundred eighty (180) days of becoming an Abandoned Solar Energy System, or decommissioning, whichever occurs first.
- W. As part of the decommissioning plan, geotechnical soil analysis shall be performed and a geotechnical soil report submitted demonstrating that the post-decommissioning soil conditions are reasonable to in-situ soil conditions prior to project development. The report shall be prepared by a Professional Engineer licensed in the State of Michigan. The Township may require that the Michigan Department of Environment, Great Lakes and Energy (EGLE) verify the decommissioning soil analysis.
- X. The Planning Commission may not approve any Large Solar Energy System conditional use permit unless it finds that all of the applicable standards for conditional use permit contained in this Ordinance are met.
- Y. Safety: The Planning Commission shall not approve any Large Solar Energy System conditional use permit if it finds the Large Solar Energy System will pose

an Unreasonable Safety Hazard to the occupants of any surrounding properties or area wildlife.

- Z. Conditions and Modifications: Any conditions and modifications approved by the Planning Commission shall be recorded in the Planning Commission's meeting minutes. The Planning Commission may, in addition to other reasonable conditions, require landscaping, walls, fences and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts. After approval, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Planning Commission Chair and authorized representative of the applicant. One copy shall be kept on file by the Township Clerk, and one copy shall be returned to the applicant's authorized representative.
- I. Inspection: The Township shall have the right at any reasonable time to inspect the premises on which any Large Solar Energy System is located. The Township may hire one or more consultants to assist with any such inspections, at the applicant's or project owner's expense.
 - II. Maintenance and Repair: Each Large Solar Energy System must be kept and maintained in good repair and condition at all times by the owner/applicant. If the Township Zoning Administrator determines that a Large Solar Energy System fails at any time to meet the requirements of this Ordinance or the conditional use permit, or that it poses a potential Unreasonable Safety Hazard, the applicant, its successors or assigns; the current owner; or current operator shall shut down the Large Solar Energy System within forty-eight (48) hours after notice by the Zoning Administrator and not operate, start or restart the Large Solar Energy System until the condition has been corrected. Applicant, its successors or assigns; the current owner; or current operator shall keep a maintenance log on the Solar Array(s), which shall be available for the Township's review on a monthly basis. Applicant, its successors or assigns; the current owner; or current operator shall keep all sites within the Large Solar Energy System neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.
 - III. Roads: Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of a Large Solar Energy System shall be repaired at the applicant's expense. In addition, the applicant shall submit to either the Jackson County

Department of Transportation or MDOT (as appropriate) a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries; and a performance guarantee acceptable to the appropriate agency in an amount necessary to assure repair of any damage to the public roads caused by construction of the Large Solar Energy System or any of its elements.

- IV. Continuing Security and Escrow: If any Large Solar Energy System is approved for construction under this Section, applicant shall be required to post continuing security and a continuing escrow deposit prior to commencement of construction, which shall remain in effect until the Large Solar Energy System has been finally removed, as provided below:
 1. Continuing Restoration Security: If a conditional use permit is approved pursuant to this section, the Planning Commission shall require security in the form of a cash deposit, letter of credit, or surety bond acceptable to the Township, which will be furnished by the applicant to the Township in order to ensure full compliance with this section and all conditions of approval. When determining the amount of each required security, the Township may also require an annual escalator or increase based on the Consumer Price Index (or its equivalent or successor). Such financial guarantee shall be deposited or filed with the Township Treasurer after a conditional use permit has been approved but before construction commences on the Large Solar Energy System. At a minimum, the financial security shall be in an amount determined by the Township to be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the Large Solar Energy System. Such financial security shall be kept in full force and effect during the entire time that the Large Solar Energy System exists or is in place, and such financial security shall be irrevocable and non-cancelable. In addition, the party operating a Large Solar Energy System approved by the Township shall inform the Township in the event that System, or a material portion of that system is sold to a third party, and any such sale shall require the purchasing party to provide the Township with the security described by this section, along with relevant contact information.

2. Continuing Compliance and Enforcement Escrow Deposit: A continuing escrow deposit shall be held by the Township and shall be funded by a cash deposit or letter of credit by the applicant prior to the commencement of construction of any Large Solar Energy System and shall be maintained by the owner or operator until the Large Solar Energy System has been permanently decommissioned and removed. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with continuing enforcement of this Ordinance and the terms of the conditional use permit, which costs can include, but are not limited to, reasonable fees for the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that the Township determines are reasonably related to enforcement of the Ordinance and the conditional use permit. If the Township is required to expend any portion of the escrow deposit or if the existing escrow amount paid by the applicant proves to be insufficient to cover the Township's enforcement costs, the Township may require the applicant to place additional monies into escrow with the Township.
 3. Continuing Obligations: Failure to keep any required financial security and escrow deposit in full force and effect at all times while a Large Solar Energy System exists or is in place shall constitute a material and significant violation of the conditional use permit and this Ordinance, and will subject the Large Solar Energy System applicant, owner and operator to all remedies available to the Township, including enforcement action and revocation of the conditional use permit. A review of security and escrow requirements shall occur no less than annually to determine compliance with this section.
- V. Conditions: In addition to the requirements of this Section, the Planning Commission may impose additional reasonable conditions on the approval of a Large Solar Energy System as a conditional use.
- VI. Completion of Construction: The construction of any Large Solar Energy System must commence within a period of one (1) year from the date a conditional use permit is granted, and must be completed within a period of three (3) consecutive years from the date a conditional use permit is

granted. The Planning Commission may grant an extension not to exceed one (1) year, provided the applicant requests the extension prior to the date of the expiration of the special land use approval. Failure to complete construction within the permitted time period shall result in the approved conditional use permit being rendered null and void.

- VII. Quarterly Reports: The owner or operator of a Large Solar Energy System shall provide the Zoning Administrator with quarterly reports on trends and usage of that System as set by the Planning Commission. If this information is considered a confidential trade secret, the Township, upon written request from an energy provider, will keep such information confidential to the extent and through the means authorized by Public Act 442 of 1976.

- VIII. Transfer of Ownership/Operation: Prior to a change in the ownership or operation a Large Solar Energy System, including, but not limited to, by the sale or lease of that System or the underlying property, the current owner or operator shall provide written notice to the Township at least sixty (60) days prior to that change becoming effective. This notice shall inform the Township of the intended transfer of control of the Large Solar Energy System and shall include a copy of the instrument or agreement affecting that transfer. Such an instrument or agreement shall include an express statement that the new owner or operator of the Large Solar Energy System shall not be permitted to operate that System until compliance with the terms of this Ordinance, including requirements for continuing security and escrow funds, has been established.