

Chapter 7 (B)

Solar Farms

TOWNSHIP OF LAKEFIELD
COUNTY OF SAGINAW, STATE OF MICHIGAN
TOWNSHIP ORDINANCE NO. _____

ORDINANCE TO AMEND THE LAKEFIELD TOWNSHIP ZONING ORDINANCE

AN ORDINANCE AMENDING THE LAKEFIELD TOWNSHIP ZONING ORDINANCE
IN ORDER TO PROVIDE FOR THE ESTABLISHMENT AND REGULATION OF
SOLAR FARMS WITHIN THE TOWNSHIP

IT IS HEREBY ORDAINED BY THE TOWNSHIP OF LAKEFIELD, SAGINAW
COUNTY, MICHIGAN:

Sec. 1. – ORDINANCE AMENDMENT

The Lakefield Township Zoning Ordinance shall be amended to add Section 702 to the Ordinance as follows:

Section 702 SOLAR FARM

(a) – Intent and Purpose:

To promote the use of Solar Energy within Lakefield Township as a clean alternative energy source and to provide for the land development, installation and construction regulations for large photovoltaic solar farm facilities subject to reasonable conditions that will protect the public health, safety and welfare. These regulations establish minimum requirements and standards for the placement, construction and modification of large photovoltaic solar farm facilities, while promoting a renewable energy source for our community in a safe, effective and efficient manner.

(b) – Minimum Lot Size: Large photovoltaic solar farm facilities shall not be constructed on parcels less than twenty (20) acres in size.

(c) Height Restrictions: All photovoltaic panels located in a solar farm shall be restricted to a height of fourteen (14) feet.

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

(e) Maximum Lot Coverage: Maximum lot coverage restrictions shall not apply to photovoltaic solar panels. Any other regulated structures on the parcel are subject to maximum lot coverage restrictions.

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

(g) Noise: No large photovoltaic solar farm facilities shall exceed forty-five (45) dBA as measured at the property line.

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

(i) Local, State and Federal Permits: Large photovoltaic solar farm facilities shall be required to obtain all necessary permits from the U. S. Government, State of Michigan, Saginaw County and Lakefield Township, and comply with standards of the State of Michigan adopted codes.

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

(k) Additional Special Use Criteria: the following topics shall be addressed in a Special Use application for such large photovoltaic solar farm facilities in addition to the Special Use Review Criteria:

- 1) Project description and rationale: identify the type, size, rated power output, performance, safety and noise characteristics of the system, including the name and address of the manufacturer, and model. Identify time frame, project life, development phases, likely markets for the generated energy, and possible future expansions;

- 2) Analysis of onsite traffic: Estimated construction jobs, estimated permanent jobs associated with the development;
- 3) Visual impacts: Review and demonstrate the visual impact using photos or renditions of the project or similar projects with consideration given to tree plantings and setback requirements;
- 4) Wildlife: Review potential impact on wildlife on the site;
- 5) Environmental analysis: Identify impact analysis on the water quality and water supply in the area, and dust from project activities;
- 6) Waste: Identify solid waste or hazardous waste generated by the project;
- 7) Lighting: provide lighting plans showing all lighting within the facility. No light may adversely affect adjacent parcels. All lighting must be shielded from adjoining parcels, and light poles are restricted to eighteen (18) feet in height;
- 8) Transportation plan: Provide access plan during construction and operation phases. Show proposed project service road ingress and egress access onto primary and secondary routes, layout of the plan service road system. Due to infrequent access to such facilities after construction is completed, it is not required to pave or curb solar panel access drives. It will be necessary to pave and curb any driveway and parking lots used for occupied offices that are located on site;
- 9) Public safety: Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways, and to the community in general that may be created.
- 10) Sound limitations and review: Identify noise levels at the property line of the project boundary when completed;
- 11) Telecommunications interference: Identify electromagnetic fields and communications interference generated by the project.

(I) Decommissioning.

The applicant of a solar farm shall submit a decommissioning plan prior to the project approval. The plan shall include: 1) the anticipated life of the project, 2) the estimated decommissioning costs net of salvage value in current dollars, 3) the method of ensuring that funds will be available for decommissioning and

restoration, and 4) the anticipated manner in which the project will be decommissioned and the site restored. Any foundation shall be removed to a minimum depth of four (4) feet below grade, by the owner of the facility or its assigned.

Following removal, the location of any solar farm foundation shall be identified on a map as such and recorded with the deed to the property with the Saginaw County Register of Deeds.

Any access roads shall be removed, cleared, and graded by the owner of the large wind energy facility or its assigns, unless the property owner requests in writing a desire to maintain the access road. The Township will not be assumed to take ownership of any access road unless through official action of the Township Board.

A performance bond or equivalent financial instrument shall be posted in an amount determined by the Township [to be utilized in the event the decommissioning plan needs to be enforced with the respect to the panel removal, site restoration, etc.]. The bond shall be in favor of Lakefield Township and may be provided jointly as a single instrument for multiple townships within a solar farm, provided that such single instrument shall be in an amount of at least \$1 million/unit and shall contain a replenishment obligation. In the event of bankruptcy, there needs to be protection with a prepayment within three (3) years

(M) Complaint Resolution.

The applicant of a solar farm shall develop a process to resolve complaints from nearby residents concerning the construction or operation of a project. The process may use an independent mediator or arbitrator and shall include a time limit for action on a complaint. The process shall not preclude the Township from acting on a complaint. During the construction process, the applicant shall maintain a telephone number during business hours where nearby residents can reach a project representative.

(N) Indemnification.

The owner of a solar farm shall defend, indemnify, and hold harmless the Township and their officials from and against all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever including attorney fees arising out of the acts or omissions of the operator

concerning the operation of the solar farm without limitation, whether said liability is premised on contractor tort.

(O) The Planning commission Review:

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

Section 2 – SEVERABILITY

This ordinance and the various parts, sentences and clauses thereof are hereby declared to be severable and if any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid, the same shall not affect the validity of this ordinance as a whole or any part thereof, other than the part declared to be unconstitutional and invalid.

Section 3. – REPEAL CLAUSE

All ordinances or parts of ordinances in conflict herewith are repealed to the extent necessary to give this ordinance full force and effect.

Section 4. – EFFECTIVE DATE

This ordinance shall take effect and be in force thirty days after its publication.