

Chapter 7 - Special Use Standards (Supplemental)

SECTION 7.19 PHOTOVOLTAIC SOLAR FARM FACILITIES

A. INTENT & PURPOSE

The intent of this section is to supplement Chapter 17 by adding this section dealing with photovoltaic solar farm facilities. A photovoltaic solar farm facility, also known as a photovoltaic power station, solar farm, solar park, or solar power plant, is a commercial facility with a grid-connected photovoltaic power system designed for the supply of merchant power. Specifically, the purpose of this section is to promote the use of Solar Energy within Lee Township as a clean alternative energy source and to provide for the land development, installation and construction regulations for photovoltaic solar farm facilities subject to reasonable conditions that will protect the public health, safety and welfare. These regulations establish minimum requirements and standards for the placement, construction and modification of photovoltaic solar farm facilities, while promoting a renewable energy source for our community in a safe, effective and efficient manner.

B. MINIMUM LOT SIZE

Photovoltaic solar farm facilities shall not be constructed on parcels less than twenty (20) acres in size.

C. HEIGHT RESTRICTIONS

Photovoltaic panels located in a solar farm shall be restricted to a height of fourteen (14) feet.

D. SETBACKS

All photovoltaic solar panels and support structures associated with such facilities (excluding perimeter security fencing) shall be a minimum of ten (10) feet from a side or rear property line and a minimum of twenty (20) feet from any road or highway right-of-way.

E. MAXIMUM LOT COVERAGE

Maximum lot coverage restrictions shall not apply to photovoltaic solar panels. Any other regulated structures on the parcel are subject to maximum lot coverage restrictions.

F. SAFETY/ACCESS

A security fence (height and material to be established through the special use permit process) shall be placed around the perimeter of the solar power plant and electrical equipment shall be locked. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.

G. NOISE

No photovoltaic solar farm facilities shall exceed sixty-five (65) dBA as measured at the property line.

H. LANDSCAPING

Photovoltaic solar farm facilities shall be required to install perimeter landscaping equal to one (1) tree for each twenty-five (25) feet of road or highway frontage. The equivalent of one (1) tree shall be required along the sides and rear of such developments equal to one (1) tree every twenty-five (25) feet of property line when abutting existing homes or developed parcels. The Planning Commission may alter the landscaping requirement depending upon the location and existing plant material on the site. Trees shall be a minimum of four (4) feet tall when planted and remain in good condition for the life of the photovoltaic solar farm.

I. LOCAL, STATE AND FEDERAL PERMITS

Photovoltaic solar farm facilities shall be required to obtain all necessary permits from the U.S. Government, State of Michigan, and Lee Township, and comply with standards of the State of Michigan adopted codes.

J. ELECTRICAL INTERCONNECTIONS

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

K. ADDITIONAL SPECIAL USE CRITERIA

The following topics shall be addressed in a Special Use application for such photovoltaic solar farm facilities in addition to the Special Use Review Criteria:

- 1) Project description and rationale: Identify the type, size, rated power output, performance, safety and noise characteristics of the system, including the name and address of the manufacturer, and model. Identify time frame, project life, development phases, likely markets for the generated energy, and possible future expansions;
- 2) Analysis of onsite traffic: Estimated construction jobs, estimated permanent jobs associated with the development;
- 3) *Visual impacts: Review and demonstrate the visual impact using photos or renditions of the project or similar projects with consideration given to tree plantings and setback requirements;*
- 4) Wildlife: Review potential impact on wildlife on the site;
- 5) Environmental analysis: Identify impact analysis on the water quality and water supply in the area, and dust from project activities;
- 6) Waste: Identify solid waste or hazardous waste generated by the project;

7) Lighting: Provide lighting plans showing all lighting within the facility. No light may adversely affect adjacent parcels. All lighting must be shielded from adjoining parcels, and light poles are restricted to eighteen (18) feet in height;

8) Transportation plan: Provide access plan during construction and operation phases. Show proposed project service road ingress and egress access onto primary and secondary routes, layout of the plant service road system. Due to infrequent access to such facilities after construction is completed, it is not required to pave or curb solar panel access drives. It will be necessary to pave and curb any driveway and parking lots used for occupied offices that are located on site;

9) Public safety: Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways, and to the community in general that may be created;

10) Sound limitations and review: Identify noise levels at the property line of the project boundary when completed;

11) Telecommunications interference: Identify electromagnetic fields and communications interference generated by the project;

12) Decommission Plan: A decommissioning plan is required at the time of application.

a. The decommission plan shall include:

i. The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g. access drive, fencing), or restored for viable reuse of the property consistent with the zoning district,

ii. The projected decommissioning costs for removal of the solar farm (net of salvage value in current dollars) and soil stabilization, less the amount of the surety bond posted with the State of Michigan for decommissioning of panels installed on PA 116 lands,

iii. The method of ensuring that funds will be available for site decommissioning and stabilization (in the form of surety bond, irrevocable letter of credit, or cash deposit), and

b. A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every 3 years, for the life of the project, and approved by the Township Board. A Solar Farm owner may at any time:

i. Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or

ii. Amend the decommissioning plan with the Planning Commission approval and proceed according to the revised plan.

c. Decommissioning a Solar Farm must commence when the soil is dry to prevent soil compaction and must be complete within 18 months after abandonment. A Solar Farm that has not produced electrical energy for 12 consecutive months shall prompt an abandonment hearing.

L. PLANNING COMMISSION REVIEW

Because of the ever-changing technical capabilities of photovoltaic solar panels and of new technology in general, the Planning Commission shall have the authority to review and consider alternatives in both dimensional requirements as well as physical development requirements found in this section. The Planning Commission shall not have the authority to review or to allow photovoltaic solar farm facilities within any other zoning district.

M. EFFECTIVE DATE

This Chapter shall take effect 30 days after publication of a Notice of Adoption in a newspaper of general circulation in the Township and all prior versions of this Chapter are hereby superseded and are hereby repealed to the extent in which the prior versions of this Chapter conflict with this version of the Chapter. All ordinances of the Township heretofore or hereafter adopted shall hereafter be supplemented by the terms of this Chapter.

Approved by the Planning Commission on October 5, 2022

ORDINANCE DECLARED ADOPTED BY THE TOWNSHIP BOARD OF TRUSTEES.

Dated: 11-10-2022

Doug Kruger
Doug Kruger, Supervisor

Laura Dawson
Laura Dawson, Clerk

CERTIFICATION

The above Ordinance No. Chapter 1 was adopted at a meeting of the Lee Township Board of Trustees on the 10th day of October, 2022; and published in the Midland Daily News, a newspaper of general circulation in Lee Township, Midland County, Michigan on the 17th day of October, 2022

Laura Dawson
Laura Dawson, Lee Township Clerk