

**ESCANABA TOWNSHIP BOARD**  
**ORDINANCE NO. \_\_\_\_\_**

**AMENDMENT/SUPPLEMENT TO ESCANABA TOWNSHIP ZONING ORDINANCE**  
**(ORDINANCE NO. 76-1, ADOPTED SEPTEMBER 30, 1976)**

At a regular meeting of the Township Board of Escanaba Township, Michigan, held at the Township Hall located at 4618 County 416 20<sup>th</sup> Road, Gladstone, Michigan 49837, on August 12, 2019 at 7:30 p.m., the following Resolution was offered:

WHEREAS, the Michigan Zoning Enabling Act, 2006 PA 110, as amended, authorizes the Escanaba Township Board to adopt, amend and supplement a zoning ordinance regulating the public health, safety and general welfare of persons and property; and

WHEREAS, the Escanaba Township Planning Commission ("Planning Commission") duly noticed and held a public hearing on July 22, 2019 to consider an amendment ("Ordinance Amendment") to the Escanaba Township Zoning Ordinance.

WHEREAS, on July 22, 2019, the Planning Commission recommended adoption of the Ordinance Amendment for the reasons stated at the meeting and transmitted a summary of the comments received at the public hearing and its recommended Ordinance Amendment to the Board; and;

WHEREAS, the Board has determined that the Ordinance Amendment would promote and enhance the overall welfare and quality of life in Escanaba Township; and

WHEREAS, the Board has determined that enacting said Ordinance Amendment is in the best interests of the public health, safety and welfare of the Township's residents.

THEREFORE, be it resolved by the Township Board of Escanaba Township, as follows:

1. Ordinance No. \_\_\_\_\_, Amendment to the Escanaba Township Zoning Ordinance, as amended, attached as **Exhibit A**, is hereby adopted.
2. The Ordinance Amendment, attached as Exhibit A, shall be filed with the Township Clerk.
3. A Notice of Ordinance Adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption.

4. Any and all ordinances that are in conflict with this Resolution are hereby repealed.

ADOPTED:

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

STATE OF MICHIGAN       )  
                                      ) ss.  
COUNTY OF DELTA       )

I, Patricia Beauchamp, Clerk of Escanaba Township, do hereby certify that the above and foregoing is a true and complete copy of certain proceedings taken by the Escanaba Township Board at a regular meeting held on the 12<sup>th</sup> day of August, 2019.

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Patricia Beauchamp, Clerk  
Escanaba Township

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Ken Brunette, Chairman  
Escanaba Township Board

## **EXHIBIT A**

(ATTACHED TO ORDINANCE No. \_\_\_\_\_)  
(August 13, 2019)

### **Sec. 206, DISTRICT COMMERCIAL 1, C-1**

(C) Special Land Uses. Solar Farms, subject to Section 606.

### **Sec. 207, DISTRICT COMMERCIAL 2, C-2**

(C) Special Land Uses. Solar Farms, subject to Section 606.

### **Sec. 208, DISTRICT COMMERCIAL 3, C-3**

(D) Special Land Uses. Solar Farms, subject to Section 606.

### **Sec. 209, DISTRICT INDUSTRIAL, I**

(E) Special Land Uses. Solar Farms, subject to Section 606.

### **Sec. 210, DISTRICT PUBLIC LANDS, PL**

(C) Special Land Uses. Solar Farms, subject to Section 606.

### **Sec. 211, DISTRICT RESOURCE PRODUCTION, RP**

(D) Special Land Uses. Solar Farms, subject to Section 606.

### **Sec. 212, DISTRICT AGRICULTURAL PRODUCTION, AP**

(D) Special Land Uses. Solar Farms, subject to Section 606.

### **Sec. 213, DISTRICT TIMBER PRODUCTION, TP**

(D) Special Land Uses. Solar Farms, subject to Section 606.

### **Sec. 214, DISTRICT RURAL RESIDENTIAL, RR**

(D) Special Land Uses. Solar Farms, subject to Section 606.

### **Sec. 215, DISTRICT OPEN SPACES, OS**

(D) Special Land Uses. Solar Farms, subject to Section 606.

### **Sec. 216, DISTRICT LAKESHORE/RESIDENTIAL, LS/R**

(D) Special Land Uses. Solar Farms, subject to Section 606.

## Sec. 606, SPECIAL LAND USE- SOLAR FARMS

**SOLAR FARMS:** A utility-scale commercial facility that converts sunlight into electricity, whether by photovoltaics, concentrating solar thermal devices or any other various experimental solar technologies for the primary purpose of wholesale or retail sales of generated electricity off -site.

Solar Farms do not include small scale solar panels or technologies installed at individual residential or commercial locations (e.g. roof or ground mounted panels) that are used exclusively for private purposes and not utilized for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid.

### Solar Farms:

- A. **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 farms facilities, while promoting a renewable energy source in a safe, effective and efficient manner. No solar farms shall be allowed in Districts R-1, R-2, R-3, or R-4. Solar farms will be allowed, subject to Planning Commission approval, in all other districts.
- B. **PLANNING COMMISSION AUTHORITY:** The Planning Commission shall have authority to review, deny, grant, or grant with conditions, applications for solar farms as a special land use, in accordance with Michigan law. The Planning Commission will review all such applications for compliance with the Zoning Ordinance, and the terms of this Sec. 606.
- C. **MINIMUM LOT SIZE:** There is no minimum lot size. Each solar farm is permitted as a special use in all districts including industrial, which a review will consider its compatibility with the surrounding area. This is to be reviewed by the township and not allowed in R-1, R-2, R-3, and R-4.
- D. **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 vertical tilt height.
- E. **SETBACKS:** All photovoltaic solar panels and support structures associated with such facilities (excluding perimeter fencing) shall be setback a minimum of twenty (20) feet from a side or rear property line and a minimum of fifty (50) feet from any road right-of-way. Setbacks at residential lots to be set at fifty (50) feet. Landowners who have adjoining property may waive the setbacks. Setbacks at residential lots to be set at fifty (50) feet. Provided, however, that no photovoltaic solar panel or support structure shall be constructed within two hundred fifty (250) feet of any residence. 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 Drain commissioner so as not to impede/obstruct access along the county drain.
- F. **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.

- G. SAFETY/ACCESS: A security fence (height and material to be proposed and review/approved through the special land use application process) shall be placed around the perimeter of the solar farm and above ground electrical equipment, excluding transmission lines.
- H. 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.
- I. 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 use and road right-of-way as follows: the use of evergreen plantings along property lines adjacent to residential land is required. Trees shall be a minimum of four (4) feet tall at time of planting and shall remain in good condition for the life of the solar farm. There shall be a review of the landscaping every three (3) years as provided in Section N. If there are dead plantings they be replaced within a year. Invasive species will not be utilized as part of the proposed landscape plan. The Planning Commission will allow existing vegetation to be used in this landscape design.
- J. LOCAL, STATE AND FEDERAL PERMITS: Solar farm facilities shall be required to obtain all necessary permits and licensing from the underlying Township, Delta County, State of Michigan and U.S. Government as applicable prior to the construction and shall maintain any necessary approvals as required by the respective jurisdictions or agencies. The special use approval, issued by the Township Planning Commission will be contingent upon maintenance of permits by other agencies.
- K. 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, with the exception of the main power lines to the substation, and to the extent feasible when crossing roads, wetlands or other environmental features.
- L. ADDITIONAL SPECIAL USE CRITERIA: In addition to the special land use (and site plan) requirements, the applicant shall address the following topics in the application for solar farm facilities.
  - 1. PROJECT DESCRIPTION AND RATIONALE: Identify the general type, size, rated power output range, performance, safety and noise characteristics of the system including 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 impact on surface water quality and any impacts to County drains and /or established natural or private drainage features in the area. Cap any unused drilled holes created by the project at such time as construction is complete. A County Soil Erosion and Sedimentation Control Plan will be required as part of the building permit application.
5. WASTE: Identify and remove any solid or hazardous waste generated by the project.
6. LIGHTING: Provide plans showing all lighting within the project. All lighting must be shielded so as not to affect adjacent properties. The maximum height for light poles is 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 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. Also this project will have an emergency plan filed with the Delta County Emergency Management coordinator at the time of building permit application.
9. SOUND LIMITATIONS: No solar farm facilities shall exceed sixty (60) dBA as measured at the property line. This will not apply during the construction phase of the project. Inverter placement to be approved before a building permit is issued.
10. TELECOMMUNICATIONS INTERFERENCE: Identify any electromagnetic fields and telecommunications devices that may interfere with existing systems and ensure that these do not interfere with existing systems.
11. LIFE OF THE PROJECT AND FINAL RECLAMATION: Describe the decommissioning and reclamation plan after the anticipated useful life or abandonment/termination of the project. This includes supplying evidence of an agreement with the underlying property owners that ensure proper removal of all equipment and restoration of the site within eighteen (18) months of termination or abandonment of the project. To ensure proper removal of the project, applicants must include a description of the financial security guaranteeing removal of the system which must be posted with the Escanaba Township Zoning Administrator within fifteen (15) days after a building or construction permit is issued for the project. The financial security shall be: 1) a cash bond; 2) an irrevocable letter of credit; 3) a performance bond; 4)

removal bond from an individual or entity engaged in the construction business and reasonably acceptable to the Township; 5) a surety bond from an insurance company with a Best's Rating of not less than A; or 6) a corporate guarantee (from a financially responsible entity that is reasonably acceptable to the Township and whose credit rating is investment grade), in a form approved by Escanaba Township Board. The amount of this guarantee shall be no less than the estimated cost of removal and must include provision for inflationary cost adjustments. The estimated cost shall be reduced by the estimated salvage value of the solar equipment. Based on inflation, the cost shall be recalculated every five (5) years and new security in the recalculated amount posted with the Township. The estimate shall be prepared by the project engineer for the applicant and shall be subject to approval by the Escanaba Township Board. If the project owner or the underlying property owner fails to remove or repair any defective equipment, or if all or a portion of the project is terminated, in addition to any other remedy under this Ordinance, Escanaba Township may pursue legal action to abate the violation by seeking to remove the project and to recover any and all costs, including attorney and legal fees.

12. SITE PLAN: With respect to site plan requirements regarding solar farms, the drawing size and scale requirements in the site plan section of this Ordinance, Sec. 503, are modified to eliminate drawing size and scale. A site plan may be submitted on such drawings and to such scale that the scope and location of the project can be understood by Township officials reviewing the project. Additionally, applicants for solar farm permits shall submit an electronic site plan which is to be viewable by the public and interested parties.

M. **AUTHORITY OF THE ESCANABA TOWNSHIP PLANNING COMMISSION TO REVIEW AND CONSIDER ALTERNATIVES IN DIMENSIONAL AND PHYSICAL REQUIREMENTS AS PART OF THE ORIGINAL PERMITTING PROCESS:**

Because of the ever changing technical capabilities of photovoltaic solar panels and of new technology in general, the Escanaba Township Planning commission shall have the authority to review and consider alternatives in both dimensional and physical requirements contained in this section as part of the solar farm application review process.

- N. **TREE LANDSCAPING MAINTENANCE:** The three (3) year review of tree plantings will be conducted by the Zoning Administrator. The sole purpose of such review is limited to inspection to determine whether tree plantings required at the time of approval of the original special land use application for a solar farm have died, been lost, or otherwise destroyed. It would also provide that if the three (3) year review reveals certain tree plantings have died, been lost, or otherwise destroyed, the Zoning Administrator shall advise the project owner, who shall replant the tree landscaping to be compliant with the tree planting requirements of the revised Zoning Ordinance at the time the project was approved.

- O. **REASONABLE ATTORNEY'S FEES:** An applicant shall reimburse Escanaba Township for any legal fees or expenses reasonably incurred relative to representation of the Zoning Administrator, Planning Commission, or Township

Board arising out of or relating to advice or legal services incurred by such entities relative to any application for a Special Land Use Permit to construct, operate, maintain, or reclaim the project site after the anticipated useful life or abandonment/termination of the project, including any necessary amendments to the Escanaba Township Zoning Ordinance to facilitate such projects. Such reimbursement shall also include, without limitation, newspaper publication expenses, postage expenses, special meeting fees, publication expenses, and other reasonable out-of-pocket expenses, if any, incurred relative to such applications. Provided, however, that the reimbursement shall not in any case exceed \$15,000.00.