

# **MILAN TOWNSHIP PLANNING COMMISSION**

## **DRAFT MEETING MINUTES**

for

**June 13, 2023 at 7:00 p.m.**

**In the Milan Township Hall**

**Call to Order AT 7:00 pm with the Pledge of Allegiance**

**Roll Call and Determination of a Quorum: All present, including Lucie Fortin, except Matt Walline**

**Adoption of the Agenda: Chairman Schauer moved to delete the discussion regarding the land combination per the request of the applicant. Nick seconded the motion. The motion passed 4 yea, 0 nay to accept the agenda as modified.**

**Approval of June 6, 2023 meeting minutes: Cheryl corrected the date for the next meeting from June 6 to June 13. Schauer made a motion to accept the June 6, 2023 meeting minutes as corrected, Cheryl seconded. Motion passed 4 yea, 0 nay.**

### **Reports:**

- **Report from the Chairman: Nothing to report.**
- **Report from Township Board member: Stated that the Board had tabled the Special Use request from Get Away Bay until the properties were combined and rezoned. There was a discussion regarding the cost for publication in the Monroe Evening News. He also mentioned that the solar moratorium had been extended until January 2024.**

**Public Comment: No comments were made.**

### **New Business**

- **Discussion of the request to rezone a 9.9-acre parcel, located at 16339 Cone Road, from AG1 to C1. This item was deleted from the agenda per the request from the applicant.**

### **Unfinished Business**

**Schauer began the discussion of amendments to the LSES ordinance. The LSES ordinance amendment revisions are**

**listed below. Refer to document file “Solar Ord with Draft Revisions 13June2023.doc” for full text of the ordinance and amendments.**

**Schauer reiterated that once this review has been completed, the ordinance and the amendments will be presented in a draft format for a final review prior to scheduling a public hearing.**

**Comments from the Commission members: Nick was concerned that the solar revisions document had the correct solar ordinance. Schauer stated that the revisions document had the original solar ordinance from 2020 with the changes lined out due to the recent amended solar ordinance. The changes in the first paragraph on page 1 were inadvertently overlooked.**

**Cheryl was concerned that we were not being sent documents early enough to be able to review prior to the meetings.**

**Public Comment: A discussion was held regarding having an engineer at our PC meetings. There was a request for the PC By-Laws. Schauer will provide a copy of the PC By-Laws.**

**Next Meeting: July 11, 2023**

**Adjournment at 9:14 pm**

**Attachment:**

**LSES ORDINANCE AMENDMENTS REVISIONS**

**G. Setbacks:** In this ordinance, the setback distances are defined as the distance from either the property line or Road Right of Way to the solar panels.

A minimum setback distance of fifty (50) feet from all property boundaries on the outside perimeter of the Large Solar Energy System and existing public roads and railroad rights-of-way shall be required for all buildings and Solar Arrays, provided that a setback of ~~seventy-five (75)~~ **three hundred (300)** feet shall be required adjacent to any residential structure.

**Setbacks may be modified to mitigate noise, visual and glare impacts, or to provide for designated road or utility corridors, as identified through the Special Approval process.**

H. Lot Coverage No changes

I. Fencing, Screening and Ground cover: A Large Solar Energy System shall be completely enclosed by perimeter fencing (such as deer fencing) to restrict unauthorized access in accordance with Federal guidelines. Such fencing shall be (7) feet in height. *Use of razor or barber wire, electrified fences, spikes, and similar security materials shall be prohibited. Fencing shall be maintained in good repair and evaluated for wear or damage at least every 10-3 years or at the discretion of the township Board.*

The perimeter of Large Solar Energy Systems shall also be screened and buffered by installed evergreen or *non-invasive* vegetative plantings whenever existing natural vegetation does not otherwise reasonably obscure the Large Solar Energy System from adjacent residential structures, subject **to discretion of township Board** with the following requirements:

I.1 No change

I.2 The **screening** buffer shall be composed of *non-invasive vegetative plants, shrubs, trees*, or evergreen trees. At the time of planting, evergreens shall be a minimum of *eight (8)* feet in height **and planted in staggered rows exterior to the perimeter fencing.**

**The screening plan shall have goals to utilize a diverse tree and vegetative habitat in order to encourage desirable insects and wildlife along with providing a visual barrier. The Planning Commission may modify the screening requirements.**

The applicant shall replace all unhealthy and dead material within **6 months**, or the next appropriate planting period, whichever occurs first.

I.3 No change

I.4 **Ground Cover:** *Large Solar Energy Systems shall include the installation of perennial ground cover vegetation maintained for the duration of operation until the site is decommissioned. Plantings shall include non-invasive or native grasses as well as pollinator plantings. The applicant shall include a ground cover vegetation establishment and management plan, consistent with PA116 guidelines, as part of the site plan.*

I.5 Failure to install or continuously maintain the required vegetative buffer shall constitute a violation of this Ordinance and any Special Use Approval may be subject to revocation.

**The township may use funds from the maintenance escrow account to repair or maintain the screening vegetation.**

J. Signage: No change

K. Noise: No component of any Large Solar Energy System shall emit a maximum noise level exceeding **forty-five (45)** dBA as measured at the exterior property boundary or the existing ROW line. This limitation does not apply to construction, decommissioning or repairs to the Large Solar Energy System. **During the site plan review, the developer will certify that the equipment will be able to meet this requirement.**

L. 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 so arranged as to not adversely affect driver visibility on adjacent public roads.

**Glare. No LSES shall produce glare, as defined by this ordinance that causes impact on any adjacent lot or causes a danger or risk to motorists on the roadway. The applicant shall provide lighting and glare analysis to demonstrate compliance with this standard.**

M. Location of Solar Array(s) and related facilities: Solar Array(s) shall be permitted only in the I-1, and I-2 districts. Electric substations, collector lines, and interconnection transmission or distribution lines, that are affiliated and necessary for the Special Approval Use of a Large Solar Energy System, shall be permitted in any zoning district as an Accessory Use as included in Article 5 of this Ordinance.

***Properties Enrolled in PA 116 Farmland Development Rights Program: Per the Michigan Department of Agriculture and Rural Development (MDARD), land enrolled in the PA 116 program may be permitted to participate in solar energy development subject to MDARD policy and requirements. Properties that are not enrolled in the PA116 program will be required to comply with the MDARD standards to return the land to pre-existing condition.***

N. Distribution, Transmission and Interconnection: All collection lines and interconnections from the Solar Array(s) to any electrical ~~invertors or substations~~ shall be located and maintained underground inside the Large Solar Energy System, except in areas where technical or physical constraints make it preferable to install equipment above ground. This requirement ***includes transmission lines or equipment meant to connect the on-site project substation to the offsite transmission system.***

O. Abandonment and Decommissioning: Following the operational life of the project, the ***owner of the LSES*** shall perform decommissioning and removal of the Large Solar Energy System and all its components. ***Prior to decommissioning, each land owner may elect to keep some or all of the non-solar components or infrastructure. A detailed statement, from the landowner, will be added to the decommissioning plan. This request may be submitted anytime prior to decommissioning.***

The Applicant shall prepare a decommissioning plan and submit it to the Planning Commission for review and approval prior to issuance of the Special Use Approval. Under this plan, all structures, concrete, piping, facilities, and other project related materials above grade and any structures below-grade shall be removed offsite for disposal.

**Per MDARD standards, this land must be able to be returned to agricultural uses following the end of the solar development agreement or if/when the solar development is decommissioned for any reason.**

Any Solar Array or combination of Photovoltaic Devices that is not operated for a continuous period of twelve (12) months shall be considered abandoned and shall be removed under the decommissioning plan.

The ground must be restored to its original topography within three hundred sixty-five (365) days of abandonment or decommissioning. Restoration shall also include bringing soil to its pre-development composition to ensure agricultural use upon restoration. ~~in AG1 or AG2 districts or to pre-development conditions in I1 and I2 districts.~~ Soil tests shall be required as a part of the Decommissioning Plan both before development and prior to decommissioning. Soil shall be brought back to pre-development state within three hundred sixty-five (365) days of abandonment or decommissioning.

O.1. The applicant will obtain a surety bond, ***prior to the start of construction, to insure reclamation of the land upon abandonment or at the end of the life of the LSES. The bond shall be*** in an amount to be determined by the Township as a condition of the site plan approval.

O.2. ***The value of the decommissioning surety bond shall be determined by a third-party financial consultant, engineer or appropriate professional selected by the Township and paid for by the developer, based on non-salvage value. Once the value is determined; it shall be updated on periodic bases not more than every three (3) years.*** The applicant will provide confirmation and details of the surety bond. This shall be a condition of ~~site plan~~ and Special Use approval.

O.3. The surety bond is to ***be kept in full force and effect until all of the properties are restored to their original condition. Such financial security shall be irrevocable and non-cancelable. If the owner of the LSES is financially unable to fulfill the decommissioning plan, the township may use the surety bond to complete the decommission plan.***

P. General Standards Delete section, revise subsequent section designations.

Q P. Approval Time Limit and Extension: No change

Special Approval Use and Site Plan approvals, under this Section, shall be valid for one (1) year beginning on the date of Township Board approval. Once commenced, should construction cease for period of twelve (12) consecutive months, the Special Approval Use and Site Plan approvals shall be considered null and void. If construction begins prior to the expiration date established by Township Board approval, the Special Approval Use and Site Plan approvals shall remain in force as long as construction continues toward a reasonable date of completion. However, if requested by the applicant prior to the expiration date established by Township Board approval, the Township Board may consider an additional one-year period upon showing of good cause for the extension.

**Q. Conditions and Modifications:** Any conditions and modifications approved by the Planning Commission shall be recorded in the Planning Commissions' 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 ***or within the intent of this ordinance.*** After approval, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Planning Commission Chairperson and authorized representative of the applicant. The Township Clerk shall keep one copy on file, and one copy shall be returned to the applicant's authorized representative.

**R. Inspection:** The Township shall have the right, at any reasonable time, to inspect the premises on which any Large Solar Energy System is located. A twenty-four (24) hour notice will be given to the owner prior to the inspection. The Township may hire one or more consultants to assist with inspections at the applicant's or project owner's expense. Inspections must be coordinated with, and escorted by, the project's ~~Applicant's~~ operations staff at the Large Solar Energy Facility to ensure compliance with the Occupational Safety and Health Administration (OSHA), NESC and all other applicable safety guidelines. ***During the site plan review, the township and the applicant shall create a detailed list of items or conditions to be inspected along with the criteria for their evaluation.***

***The applicant shall provide the township with copies of agreements made with those entities that will be purchasing the electrical production of the LSES project.***

Sections S, T, U, V, W and X will be reviewed at July 11 meeting.

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