
IDA TOWNSHIP SOLAR ENERGY SYSTEMS ORDINANCE

Ida Township Ordains:

Section 1. Add Definitions to Section 2.2.

The following definitions are added to Section 2.2 of the Zoning Ordinance, and will be placed in the Zoning Ordinances so that all definitions are in alphabetical order:

Section 2.2: Definitions

Decommission: To remove or retire from active service.

Photovoltaic Device: A system of components that generates electric energy from incident sunlight by means of the photovoltaic effect, whether or not the device is able to store the electric energy produces for later use.

Solar Array: Any number of Photovoltaic Devices connected to provide a single output of electric energy or other energy.

Solar Energy System: Any part of a system that collects or stores solar radiation or energy for the purpose of transforming it into any other form of usable energy, including the collection and transfer of heat created by solar energy to any other medium by any means.

Solar Energy Systems, Large-Scale: A utility-scale solar energy system where the primary use of the land is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, for the sale, delivery or consumption to off-site uses or the wholesale or retail sale of generated electricity to any person or entity. Large-Scale Solar Energy Systems may only be ground mounted. ***Large-Scale Solar Energy Systems are only permitted in the (C-1) Commercial District and the (LI) Light Industrial District as provided in this Ordinance.***

Solar Energy Systems, Personal: Small-scale solar panels or technologies permitted as accessory structures within all zoning districts. Personal Solar Energy Systems are comprised of a single unit which is installed and solely used for private purposes and not used for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid. These solar structures may be either ground-mounted, or building-mounted.

Solar Farm: See Solar Energy Systems, Large-Scale.

Solar Tracker: A device which maximizes the solar system's electricity production through panels that move to follow the sun throughout the day. Solar trackers are not to be permitted for use as part of a Personal Solar Energy System.

Substation: Part of a Large-Scale Solar Energy System, it is an interconnected network of electrical components comprising of transformers, auxiliaries, switchgear, and other mechanical equipment. The substation regulates incoming electrical energy generated while delivering electricity to consumers through outgoing transmission lines.

Section 2. Add New Section 6.48, entitled “Solar Energy Systems”

Section 6.48, entitled “Solar Energy Systems,” is added to the Township’s Zoning Ordinance. The section reads in its entirety as follows:

Section 6.48 Solar Energy Systems

A. Purpose: The purpose of this section is to provide regulations for the following permitted types of Solar Energy Systems.

1. *Personal-Scale Solar Energy Systems (Ground-Mounted and Building-Mounted):* Permitted within all zoning districts in the Township of Ida as accessory structures or uses under the conditions that they are located within a rear or side yard, comply with all applicable setback requirements, and are intended to be solely used for private purposes rather than commercial resale.
2. *Large-Scale Solar Energy Systems (Ground-Mounted):* Permitted ***within the (LI) Light Industrial District and within the C-1 Commercial District as a Special Land Use.***

B. General Standards for All Solar Energy Systems:

1. All Solar Energy Systems must be compliant with all Township Ordinances and other applicable regulation. The Township may revoke any approvals for, and require the removal of, any Solar Energy System that does not comply with this Ordinance or any other applicable regulations or ordinances.
2. All Solar Energy Systems shall require a building permit.
3. Solar Energy Systems must be located or placed so that concentrated solar glare is not directed toward or onto nearby properties or roadways at any time of the day.
4. All 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 Township Building Official prior to installation. The Building Official may inspect the completed installation to verify compliance with the manufacturer’s directions.

5. All Solar Energy Systems whether ground-mounted or building-mounted, shall be permanently and safely attached to whatever surface it is mounted to.
6. All Solar Energy Systems are to be neutral in color to minimize reflectance onto surrounding properties and streets.
7. The following items shall apply to all Solar Energy Systems; however, additional flexibility or stricter regulations may be placed upon the solar energy system dependent upon the site's location within the Township and the land uses of adjacent parcels per the discretion of the Planning Commission.
 - a. Electrical fencing is not permitted, unless also housing livestock or similar animals.
 - b. Personal-Scale Solar Energy Systems are to be screened so that any mechanical equipment used as part of the solar energy system may not be seen from other residentially zoned properties.

The perimeter of all sites containing Large-Scale Solar Energy Systems shall be screened and buffered per the direction of the Planning Commission.

- C. Additional Standards for Large-Scale Solar Energy Systems: Large-scale Solar Energy Systems where the primary use of the land is to generate electric energy or other energy by converting sunlight for the sale, delivery or consumption of the generated energy with a capacity greater than one megawatt (MW) shall require site plan review, the receipt of a Special Land Use Permit, and fulfill the following standards in addition to those established in section 6.48B.
 1. A Large-Scale Solar Energy System may only be located on one or more parcels with an aggregate area of ten (10) acres or greater. The total area of the Large-Scale Solar Energy System shall not exceed more than twenty percent (20%) of the total lot area.
 2. No Large-Scale Solar Energy System shall exceed the height of the principal structure or fourteen (14) feet in height, whichever is less. Height is to be measured from the average grade at the base of the pole to the highest edge of the system when oriented at maximum tilt.
 3. Setbacks: A minimum setback distance of one hundred (100) feet from all exterior property lines 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 two hundred and fifty (250) feet shall be from any residential structure.

4. Design and operation of all Large-Scale Solar Energy Systems must be compliant with all applicable provisions of local, state, and federal laws and regulations. All required local, state and federal permits must be obtained before the Large-Scale Solar Energy System begins operating.
5. All Large-Scale Solar Energy Systems shall be subject to the section 7.6 which delineates glare and exterior lighting standards. Lighting on sites housing a Large-Scale Solar Energy System shall be located, designed, and maintained to prevent the reflection and glare of light that would otherwise create a nuisance or safety hazard to operators of motor vehicles, pedestrians and neighboring land uses, and to promote “dark skies” in keeping with the rural character of Ida Township.
6. The Township shall have the right at any reasonable time, to provide same-day notice to the applicant to inspect the premises on which any Large-Scale Solar Energy System is located.
7. Noise: No component of any Large Solar Energy System shall emit noise exceeding sixty-five (65) dBA as measured at the exterior property boundary or the existing right-of-way line.
8. The owner or operator of a Large-Scale Solar Energy System shall maintain a current insurance policy with a bond rating acceptable to the Township to cover installation and operation. The amount of the policy shall be established as a condition of Special Land Use approval.
9. The owner or operator of a Large-Scale Solar Energy System shall provide a groundwater management plan consisting of regular sampling and analysis every three years.
10. All power transmission or other lines, wires, or conduits from a Large-Scale Solar Energy System to any building or other structure must be located underground at a depth that complies with current National Electrical Code standards, except for power switchyards or the area within a substation. If batteries are used as part of the Solar Energy System, they must be placed in a secured container or enclosure.
11. The Large-Scale Solar Energy System must be maintained in working condition at all times while in operation. The applicant or operator must inspect all drain tile at least once every three years by means of robotic camera, with the first inspection occurring before the Large-Scale Solar Energy System is in operation. The applicant or operator must submit proof of the inspection to the Township. The owner or operator must repair any damage or failure of the drain tile within sixty (60) days after discovery and submit proof of the repair to the Township. The Township is entitled, but not required, to have a representative present at each inspection or to conduct an independent inspection.

12. If the Large-Scale Solar Energy System experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the applicant or operator must notify the Township within 24 hours.

13. Screening/Security: A Large Solar Energy System shall be completely enclosed by perimeter security fencing with warning signage to restrict unauthorized access. Such fencing shall be six (6) feet in height with a one (1) foot extension arm consisting of a minimum of three strands of barbed wire placed above the fencing and slanting outward as measured from the natural grade of the fencing perimeter. Electric fencing is not permitted. The perimeter of Large Solar Energy Systems shall also be screened and buffered by a dirt berm and installed evergreen or native vegetative plantings whenever existing natural vegetation does not otherwise reasonably obscure the Large Solar Energy System from adjacent residential structures, subject to the following requirements:

- a. The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be a minimum of six (6) feet in height and shrubs two (2) feet in height. The evergreen trees shall be spaced no more than fifteen (15) feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than thirty (30) feet apart on center and shrubs shall be spaced no more than seven (7) feet apart on center. All unhealthy (sixty (60) percent dead or greater) and dead material shall be replaced by the Applicant within one (1) year, or the next appropriate planting period, whichever occurs first.
- b. All plant materials shall be installed between March 15 and November 15. If the Applicant requests a Final Certificate of Occupancy from the Township and the Applicant is unable to plant during the installation period, the Applicant will provide the Township with a letter of credit, surety or corporate guarantee for an amount equal to one and one-half (1.5) times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee.
- c. Failure to install or continuously maintain the required vegetative buffer shall constitute a violation of this Ordinance and any Special Use Permit may be subject to revocation.

14. Abandonment and Decommissioning:

- a. Prior to the issuance of the necessary special land use permit, a decommissioning plan containing the following items must be submitted.
 - i. Anticipated project life;

- ii. Estimated costs of decommissioning in current dollars;
 - iii. Method(s) of ensuring funds are to be available for the decommissioning of the project including but not limited to activities for the removal of structures, roads, fencing, foundations, etc. These funds shall be in the form of a bond, letter of credit or other form approved by the Township.
 - iv. Anticipated manner in which the project will be decommissioned, and the site restored.
- b. Any Large-scale Solar Energy System that ceases to produce energy on a continuous basis for twelve (12) months or reaches the end of its operational life will be considered abandoned. This includes a Large-Scale Solar Energy System that was never operational if construction has been halted for a period of one (1) year. It is the duty of the property owner and the operator to notify the Township and to remove all equipment and facilities and completely restore the parcel to its original condition prior to the installation of the solar facility.
- i. Upon determination of abandonment, the Zoning Administrator shall notify the operator that they must remove the Large-Scale Solar Energy System and restore the site to its condition prior to the development of the facility within six (6) months of notice by the Planning Commission or its designee. If the operator fails to comply, the landowner is then responsible for removal of the facility.
 - ii. If the facility is not removed and the land restored to its prior condition within the six (6) month time period, the Township or its designee may remove the solar facility, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover costs required to remove the solar facility and restore the site to a non-hazardous pre-development condition.
 - iii. To ensure proper decommissioning of a Large-Scale Solar Energy System upon abandonment, the applicant must post financial security in the form of a security bond, escrow payment, or irrevocable letter of credit in an amount equal to 125% of the total estimated cost of decommissioning, code enforcement, and reclamation, which cost estimate must be approved by the Township. The operator and the Township will review the amount of the financial security every two (2) years to ensure that the amount remains adequate. This financial security must be posted within fifteen (15) business days after approval of the special land use application.

D. Application Procedures and Approvals: Special Land Use and Site Plan approvals or permits under this Section shall be valid for two (2) year, and if requested by the applicant prior to that expiration date, shall automatically be extended for an additional one (1) year period.

1. Approval Required: Except where noted in this Section, it shall be unlawful to construct, erect, install, or alter any Large-Scale Solar Energy System within Ida Township unless a Special Land Use Permit has been obtained pursuant to this Ordinance.

a. Application for a Special Land Use Permit required by this Section shall be made on forms provided by Ida Township and shall be subject to the requirements of Section 3.3., Special Land Use. Each application shall be accompanied by the required fees and information as required in this Ordinance.

2. Site Plan Drawing and Supporting Materials. All applications for Large-Scale Solar Energy Systems must be accompanied by detailed site plans drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan. Site plans and supplemental application documentation shall display the following information:

a. All requirements for a site plan contained in Section 6.4 of the Ida Township Zoning Ordinance;

b. Physical features and land uses of the project area, both before and after construction of the proposed project;

c. Locations of all above and below ground drainage systems, including but not limited to farm tiles, County drains, wetlands, and road ditches.

d. Proposed setbacks from the Solar Array(s) to all existing and proposed structures within the Large-Scale Solar Energy System;

e. Plan(s) showing the location of the proposed Large-Scale Solar Energy System, underground and overhead wiring (including the depth of underground wiring), new drainage facilities (if any), access drives (including width), substations and accessory structures on-site and within 100 feet of all exterior property lines;

f. Land elevations for the Solar Array(s) to all existing and proposed structures within the Large-Scale Solar Energy System at a minimum of five (5) foot contours;

- g. Access driveways within and to the Large-Scale Solar Energy System accompanied with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Monroe County Road Commission approval and shall be planned to minimize the use of lands for that purpose;
- h. Anticipated construction schedule;
- i. Description of operations, including anticipated regular and unscheduled maintenance, types of maintenance to be performed, and decommissioning and removal procedures;
- j. A complete description of proposed technologies, including type of solar panel and system, fixed mounted versus tracking, number of panels and angles of orientation;
- k. Proof of all necessary agreements and approvals by all applicable agencies including the Monroe County Road Commission and Monroe County Drain Commission;
- l. An operations agreement setting forth the operations parameters, the name and contact information of the certified operator, the applicant's inspection protocol, emergency procedures, and general safety documentation;
- m. A copy of the applicant's power purchase agreement or other written agreement with an electric utility showing approval of an interconnection with the proposed Large-Scale Solar Energy System;
- n. Financial security that meets the requirements of this Ordinance, which is subject to the Township's review and approval;
- o. A plan for resolving complaints from the public or other property owners concerning the construction and operation of the Large-Scale Solar Energy System, which is subject to the Township's review and approval;
- p. A plan for managing any hazardous waste, which is subject to the Township's review and approval;
- q. A transportation plan for construction and operation phases, including any applicable agreements with the County Road Commission and Michigan Department of Transportation, which is subject to the Township's review and approval;

- r. An attestation that the applicant will indemnify and hold the Township harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the Solar Energy System, which is subject to the Township's review and approval;
 - s. Additional detail(s) and information as required by the Special Land Use requirements of the Ida Township Zoning Ordinance;
 - t. Additional information as required by the Planning Commission including, but not limited to planned security measures, screening, lighting, description of routes to be used by construction and delivery vehicles, etc.
3. Conditions and Modifications: Any conditions and/or changes approved by the Planning Commission shall be recorded in the Planning Commission's meeting minutes. The Planning Commission may, in addition to other reasonable conditions, require additional environmental study, walls, fences, and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts.

After approval, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Chairman of the Planning Commission and authorized representative of the applicant. One (1) copy shall be kept on file by the Township Clerk, and one (1) copy shall be returned to the applicant's authorized representative.

4. Escrow: An escrow account shall be set up when the applicant applies for a Special Land Use Permit for a Large-Scale Solar Energy System. The monetary amount filed by the applicant with the Township shall be in accordance with the fee schedule set by the Township Board. These funds are used to cover all reasonable costs and expenses associated with the Special Land Use Permit and site plan review and approval process, which costs can include, but are not limited to, fees of the Township Attorney, Township Planner, and Township Engineer, as well as any reports or studies which the Township anticipates it may have done related to the zoning review process for the particular application. At any point during the zoning review process, the Township may require that the applicant place additional monies into escrow with the Township should the existing escrow amount filed by the applicant prove insufficient. If the escrow account needs replenishing and the applicant refuses to do so within fourteen (14) days after receiving notice, the zoning review and approval process shall cease until and unless the applicant makes the required escrow deposit. Any escrow amounts which are in excess of actual costs shall be returned to the applicant.

5. **Complaints, Administration and Enforcement:** Any complaints by a resident or property owner in the Township regarding any violations of this Ordinance shall be filed with the Township Zoning Administrator or his/her designee. Any and all violations of this Ordinance are subject to the penalties set forth in Section 3.11. Method(s) of ensuring funds are to be available for the decommissioning of the project including but not limited to activities for the removal of structures, roads, fencing, foundations, etc. Funds for any and all enforcement shall be provided and in the form of a bond, letter of credit or other form approved by the Township.

Section 3. Amend Sections 4.10.2 and 4.11.2

Sections 4.10.2 and 4.11.2 of the Zoning Ordinance are amended to add the following use permitted by special land use permit in the LI and C-1 zoning districts:

- Large-Scale Solar Energy System subject to section 6.48.

Section 4. Validity and Severability.

If any portion of this Ordinance is found invalid for any reason, such holding will not affect the validity of the remaining portions of this Ordinance.

Section 5. Repealer.

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 6. Effective Date.

This Ordinance takes effect seven (7) days after publication as provided by law.