CITY OF SWARTZ CREEK SWARTZ CREEK, MICHIGAN
MINUTES OF PLANNING COMMISSION MEETING
November 6, 2024

Meeting called to order at 7:00 p.m. by Commissioner Wyatt

Pledge of Allegiance.

ROLL CALL:

Commissioners present: Binder, Branoff, Sturgess, Grimes, Krueger, Melen, Wyatt.

Commissioners absent: Campbell, Henry

Staff present: Adam Zettel, City Manager.

Others present: Hannah Smith-CIB Planning

Others Virtually Present: None

Motion by Planning Commission Member Krueger and second by Planning Commission Member Binder to excuse Planning Commission Member Henry because of a different city engagement.

Unanimous Voice Vote
Motion Declared Carried

APPROVAL OF AGENDA:

Resolution No. 241106-01 **(Carried)**

Motion by Planning Commission Member Binder
Second by Planning Commission Member Grimes

I Move the Swartz Creek Planning Commission approves the agenda for the November 6, 2024, Planning Commission meeting.

Unanimous Voice Vote
Motion Declared Carried

MINUTES OF October 1, 2024

Resolution No. 241106-02 **(Carried)**

Motion by Planning Commission Member Krueger
Second by Planning Commission Member Binder

I Move the Swartz Creek Planning Commission approves the Minutes for the October 1, 2024, Planning Commission meeting.

Unanimous Voice Vote
Motion Declared Carried

MEETING OPENED TO THE PUBLIC FOR NON PUBLIC HEARING: None.

BUSINESS:

PUBLIC HEARING FOR SOLAR ORDINANCE CHANGES

Open: 7:14pm
No comments
Closed: 7:15pm

RESOLUTION TO RECOMMEND AMENDMENT TO ZONING APPENDIX A SECTION 13: GENERAL PROVISIONS

Resolution No. 241106-04 **(Carried)**

Motion by Planning Commission Member Binder

WHEREAS, the Public Act 110 of 2006, the Michigan Zoning Enabling Act, enables cities to regulate land use through the creation and enforcement of zoning maps and regulations, and

WHEREAS, the planning commission, with the assistance of staff, and input by the public, reviewed specific changes to the zoning ordinance at a meeting on November 6, 2024, and;

WHEREAS, the planning commission, at a public hearing at their meeting on November 6, 2024 and in reviewing the criteria in Zoning Ordinance Section 24.02, found the proposed zoning ordinance amendments to be in the best interest of the public.

THEREFORE, I MOVE the City of Swartz Creek ordains:

CITY OF SWARTZ CREEK
ORDINANCE NO. 468

An ordinance to amend the Code of Ordinances: Zoning Appendix A to add Amend Section 13.14: Renewable Energy Standards

THE CITY OF SWARTZ CREEK ORDAINS:

Section 1. Addition of Articles to Appendix A of the Code of Ordinances.

The City hereby amends Section 13 to the Code of Ordinances of Appendix A by adding Section 13.14 as follows:

Section 13.14. Renewable Energy Standards Definitions.

A. Definitions. The following definitions apply to provisions of Section 13.14 through Section 13.18 only.

1. *Accessory Battery Energy Storage System*: A battery energy storage system intended primarily to serve the electricity needs of the applicant property but may, at times, discharge into the electric grid.

2. *Accessory Solar Energy System*: A small-scale solar energy system with the primary purpose of generating electricity for the principal use on the site.
3. *Accessory Ground-Mounted Solar Energy System*: A ground-mounted solar energy system with the purpose primarily of generating electricity for the principal use on the site.
4. *ANSI*: American National Standards Institute.
5. *A-Weighted Sound Level*: The sound pressure level in decibels as measured on a sound level meter using the A-weighting network, as expressed as dB(A) or dBA.
6. *Building-Mounted Solar Energy System*: A solar energy system attached to the roof or wall of a building, or which serves as the roof, wall or window or other element, in whole or in part, of a building.
7. *Building-Integrated Solar Energy System*: A solar energy system that is an integral part of a primary or accessory building or structure (rather than a separate mechanical device), replacing or substituting for an architectural or structural component of the building or structure. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.
8. *Construction*: Any substantial action taken constituting the placement, erection, expansion, or repowering of an energy facility.
9. *Dark sky-friendly lighting technology*: A light fixture that is designed to minimize the amount of light that escapes upward into the sky.
10. *dBA*: The sound pressure level in decibels using the “A” weighted scale defined by the American National Standards Institute (ANSI).
11. *Decibel*: A unit used to measure the intensity of a sound or the power level of an electric signal by comparing it with a given level on a logarithmic scale.
12. *Dual Use*: A solar energy system that employs one or more of the following land management and conservation practices throughout the project site:
    a) *Pollinator Habitat*: A site designed to have vegetation that will enhance pollinator populations, including a diversity of flowering plants and wildflowers, and meets a score of 76 or more on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites.
    b) *Conservation Cover*: A site designed with practices to restore native plants, grasses, and prairie with the aim of protecting specific species or providing specific ecosystem services, such as carbon sequestration or soil health. The site must be designed in partnership with a conservation organization or approved by the Genesee County Conservation District.
    c) *Forage/Grazing*: Sites that incorporate rotational livestock grazing and forage production as part of a vegetative maintenance plan.
    d) *Agrivoltaics*: Sites that combine raising crops for food, fiber, or fuel, and generating electricity within the project area to maximize land use.
13. *Energy Storage System (ESS):* A system that absorbs, stores, and discharges electricity. Energy storage facility does not include fossil fuel storage or power-to-gas storage that directly uses fossil fuel inputs.
14. *Ground-Mounted Solar Energy System*: A solar energy system mounted on support posts, like a rack or pole, that is attached to or rests on the ground. The system is not attached to and is separate from any building on the property.
15. *Independent power producer (IPP):* A person that is not an electric provider but owns or operates facilities to generate electric power for sale to electric providers, the state, or local units of government.
16. *Leq*: The equivalent average sound level for the measurement period.
17. *Maximum Tilt*: The maximum angle of a solar array (i.e. most vertical position) for capturing solar radiation as compared to the horizon line.

18. *Minimum Tilt*: The minimal angle of a solar array (i.e. most horizontal position) for capturing solar radiation as compared to the horizon line.
19. *Nameplate capacity*: The designed full-load sustained generating output of an energy facility. Nameplate capacity shall be determined by reference to the sustained output of an energy facility even if components of the energy facility are located on different parcels, whether contiguous or noncontiguous.
20. *NFPA*: National Fire Protection Association.
21. *Non-participating Property*: A property that is adjacent to an energy facility and that is not a participating property.
22. *Occupied community building*: A school, place of worship, day-care facility, public library, community center, or other similar building that the applicant knows or reasonably should know is used on a regular basis as a gathering place for community members.
23. *Participating Property*: Real property that either is owned by an applicant or that is the subject of an agreement that provides for the payment by an applicant to a landowner of monetary compensation related to an energy facility regardless of whether any part of that energy facility is constructed on the property.
24. *Person*: An individual, governmental entity authorized by this state, political subdivision of this state, business, proprietorship, firm, partnership, limited partnership, limited liability partnership, co-partnership, joint venture, syndicate, business trust, labor organization, company, corporation, association, subchapter S corporation, limited liability company, committee, receiver, estate, trust, or any other legal entity or combination or group of persons acting jointly as a unit.
25. *Principal-Use (Large) Energy Facility*: A large, principal-use energy system. An energy facility may be located on more than 1 parcel of property, including noncontiguous parcels, but shares a single point of interconnection to the grid.
26. *Principal-Use (Large) Energy Storage System*: An Energy Storage System (ESS) that is a principal use (or co-located with a second principal use), is designed and built to connect into the transmission grid and has a nameplate capacity of 50 MW or more and an energy discharge capacity of 200 MWh or more.
27. *Principal-Use (Large) Solar Energy System*: A Principal-Use SES with a nameplate capacity of 50 MW or more for the primary purpose of off-site use through the electrical grid or export to the wholesale market.
28. *Principal-Use (Small) Solar Energy System*: A Principal-Use SES with a nameplate capacity of less than 50 MW for the primary purpose of off-site use through the electrical grid or export to the wholesale market.
29. *Repowering*: The replacement of all or substantially all of the energy facility for the purpose of extending its life. Repowering does not include repairs related to the ongoing operations that do not increase the capacity or energy output of the energy facility.
30. *Roof-Mounted Solar Energy System*: A solar energy system mounted on a racking that is attached to or ballasted on the roof of a building or structure.
31. *Sound Pressure*: The difference at a given point between the pressure produced by sound energy and the atmospheric pressure, expressed as pascals (Pa).
32. *Sound Pressure Level*: Twenty times the logarithm to the base 10, of the ratio of the root-mean-square sound pressure to the reference pressure of micro pascals, expressed as decibels (dB). Unless expressed with reference to a specific weighing network (such as dBA), the unit dB shall refer to an unweighted measurement.
33. *Solar Energy System (SES):* A system that captures and converts solar energy into electricity, for the purpose of sale or for use in locations other than solely the solar energy system property. A solar energy system includes, but is not limited to, the following equipment and facilities to be constructed by an electric provider or independent power producer: photovoltaic solar panels; solar inverters; access roads;

distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; energy storage systems; overhead and underground control; communications and radio relay systems and telecommunications equipment; utility lines and installations; generation tie lines; solar monitoring stations; and accessory equipment and structures.

34. *Solar Thermal System*: A system of equipment that converts sunlight into heat.

B. *Accessory solar energy systems*, as defined in Section 13.14 Renewable Energy Standards Definitions, include building-mounted, building-integrated, and ground-mounted systems with the primary purpose of generating electricity for the principal use on the site. Accessory solar energy systems are subject to the following standards:

1. *Permitted Use.* Accessory solar energy systems are permitted accessory uses in all zoning districts, subject to administrative review and approval.
2. *Application Criteria*. An application seeking installation of an accessory solar energy system shall be made to the zoning administrator in line with Section 21.03 Sketch plan review process and shall also include the following information:
    a) Sketch plan showing the proposed location of the accessory solar energy system, the primary structure, any accessory structures, and setbacks from lot lines.
    b) For building-mounted or building-integrated systems, horizontal and vertical elevation drawings showing the location and height of the SES on the building and dimensions of the SES.
    c) For ground-mounted systems, elevation drawings showing height, dimensions of the SES, and tilt features if applicable.
3. *Exemptions from Permitting*. The following are exempt from review and permitting:
    a) The installation of one (1) solar panel with a total area of less than eight (8) square feet.
    b) The installation of device-specific solar panels, which exclusively power the device it is attached to and is less than one (1) square foot in area.
    c) Repair and replacement of existing solar energy equipment, provided that there is no expansion of the size or coverage area of the system.
4. *Standards for Accessory Solar Energy Systems*. All accessory SES shall be subject to the following requirements, as well as applicable standards listed below for building-mounted or ground-mounted systems:
    a) The exterior surfaces of solar energy systems shall be generally neutral in color and substantially non-reflective of light.
    b) Solar energy systems shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to the zoning administrator prior to installation. The zoning administrator may inspect the completed installation to verify compliance with the manufacturer's directions.
    c) Accessory SES shall conform with all County, State, and Federal regulations and safety requirements as well as applicable industry standards.
5. *Building-Mounted Solar Energy Systems*. Building-mounted solar energy systems, including roof-mounted systems and building integrated systems, are subject to the following requirements:
    a) Solar energy systems 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 for the zoning district in which it is located, and shall not project beyond the eaves of the roof.
    b) Solar energy systems that are roof-mounted, wall-mounted or otherwise attached to a building or structure shall be permanently and safely attached to the building or structure. Proof of the safety and reliability of the means of such attachment

shall be submitted to the zoning administrator prior to installation; such proof shall be subject to the zoning administrator's approval.

c) Solar energy systems that are wall-mounted shall not exceed the height of the building wall to which they are attached.
d) Solar energy systems shall not be mounted on a building wall that is facing an adjacent public right-of-way.
e) A building-mounted SES installed on a non-conforming building, structure, or use shall not be considered an expansion of the nonconformity, but shall be required to meet all height and placement requirements.

6. *Ground-Mounted Solar Energy Systems*. Ground-mounted solar energy systems are subject to the following requirements:
   a) Accessory ground-mounted solar energy systems shall be located as follows:
      1) Shall be located in the rear yard or non-required side yard.
      2) Should extenuating circumstances exist that prevent the system from being located in the rear or non-required side yard, the Planning Commission may have the authority to approve a location in the front yard, but in no event shall the energy system be located within the front yard setback. The applicant shall demonstrate to the Commission that the rear or side yard is not feasible.
   b) Accessory ground-mounted SES shall have a minimum height as detailed in the manufacturer's specifications, but shall in no case exceed fourteen (14) feet in height, measured from the ground at the base of such equipment, when oriented at maximum tilt.
   c) Ground-mounted SES shall be permanently and safely attached to the ground. Proof of the safety and reliability of the means of such attachment shall be submitted with the application and be subject to the zoning administrator's approval.
   d) The total area of accessory ground-mounted SES shall not exceed fifty percent (50%) of the square footage of the principal building.
   e) An accessory ground-mounted SES installed on a non-conforming use or lot shall not be considered and expansion of the nonconformity, but shall be required to meet all placement and height requirements.
7. *Building-Integrated Solar Energy Systems*. Building-integrated SES are subject to zoning regulations applicable to the building or structure and not subject to accessory ground or building-mounted SES permits.

C. *Accessory energy storage systems,* as defined in Section 13.14 Renewable Energy Standards Definitions, with the primary purpose of serving the electricity needs of the applicant property are a permitted accessory use in all zoning districts. Accessory energy storage systems shall follow the regulations associated with accessory uses.

D. A *small principal-use SES,* as defined in Section 13.14 Renewable Energy Standards Definitions, is a special land use in the I-1, Light Industrial, and I-2, Heavy Industrial, zoning districts subject to site plan and special land use review requirements, and shall meet the following requirements:

1. *Height*. Total height for a small principal-use SES shall not exceed a maximum of sixteen (16) feet in height, measured from the ground at the base of such equipment, when oriented at maximum tilt. The Planning Commission may permit up to twenty (20) feet in height for small principal-use systems as part of the special land use approval, to allow for grazing or other operations.
2. *Lot Coverage*. The total area of a small principal-use SES shall not be included in the calculation of the maximum permitted lot coverage requirement for the parcel of land.

3. *Installation and safety*. Small principal-use SES shall be properly installed to ensure safety, and meet the following requirements:
    a) Solar energy systems shall be safely attached to the ground. Proof of the safety and reliability of the means of such attachment shall be submitted with the special land use application and shall be subject to the Planning Commission's approval.
    b) Solar energy systems shall be installed, maintained and used only in accordance with the manufacturer's directions. A copy of such directions shall be submitted with the special land use application. The special land use, if granted, may be subject to the zoning administrator's inspection to determine compliance with the manufacturer's directions.
4. *Appearance*. The exterior surfaces of solar energy systems shall be generally neutral in color and substantially non-reflective of light.
5. *Compliance with construction and electrical codes*. A small principal-use SES, and the installation and use thereof, shall comply with all applicable construction codes and electric codes, including state construction codes and the National Electric Safety Code.
6. *Fencing*. A small principal-use SES shall be secured with perimeter fencing to restrict unauthorized access. Perimeter fencing shall comply with the latest version of the National Electric Code as of November 2023. Barbed wire is prohibited. Fencing is not subject to setback requirements.
7. *Transmission and communication lines*. All power transmission and communication lines between banks of solar panels and to nearby electric substations or interconnections with any buildings or other structures shall be located underground. Exemptions may be granted in instances when soil conditions, shape, topography, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the Planning Commission.
8. *Setbacks*. Setback distance shall be measured from the stated location below to the nearest edge of the perimeter fencing of the small principal-use SES as follows:
    a) 300 feet from the nearest point on the outer wall of any occupied community buildings and residences on non-participating properties.
    b) 50 feet from the nearest edge of a public road right-of-way.
    c) 50 feet from the nearest shared property line of non-participating properties.
9. *Setback from wetlands*. A small principal-use SES shall be at least fifty (50) feet from the edge of any wetland, or any shoreline or drain easement.
10. *Sound*. The sound pressure level of a small principal-use SES and all ancillary solar equipment shall not exceed 55 dBA at the property line of adjacent non-participating properties or the exterior of any non-participating habitable structure, whichever is closer. The site plan shall include modeled sound isolines extending from the sound source to the property lines to demonstrate compliance with this standard.
11. *Lighting*. Lighting for a small principal-use SES shall be limited to inverter and/or substation locations only. A small principal-use SES shall implement dark sky friendly lighting solutions and any lighting shall be directed downward and be placed to keep light on-site and glare away from adjacent properties, bodies of water, and adjacent roadways. Flashing or intermittent lights are prohibited.
12. *Groundcover*. A small principal-use SES shall include the installation of ground cover vegetation maintained for the duration of operation until the site is decommissioned. A ground cover vegetation establishment and management plan shall be submitted as part of the site plan. Ground cover shall meet one or more of the following types of Dual Use, as defined in this Ordinance, to promote ecological benefits:
    a) Pollinator Habitat
    b) Conservation Cover
    c) Forage/Grazing
    d) Agrivoltaics

13. *Drainage*. Drainage on the site shall be maintained in a manner consistent with, or improved upon, existing natural drainage patterns. Any disturbance to drainage or water management practices must be managed within the property and on-site, in order to not negatively impact surrounding properties as a result of the development. This shall be maintained for the duration of the operation and shall be able to be returned to pre-existing conditions following decommissioning. Any existing drainage tiles that are identified on the property shall be shown on the as-built drawings submitted following construction.
14. *Landscaping/Screening*. Landscaping shall be provided in accordance with the standards required in Article 20 Landscaping.
15. *Signage*. Signage shall be permitted in accordance with Article 14 Sign Regulations. Signage shall be required to identify the owner and provide a 24-hour emergency contact phone number.
16. *Agricultural Protection*. A small principal-use SES shall be sited to minimize impacts to agricultural production, including the following:
    a) Systems shall be sited to minimize land disturbance or clearing except for minimally necessary. Topsoil shall be retained on-site.
    b) Any access drives shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction.
17. *Battery Storage*. On-site battery storage accessory to a small principal-use solar energy system is prohibited.
18. *Decommissioning*. A decommissioning plan that is consistent with agreements reached between the applicant and other landowners of participating properties and that ensures the return of all participating properties to a useful condition similar to that which existed before construction, including removal of above-surface facilities and infrastructure that have no ongoing purpose. The decommissioning plan shall include, but is not limited to, financial assurance in the form of a bond, a parent company guarantee, or an irrevocable letter of credit, but excluding cash. The amount of the financial assurance shall not be less than the estimated cost of decommissioning the energy facility, after deducting salvage value, as calculated by a third party with expertise in decommissioning, hired by the applicant. However, the financial assurance shall be posted in increments as follows:
    a) At least 25% by the start of full commercial operation.
    b) At least 50% by the start of the fifth year of commercial operation.
    c) 100% by the start of the tenth year of commercial operation.
19. *Abandonment*. In the event that a small principal-use SES has not been in operation for a period of one year without a waiver from the Planning Commission, the system shall be considered abandoned and shall prompt an abandonment hearing conducted by the City Council. If deemed abandoned after a hearing, the system shall be removed by the applicant or the property owner and the site shall be stabilized and re-vegetated, in compliance with the approved decommissioning plan. If the abandoned system is not removed or repaired, amongst other available remedies, the City may pursue legal action against the applicant and property owner to have the system removed and assess its cost to the tax roll of the subject parcel. The applicant and property owner shall be responsible for the payment of any costs and attorney's fees incurred by the City in securing removal of the structure. The City may utilize the benefit of any performance guarantee being held to offset its cost. As a condition of approval, the applicant and property owner shall give permission to the City to enter the parcel of land for this purpose.
20. *Annual Reports*. For a small principal-use SES, a written annual report shall be submitted to the Planning Commission by a date determined at the time of special land use approval. The annual report shall include an update on electricity generation by the

project, as well as document all complaints received regarding the small principal-scale solar energy system along with the status of complaint resolutions and the actions taken to mitigate the complaints.

21. *Additional approvals and agency reviews*. The following approval and agency reviews shall be required, as applicable:
    a) Local Fire Chief;
    b) Department of Environment, Great Lakes, and Energy (EGLE);
    c) Genesee County Drain Commissioner;
    d) Genesee County Road Commission;
    e) Genesee County Health Department;
    f) Federal Aviation Administration (FAA);
    g) Local Airport Zoning (if applicable);
    h) Building Department;
    i) Tax Assessor.
22. *Operations Agreement*. The applicant shall provide the Planning Commission with an operations agreement, which sets forth the operations parameters, the name and contact information of the certified operator, inspection protocol, emergency procedures and general safety documentation. It shall be a condition of approval that the Zoning Administrator shall be notified and provided copies of any changes.
23. *Indemnity/Insurance*. The City shall be indemnified from all third-party claims for personal or property damage arising from the developer's negligent and/or intentional acts and/or omissions during construction, maintenance, and decommissioning of the small principal-scale solar energy system and shall be listed as an additional insured on applicable insurance policies during the life of the project.
24. *Maintenance and Repair*. Repair, replacement, and maintenance of components is permitted without the need for a new special land use permit. Proposals to change the project footprint of an existing system shall be considered a new application.
25. *Site Plan Requirements*. Small Principal-Use SES are subject to submittal and approval of a site plan meeting all requirements in Article 21 Site Plan Review, as well as the following requirements:
    a) Small principal-use SES shall be submitted at a scale of 1" = 200 feet;
    b) Location of all arrays, including dimensions and layout of arrays, ancillary structures and equipment, utility connections, dwellings on the property and within three-hundred (300) feet of the property lines, any existing and proposed structures, wiring locations, temporary and permanent access drives, fencing details, screening and landscaping detail, and any signage;
    c) Plan for land clearing and/or grading required for the installation and operation of the system;
    d) Plan for ground cover establishment and management;
    e) Anticipated construction schedule;
    f) Sound modeling study including sound isolines extending from the sound source(s) to the property lines;
    g) A decommissioning plan in accordance with Section 13.17.R Decommissioning;
    h) Additional studies may be required by the Planning Commission if reasonably related to the standards of this Ordinance as applied to the application, including but not limited to:
        1) Visual Impact Assessment: A technical analysis by a third party qualified professional of the visual impacts of the proposed project, including a description of the project, the existing visual landscape, and important scenic resources, plus visual simulations that show what the project will look like (including proposed landscaping and other screening measures), a description of potential project impacts, and mitigation

measures that would help to reduce the visual impacts created by the project.

2) Environmental Analysis: An analysis by a third-party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to, wetlands and other fragile ecosystems, wildlife, endangered and threated species. If required, the analysis shall identify all appropriate measures to minimize, eliminate or mitigate adverse impacts identified and show those measures on the site plan, where applicable.
3) Stormwater Study: An analysis by a third-party qualified professional that takes into account the proposed layout of the principal-use scale solar energy system and how the spacing, row separation, and slope affects stormwater infiltration, including calculations for a 100-year rain event. Percolation tests or site-specific soil information shall be provided to demonstrate infiltration on-site without the use of engineered solutions.
4) Glare Study: An analysis by a third-party qualified professional to determine if glare from the principal-use solar energy system will be visible from nearby residents and roadways. If required, the analysis shall consider the changing position of the sun throughout the day and year, and its influences on the principal-use solar energy system.

26. *As-Built Drawings*. A set of as-built drawings shall be submitted to the City following project completion and prior to energy generation within the project.

E. The following standards are intended to regulate *Principal-Use (Large) Energy Facilities*, as defined in Section 13.14 Renewable Energy Standards Definitions, as a Compatible Renewable Energy Ordinance in accordance with Part 8 of P.A. 233 of 2023.

1. *Application Process.* An electric provider or IPP that proposes to obtain a certificate from the Michigan Public Service Commission to construct an energy facility within the City shall follow the following application process, unless exempt as noted in Section 222 (4) of PA 233:
    a) At least 60 days before the public meeting provided for in MCL 460.1223, an electric provider or IPP shall offer in writing to meet with the City Manager, or the Manager's designee, to discuss the site plan. The offer to meet must be delivered by email and certified mail and must also be sent to the City Council in care of the City Clerk in the same manner. The Manager or Manager's designee must respond within 30 days from the offer to meet.
    b) Within 30 days following the meeting described in paragraph 1, the City Manager shall notify the electric provider or IPP planning to construct the energy facility that the City has a compatible renewable energy ordinance. If all affected local units with zoning jurisdiction provide similar timely notice to the electric provider or IPP, then the electric provider or IPP shall file for approval of a permit with the City.
    c) To file for approval of a permit the electric provider or IPP must submit a complete application to the City Clerk. The application form to be used shall be adopted by resolution of the City Council. The application shall contain the items set forth in MCL 460.1225(1), except for (l)(j) and (s). The application may also require other information to determine compliance with this Compatible Renewable Energy Ordinance. By resolution, the City may establish an application fee and escrow policy to cover the City's reasonable costs of review and processing of the application, including but not limited to staff, attorney, engineer, planning, environmental, or other professional costs.

2. *Application Requirements.* Any application for a Principal-Use (Large) Energy Facility shall contain all of the following:
    a) The complete name, address, and telephone number of the applicant.
    b) The planned date for the start of construction and the expected duration of construction.
    c) A description of the energy facility, including a site plan as described in Section 224 of the Clean and Renewable Energy Waste Reduction Act, 2008 PA 295, MCL 460.1224. The following items must be shown on the site plan:
        1) A map of all properties upon which any component of a facility or ancillary feature would be located, and for solar energy or energy storage systems, all properties within one thousand (1,000) feet. This should indicate the location of all existing structures and shall identify such structures as occupied or vacant.
        2) Lot lines and required setbacks shown and dimensioned.
        3) Size and location of existing and proposed water utilities, including any proposed connections to public, or private community sewer or water supply systems.
        4) A map of any existing overhead and underground major facilities for electric, gas, telecommunications transmission within the facility and surrounding area.
        5) The location and size of all surface water drainage facilities, including source, volume expected, route, and course to final destination.
        6) A map depicting the proposed facilities, adjacent properties, all structures within participating and adjacent properties, property lines, and the projected sound isolines along with the modeled sound isolines including the statutory limit.
    d) A description of the expected use of the energy facility.
    e) Expected public benefits of the proposed energy facility.
    f) The expected direct impacts of the proposed energy facility on the environment and natural resources and how the applicant intends to address and mitigate these impacts.
    g) Information on the effects of the proposed energy facility on public health and safety.
    h) A description of the portion of the community where the energy facility will be located.
    i) A statement and reasonable evidence that the proposed energy facility will not commence commercial operation until it complies with applicable state and federal environmental laws, including, but not limited to, the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101 to 324.90106.
    j) Evidence of consultation, before submission of the application, with the Department of Environment, Great Lakes, and Energy and other relevant state and federal agencies before submitting the application, including, but not limited to, the Department of Natural Resources and the Department of Agriculture and Rural Development.
    k) The Soil and Economic Survey Report under Section 60303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.60303, for the county where the proposed energy facility will be located.
    l) Interconnection queue information for the applicable regional transmission organization.
    m) If the proposed site of the energy facility is undeveloped land, a description of feasible alternative developed locations, including, but not limited to, vacant

industrial property and brownfields, and an explanation of why they were not chosen.

n) If the energy facility is reasonably expected to have an impact on television signals, microwave signals, agricultural global position systems, military defense radar, radio reception, or weather and doppler radio, a plan to minimize and mitigate that impact. Information in the plan concerning military defense radar is exempt from disclosure under the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be disclosed by the commission or the electric provider or independent power producer except pursuant to court order.

o) A stormwater assessment and a plan to minimize, mitigate, and repair any drainage impacts at the expense of the electric provider or IPP. The applicant shall make reasonable efforts to consult with the county drain commissioner before submitting the application and shall include evidence of those efforts in its application.

p) A fire response plan and an emergency response plan.
    1) The fire response plan (FRP) shall include:
        i. Evidence of consultation or a good faith effort to consult with local fire department representatives to ensure that the FRP is in alignment with acceptable operating procedures, capabilities, resources, etc. If consultation with local fire department representatives is not possible, provide evidence of consultation or a good faith effort to consult with the State Fire Marshal or other local emergency manager.
        ii. A description of all on-site equipment and systems to be provided to prevent or handle fire emergencies.
        iii. A description of all contingency plans to be implemented in response to the occurrence of a fire emergency.
        iv. For energy storage systems, a commitment to conduct, or provide funding to conduct, site-specific training drills with emergency responders before commencing operation, and upon request while the facility is in operation. Training should familiarize local fire departments with the project, hazards, procedures, and current best practices.
        v. A commitment to review and update the FRP with fire departments, first responders, and county emergency managers at least once every three (3) years.
        vi. An analysis of whether plans to be implemented in response to a fire emergency can be fulfilled by existing local emergency response capacity. The analysis should include identification of any specific equipment or training deficiencies in local emergency response capacity and recommendations for measures to mitigate deficiencies.
        vii. Other information the applicant finds relevant.
    2) The emergency response plan (ERP) shall include:
        i. Evidence of consultation or a good faith effort to consult with local first responders and county emergency managers to ensure that the ERP is in alignment with acceptable operating procedures, capabilities, resources, etc.
        ii. An identification of contingencies that would constitute a safety or security emergency (fire emergencies are to be addressed in a separate fire response plan);
        iii. Emergency response measures by contingency;

iv. Evacuation control measures by contingency;
v. Community notification procedures by contingency;
vi. An identification of potential approach and departure routes to and from the facility site for police, fire, ambulance, and other emergency vehicles;
vii. A commitment to review and update the ERP with fire departments, first responders, and county emergency managers at least once every three (3) years;
viii. An analysis of whether plans to be implemented in response to an emergency can be fulfilled by existing local emergency response capacity, and identification of any specific equipment or training deficiencies in local emergency response capacity; and
ix. Other information the applicants finds relevant.

q) A decommissioning plan that is consistent with agreements reached between the applicant and other landowners of participating properties and that ensures the return of all participating properties to a useful condition similar to that which existed before construction, including removal of above-surface facilities and infrastructure that have no ongoing purpose. The decommissioning plan shall include, but is not limited to, financial assurance in the form of a bond, a parent company guarantee, or an irrevocable letter of credit, but excluding cash. The amount of the financial assurance shall not be less than the estimated cost of decommissioning the energy facility, after deducting salvage value, as calculated by a third party with expertise in decommissioning, hired by the applicant. However, the financial assurance shall be posted in increments as follows:
    1) At least 25% by the start of full commercial operation.
    2) At least 50% by the start of the fifth year of commercial operation.
    3) 100% by the start of the tenth year of commercial operation.
r) A report detailing the sound modeling results along with mitigation plans to ensure that sound emitted from the facilities will remain below the statutory limit throughout the operational life of the facilities.
s) A photometric plan to demonstrate compliance with dark sky-friendly lighting solutions.
t) For energy storage systems, evidence of compliance with NPFA 855 including, but not limited to:
    1) Commissioning Plan (NFPA 855 Chapters 4.2.4 & 6.1.3.2)
    2) Emergency Operation Plan (NFPA 855 Chapter 4.3.2.1.4)
    3) Hazard Mitigation Analysis (NFPA 855 Chapter 4.4)

3. *Application Review*. The application shall be processed subject to the provisions of this Article. The Planning Commission shall approve or deny the application within 120 days after receiving a complete application. This deadline may be extended by up to 120 days if jointly agreed upon by the City Council and the applicant. In consideration of the application, the Planning Commission must approve the application and issue a permit for the requested construction if it complies with the standards as detailed in Section 13.18.D for a large principal-use solar energy system or Section 13.18.E for a large principal-use energy storage system.
4. *Principal-Use (Large) Solar Energy System (SES):* A large principal-use SES is a permitted use in all zoning districts subject to site plan review by the planning commission, and shall meet the following requirements:
    a) *Height*: Total height for a large principal-use SES shall not exceed a maximum of twenty-five (25) feet above ground when the arrays are at maximum tilt.

b) *Setbacks*: Setback distance shall be measured from the stated location below to the nearest edge of the perimeter fencing of the large principal-use SES as follows:
    1) 300 feet from the nearest point on the outer wall of any occupied community buildings and residences on non-participating properties.
    2) 50 feet from the nearest edge of a public road right-of way.
    3) 50 feet from the nearest shared property line of non-participating parties.
c) *Fencing*: A large principal-use SES shall be secured with perimeter fencing to restrict unauthorized access. Perimeter fencing shall comply with the latest version of the National Electric Code as of November 2023 or any applicable successor standard approved by the Michigan Public Service Commission (MPSC) as reasonable and consistent with the purposes of Subsection 226(8) of the Clean and Renewable Energy Waste Reduction Act, 2008 PA 295, MCL 460.1226.
d) *Lighting*: A large principal-use SES shall implement dark sky-friendly lighting solutions.
e) *Sound*: The sound pressure level of a large principal-use SES and all ancillary solar equipment shall not exceed 55 dBA (Leq (1-hour)) at the nearest outer wall of the nearest dwelling of an adjacent non-participating lot. Decibel modeling shall use the A-weighted sound level meter as designed by the American National Standards Institute.
f) *Michigan Public Service Commission requirements*: Principal-use large SES shall comply with any more stringent requirements adopted by the MPSC as provided in MCL 460.1226(8)(a)(vi).

5. *Principal-Use (Large) Energy Storage System (ESS)*: A large principal-use energy storage system is a permitted use in all zoning districts subject to site plan review by the planning commission, and shall meet the following requirements:
    a) *NFPA Compliance and other Applicable Codes*: Large principal-use energy storage systems (ESS) shall comply with the version of NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems” in effect on November 29, 2024, or any applicable successor standard adopted by the MPSC as reasonable and consistent with the purposes of this subsection.
    b) *Setbacks*: Setback distance shall be measured from the stated location below to the nearest edge of the perimeter fencing of the large principal-use ESS as follows:
        1) Occupied community buildings and residences on non-participating properties: 300 feet from the nearest point on the outer wall of the building or residence.
        2) Public road right of way: 50 feet from the nearest edge of a public road right-of-way.
        3) Non-participating parties: 50 feet from the nearest shared property line.
    c) *Sound*: The sound pressure level of a large principal use ESS shall not exceed a noise level of 55 dBA (Leq (1-hour)) as modeled at the nearest outer wall of the nearest dwelling located on an adjacent non-participating lot. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
    d) *Lighting*: The large principal-use ESS will implement dark sky friendly lighting solutions.
    e) *Michigan Public Service Commission Requirements*: Large principal-use energy storage systems shall comply with any more stringent requirements adopted by the MPSC as provided in MCL 460.1226(8)(c)(v).
6. *Issuance and Compliance with Permit*.

a) Upon approval of an application, the City shall issue the permit to the electric provider or IPP. Construction of the proposed energy facility must begin within 5 years after the date the permit is issued and any challenges to the grant of the permit are concluded. The City Council may extend this timeline at the request of the electric provider or IPP without requiring a new application.
b) The permit shall require the electric provider or IPP to remain in compliance at all times with the standards identified for approval of the permit and all documentation submitted with and affirmations made in the application, including, but not limited to, the site plan, decommissioning plan, fire response plan, and emergency plan. No changes may be made to the permit by the electric provider or IPP without the written agreement of the City. The energy facility must further comply with all local ordinances, state and federal laws and regulations except as otherwise provided in Section MCL 460.1231. The City shall not revoke a permit except for material noncompliance with the permit by the electric provider or IPP.
c) A permit may be transferred to another electric provider or IPP upon the filing with the City of an attestation by the transferee that it accepts the terms of the permit and acknowledges that it is subject to this Ordinance.

7. *Section Host Community Agreement*. The permit holder shall enter into a host community agreement with the City within 90 days after issuance of the permit. The host community agreement shall require that, upon commencement of any operation, the energy facility owner must pay the City $2,000.00 per megawatt of nameplate capacity located within the City. The payment shall be used as determined by the City for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the City and the permit holder within said 90 days.
8. *Section Interpretation*. The provisions contained in this Article are intended to meet the definition of a Compatible Renewable Energy Ordinance pursuant to 2023 PA 233, as may be amended, MCL 460.1221 et. seq. and shall only be interpreted in a manner consistent with such intent.

Section 2. Effective date.

This Ordinance shall take effect thirty (30) days following publication.

Second by Planning Commission Member: Krueger

Yes: Grimes, Krueger, Melen, Wyatt, Binder, Sturgess, Branoff
No: None

Meeting Open to Public: None.

Remarks by Planning Commission:

Commissioner Krueger stated it was a good meeting and they got their job done.

Adjourn

Resolution No. 241106-05 **(Carried)**

Motion by Planning Commission Member Krueger
Second by Planning Commission Member Binder

I Move the Swartz Creek Planning Commission adjourns the November 6, 2024, Planning Commission meeting.

Unanimous Voice Vote
Motion Declared Carried

Meeting adjourned at 8:19 p.m.

_____
Betty Binder, Secretary