

TOWNSHIP OF MOORLAND
COUNTY OF MUSKEGON, MICHIGAN

Minutes of a regular meeting of the Township Board of the Township of Moorland, County of Muskegon, Michigan, held at the Township Hall, on the 12th day of January, 2017, at 7:00 p.m.

PRESENT: Nutt, Spoelman, Hogan, Wilburn, and Knapp

ABSENT: None

The following ordinance was offered by Member Spoelman, and supported by Member Knapp:

ORDINANCE NO. 01-2017-0

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE
OF THE TOWNSHIP OF MOORLAND
[Solar Energy Systems]**

THE TOWNSHIP OF MOORLAND ORDAINS:

Section 1. **Solar Energy Systems.** The Zoning Ordinance of the Township of Moorland is hereby amended by the addition of Section 3.37, as follows:

Section 3.37 SOLAR ENERGY SYSTEMS. It is the intent of this section to provide for the development of Solar Energy Systems in Moorland Township, subject to reasonable standards for the placement, design, construction, operation and removal of such installations that promote the public health, safety and welfare of the community.

A. Definitions. For the purposes of this section, the following terms and phrases shall be defined as provided below:

- (1) "Participating Property" means a lot, parcel or other property on which all or part of a Solar Energy System will be located.
- (2) "Photovoltaic" or "PV" means materials and devices that absorb sunlight and convert it directly into electricity.

- (3) "Site" means the lot(s) or parcel(s) upon which a Solar Energy System will be located.
- (4) "Solar Energy System" means a renewable energy system that generates electricity from sunlight, consisting of one or more PV systems and other appurtenant structures, components, subsystems and facilities within the boundaries of the Site.

B. Application and Procedures. Solar Energy Systems shall be located only in the Natural Resources District or the Industrial District, and shall be approved only as a special land use in accordance with the procedures set forth in Chapter 11, Special Land Uses. They shall be subject to review and approval under Chapter 12, Site Plan Review. In addition to the application provisions of Chapters 11 and 12, an applicant seeking approval for a Solar Energy System shall also provide the following application materials:

- (1) Site Plan. A site plan must include the proposed number, location and spacing of solar panels; proposed height of panels; location of access road roads; planned location of underground or overhead electric lines connecting the Solar Energy System to the substation or other electric load; proposed stormwater management facilities; proposed erosion and sediment control measures; and other related facilities or appurtenances.
- (2) Landowner Authorization. The applicant shall provide the following information with respect to the Site:
 - a. A legal description of the Participating Property(ies) on which the Solar Energy System will be located.
 - b. The name, address and phone number of the applicant, including the name of the authorized representative of the applicant, the owner of all equipment proposed to be installed, and the owner(s) of the Participating Property(ies).
 - c. Written authorization from the Participating Property owners to seek land use approval for the Solar Energy System.
 - d. A copy of the applicant's lease with any Participating Property owner or equivalent evidence of such lease.
- (3) Liability Insurance. The applicant shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the

aggregate, and provide proof that it meets the insurance requirement to the Zoning Administrator prior to approval.

(4) Review Expenses. In addition to any application fees, all Township expenses with respect to the zoning approval of a solar energy system shall be paid by the applicant. An escrow fee may be requested by the Zoning Administrator, Planning Commission or Township Board. The amount of the escrow fee shall be based on an estimate of the Township's expenses, and shall be maintained or reestablished until all expenses have been paid in full. The applicant shall be entitled to a refund of any unused escrow fees and shall pay any balance due which exceeds the escrow fees.

(5) Decommissioning Plan. The applicant shall submit a decommissioning plan to ensure that facilities are properly removed after their useful life. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation, and a plan ensuring financial resources will be available to fully decommission the site, net of any salvage value. The Planning Commission may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure decommissioning, or proof with such financial security required under any agreement with the lessor or owner of the parcels upon which the Solar Energy System will be located. Any part or all of the Solar Energy System and related equipment which is abandoned or not used for 180 days or more shall be removed within 180 days of the ceasing of operations, unless a time extension is granted in writing by the Zoning Administrator. A one-time extension, of up to six months, may be permitted by the Zoning Administrator if he or she determines that the operator of the facility is taking active steps to ensure its removal. Any further extensions must be granted by the Township Board.

C. Standards. A Solar Energy System shall comply with the special land use standards of Chapter 11 and the site plan standards of Chapter 12, and shall also comply with the following additional standards:

- (1) Solar Energy Systems shall be constructed and operated in compliance with any applicable local, state and federal regulatory requirements.
- (2) Solar Energy Systems shall comply with all required regulatory approvals from the appropriate road authority for site access and driveways.

- (3) Solar Energy Systems shall be set back a minimum of one hundred (100) feet from non-Participating Property boundaries, excluding any security fencing, poles, and wires necessary to connect to facilities of the electric utility.
- (4) Solar Energy Systems shall not exceed twenty (20) feet in height. The height of the systems will be measured from the highest natural grade below each solar panel.
- (5) Solar Energy Systems shall be constructed and operated in compliance with all Federal Aviation Administration (FAA) guidelines and regulations, including glint glare in the siting and design of the solar facility, including impacts to adjacent residences and street rights-of-way. Impacts from above the guideline thresholds will be mitigated by screening from view with berms, vegetation or privacy fencing.
- (6) A clearly-visible warning sign concerning voltage must be placed at the base of all pad mounted transformers and substations. All mechanical equipment, including any structure for batteries or storage cells, shall be completely enclosed by a minimum six (6) foot high fence with a self-locking gate.
- (7) Solar Energy Systems are exempt from lot coverage standards in the applicable zoning district.
- (8) Solar Energy Systems are subject to stormwater management and erosion and sediment control best practices and NPDES permit requirements, and shall obtain required permits from the Michigan Department of Environmental Quality, Michigan Department of Transportation and other required governmental approvals.
- (9) A six foot chain link fence shall be constructed and maintained around the entire perimeter area of the Solar Energy System.
- (10) The Planning Commission may require landscaping, buffering, screening, or impose other conditions in its discretion to make the Solar Energy System compatible with adjacent or nearby land uses.

Section 2. Section 5.3 of the Zoning Ordinance of the Township of Moorland, pertaining to principal uses permitted in the Natural Resources District, is hereby amended by the addition of subsection (j), as follows:

Section 5.3 The following uses may be permitted as a special land use, subject to the requirements of [the Special Land Use Chapter]:

(a)-(i) No change

(j) Solar Energy Systems.

Section 3. Section 9.3 of the Zoning Ordinance of the Township of Moorland, pertaining to principal uses permitted in the Industrial District, is hereby amended by the addition of Subsection (n), as follows:

Section 9.3 The following may be permitted as a special land use, subject to the requirements of [the Special Land Use Chapter]:

(a)-(m) No change

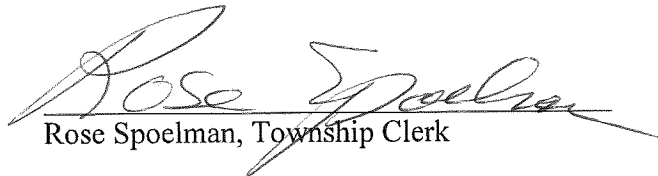
(n). Solar Energy Systems.

Section 4. **Effective Date.** This ordinance shall become effective seven days after its publication or seven days after the publication of a summary of its provisions in a local newspaper of general circulation.

AYES: Knapp, Spoelman, Hogan

NAYS: Wilburn, Nutt

ORDINANCE DECLARED ADOPTED.


Rose Spoelman, Township Clerk

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Township of Moorland at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.


Rose Spoelman, Township Clerk