

Amendment of Gratiot County Zoning Ordinance

AN ORDINANCE TO AMEND THE GRATIOT COUNTY ZONING ORDINANCE REQUIREMENTS FOR SOLAR ENERGY SYSTEMS AND SOLAR FARMS FOR THE COUNTY-ZONED TOWNSHIPS OF ELBA, HAMILTON, LAFAYETTE, NEWARK, NORTH STAR, AND SUMNER. THIS ORDINANCE AMENDMENT WAS ADOPTED BY THE GRATIOT COUNTY BOARD OF COMMISSIONERS ON August 6, 2018.

PREAMBLE

It is hereby determined by the Gratiot County Board of Commissioners that good and reasonable cause exists to amend the Gratiot County Zoning Ordinance as ordained below:

THE COUNTY OF GRATIOT HEREBY ORDAINS

That the Gratiot County Zoning Ordinance be amended as follows:

CHAPTER 1 DEFINITIONS, SECTION 1.19 DEFINITION “S”

Insert the following new definitions:

SOLAR ENERGY SYSTEM: A single residential or small business-scale solar energy conversion system consisting of building-mounted panels, ground-mounted solar arrays, or other solar energy fixtures, and associated control or conversion electronics that will be used to produce utility power primarily for on-site use.

SOLAR FARM: A utility-scaled 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.

Alphabetize accordingly

CHAPTER 2 GENERAL PROVISIONS, SECTION 2.11 ACCESSORY USES

Insert the following under Accessory Uses

C. Solar energy systems are permitted as an accessory use in all zoning districts.

An on-site use solar energy system (see Section 1.19 for definition) is intended to first serve the needs of the private owner. Systems may be building-mounted or ground-mounted. Small systems may be approved through the issuance of both, a zoning compliance permit and a building permit, provided the applications and installations meet the requirements set forth in this section. If the zoning administrator believes that the solar energy system may have an adverse

impact on the health and safety of the public, it may require the applicant to apply for Site Plan Approval to the Planning Commission.

1. General Requirements:

- a. Setbacks: All small solar energy systems shall maintain a minimum setback of twenty (20) feet from all property lines.
- b. Mechanical equipment must be screened from street and neighboring residences by fencing or landscaping.
- c. A site plan, drawn to scale, shall show all existing and proposed structures, driveways, adjacent structures within 100 feet, and any other information required by the Zoning Administrator, Building Inspector or Planning Commission that is necessary to determine compliance with this ordinance.
- d. Complete prepared site plans signed by the responsible parties shall not apply to applications proposing:
 - i. Building-mounted solar panels
 - ii. Ground-mounted solar panels that do not exceed 8,000 square feet.

2. Building-mounted solar panels:

- a. An Administrative Review is required of all building-mounted solar energy collectors permitted as an accessory use. The application should include the following:
 - i. Photographs of the property's existing conditions.
 - ii. Plot plan to indicate where the solar energy equipment is to be installed on the property.
- b. Solar energy collectors that are mounted on the roof of a building shall not project more than five (5) feet above the highest point of the roof but, in any event, shall not exceed the maximum building height limitation for the zoning district in which it is located, and shall not project beyond the eaves of the roof.
- c. Solar energy collectors that are wall-mounted shall not exceed the height of the building wall to which they are attached.
- d. Solar energy collectors shall not be mounted on a building wall that is parallel to an adjacent public right-of-way.

- e. Solar energy collectors, and the installation and use thereof, shall comply with the County construction code, the electrical code, and other applicable County construction codes.
3. Ground-mounted solar panels:
- a. Shall not be installed on parcels less than one (1) acre in size.
 - b. Shall only be located in the side or rear yard.
 - c. The maximum ground area occupied by solar panels and associated paved surfaces is twenty (20) percent of lot size.
 - d. If more than 4,000 square feet of impervious surface is proposed, a drainage plan must be submitted with the permit application.
 - e. The maximum ground-mounted panel height is eight (8) feet, measured from grade to the top of the panel.
 - f. Panels shall be screened from residential districts and public rights-of-way by a greenbelt and/or six (6) foot privacy fence.

CHAPTER 4 AG-AGRICULTURAL DISTRICT, SECTION 4.4 SPECIAL LAND USES

Insert to the List of Special Land Uses

Solar Farms permitted by special land use in the AG districts.

CHAPTER 5 RP-RURAL PRESERVATION DISTRICT, SECTION 5.3 SPECIAL LAND USES

Insert to the List of Special Land Uses

Solar Farms permitted by special land use in the RP districts.

CHAPTER 6 RR-RURAL RESIDENTIAL DISTRICT, SECTION 6.3 SPECIAL LAND USES

Insert to the List of Special Land Uses

Solar Farms permitted by special land use in the RR districts.

CHAPTER 12 I-1-INDUSTRIAL DISTRICT, SECTION 12.3 SPECIAL LAND USES

Insert to the List of Special Land Uses

Solar Farms permitted by special land use in the I-1 districts.

CHAPTER 14 SITE PLAN REVIEW, SECTION 14.4 SITE PLAN REVIEW

Insert the following:

F. Solar Farm Special Use Site Plan Review Required

1. Solar farms shall be located only in the AG, RP, RR, or I-1 Districts, and shall be approved only as a special land use in accordance with the procedures set forth in Chapter 16, Special Land Uses. They shall be subject to review and approval under Chapter 14, Site Plan Review. In addition to the applicant procedures of Chapter 14, an applicant seeking approval for a solar farm shall also provide the following application materials:
 - a. 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 Farm to the substation or other electric load; proposed storm water management facilities; proposed erosion and sediment control measures; and other related facilities or appurtenances.
 - b. Landowner Authorization: The applicant shall provide the following information with respect to the Site:
 - i. A legal description of the Participating Property(ies) on which the Solar Farm will be located.
 - ii. 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).
 - iii. Written authorization from the Participating Property owners to seek land use approval for the Solar Farm
 - iv. A copy of the applicant's letter of intent with any Participating Property owner.

- c. **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.
- d. **Review Expenses:** In addition to any application fees, an escrow fee may be requested by the Zoning Administrator, Planning Commission or County Board. The amount of the escrow fee shall be based on an estimate of the County'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.
- e. **Decommissioning Plan:** The applicant shall submit a decommissioning plan that adheres to the requirements set out in Chapter 16, Section 16.7, Paragraph II, Subparagraph L.

CHAPTER 16 SPECIAL LAND USES, SECTION 16.7 SPECIFIC SPECIAL LAND USE STANDARDS

Insert the following to the list:

II. Solar Farm

Alphabetize accordingly

CHAPTER 16 SPECIAL LAND USES, SECTION 16.7 SPECIFIC SPECIAL LAND USE STANDARDS

Insert

II. Solar Farm

Purpose: Gratiot County promotes the effective and efficient use of solar energy collection systems. It is the intent of the County to permit these systems by regulating the siting, design, and installation of such systems to protect the public health, safety, and welfare, and to ensure compatibility of land uses in the vicinity of solar energy collectors, as defined in this Ordinance, shall comply with the provisions of this Section.

- 1. Such facilities are permitted by special land use in the AG, RP, RR, and I-1 Districts.
- 2. In addition to the applicable information required by Chapter 14, the site plan application shall include:

- a. Identify the type, size, rated power output, performance, safety and noise characteristics of the proposed system including the transmission line/grid connection for the project.
- b. The estimated construction timeline.
- c. A graphical demonstration of the visual impact of the project using photos or renditions of the project with consideration given to setbacks and proposed landscaping.
- d. Details of the access road to the solar farm including dimensions, composition and maintenance.
- e. Planned security measures to prevent unauthorized trespass and access,
- f. An environmental analysis identifying any impacts on the surrounding environment. Including the identification of any solid or hazardous waste generated by the project.
- g. Identify potential hazards to adjacent properties, public roadways and to the general public that may be created. Include emergency and normal shutdown procedures.
- h. Identify noise levels at the property lines of the project when completed and operational.
- i. Identify any electromagnetic interference that may be generated by the project.
- j. A copy of the manufacturer's installation instructions shall be provided. Included as part of or as an attachment to the installation instructions shall be standard drawings of the structural components of the solar farm, including base and footings provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the County Building Code; drawings and engineering calculations shall be certified by a registered engineer licensed to practice in the State of Michigan.
- k. A detailed description of the complaint resolution process developed by the applicant to resolve complaints from nearby residents concerning the construction or operation of the solar farm. The process shall not preclude the County from acting on the complaint. During construction the applicant shall maintain and make available to nearby residents a telephone number where the project representative can be reached during normal business hours.

1. The solar farm application shall contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of project life, inoperability of the solar farm, or facility abandonment. Decommissioning shall include the removal of all structures, fencing and equipment, foundations, footings and debris to a depth of four (4) feet, as well as restoration of the soil and vegetation. The decommissioning including restoration shall be completed within one (1) year of the end of project life, inoperability of the solar farm or facility abandonment, at the owners or operators expense. Extensions may be granted upon written request to the Planning Commission prior to expiration of the one (1) year decommissioning period. The site shall be restored to as natural condition as possible within six (6) months of the removal. A site will be considered decommissioned when, after inspection and approval by the County, all structures and equipment are removed and the site is in natural condition. The Decommissioning Plan shall state (a) how the facility will be decommissioned, (b) the Professional Engineer's estimated cost of decommissioning, and (c) the financial resources to be used to accomplish decommissioning.
 1. The financial resources for decommissioning shall be in the form of a surety bond or letter of credit, which shall be deposited in an escrow account with an escrow agent acceptable to the County.
 2. The County shall have access to the escrow account funds for the express purpose of completing the decommissioning, if decommissioning is not completed by the applicant within one (1) year of the end of project life, inoperability of the solar farm, or facility abandonment, or upon expiration of any extension granted by the Planning Commission. Escrow funds may be used for administrative fees and costs associated with decommissioning.
 3. The County is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning as necessary.
 4. The County is also granted the right to seek and obtain injunctive relief to effect or complete decommissioning, as well as the right to collect reimbursement from applicant or applicant's successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess costs, and to take all steps allowed by law to enforce the lien.

3. All photovoltaic panels and support structures located in a solar farm shall be restricted to a maximum height of twenty (20) feet when oriented at maximum tilt.
4. All photovoltaic solar panels and support structures excluding perimeter fencing and landscaping associated with a solar farm shall be setback a minimum of fifty (50) feet from right-of-way and twenty-five (25) feet from adjacent property lines.
5. Solar farms are exempt from the maximum lot coverage requirements of the ordinance.
6. A security chain-link fence of eight (8) feet in height shall be placed around the perimeter of the solar farm and electrical equipment. Additionally, a sign shall be posted at the entrance containing the following information: emergency contact, emergency phone number, and emergency shutdown procedures.
7. Noise emanating from the solar farm shall not exceed 50 dB(A) (not calculated as an average) at the property line.
8. A ten (10) foot area clear of trees, bushes, or brush is required surrounding all ground-mounted photovoltaic arrays. Vegetation in the area must be kept trimmed to less than 18 inches.
9. Solar farms shall be sited so that concentrated solar glare shall not be directed toward or onto nearby properties or roadways at any time of day.
10. Solar farms shall include a landscaping and screening/buffering plan. The plan will be reviewed through the approval process to assure that the proposed solar farm is appropriately landscaped in relation to adjacent land uses and road right-of-ways. The use of berms and evergreen plantings along property lines adjacent to residential land uses is strongly encouraged. Exceptions to landscaping requirement may be granted by the planning commission on a case by case basis if there is perceived environmental or contamination issues on the land.
11. The solar farm shall comply with all applicable state construction and electrical codes including local building permit requirements. The interconnection of the solar farm with the utility company shall adhere to the State Electrical Code as adopted by the County.
12. An approved special use permit for a solar farm project shall expire if construction of the solar farm has not commenced within twenty-four (24) months from the date of issuance. An applicant may request an extension of the approval of the special use permit by letter addressed to the Zoning Administrator. The Zoning Administrator may grant or deny an extension of up to twenty-four (24) months for the construction to commence provided the written request to extend the special use

permit is submitted prior to the expiration of the special use permit and provided that the proposed use continues to satisfy the applicable standards set forth within the ordinance.

13. An approved special use permit for a solar farm shall constitute approval to operate and use the solar farm twenty-four (24) hours per day.
14. The County hereby reserves the right upon issuing any solar farm special land use permit to inspect the premises on which the solar farm is located. If a solar farm is not maintained in operational condition and poses a potential safety hazard, the owner shall take expeditious action to correct the situation.

Alphabetize accordingly.

This Amendment of the Gratiot County Zoning Ordinance shall become effective eight (8) days after the notice of adoption is published as required by the Michigan Zoning Enabling Act (PA 110 of 2006, as amended).

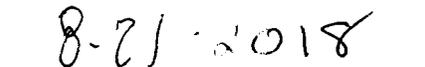
The motion was made by Commissioner Lambrecht, supported by Commissioner Smith. :

The motion carried 5-0.

George Bailey, Chairperson
Gratiot County Commission


Date signed 8-21-18

Angie Thompson,
Gratiot County Clerk


Date signed

STATE OF MICHIGAN
COUNTY OF Gratiot

I do hereby certify that the above Amendment of the Gratiot County Zoning Ordinance is a true and correct copy of the Ordinance adopted by the Gratiot County Commissioners present on August 6, 2018.

Angie Thompson

Angie Thompson,
Gratiot County Clerk

