

**TOWNSHIP BOARD
EVERGREEN TOWNSHIP
MONTCALM COUNTY, MICHIGAN**

(Ordinance No. 2022-01)

At a regular meeting of the Township Board for Evergreen Township held at the Township Hall on Nov 9 2022, and commencing at 7:30 p.m., the following Ordinance was offered for adoption by Township Board Member Baker and was seconded by Township Board Member Fountain:

AN ORDINANCE TO AMEND SECTION 4 ENTITLED "SOLAR FARM DEVELOPMENT AND DESIGN;" SECTION 5 ENTITLED "EVERGREEN TOWNSHIP BOARD REVIEW AND APPROVAL;" AND SECTION 6 ENTITLED "TOWNSHIP BOARD CONDITIONS AND POSTINGS" OF EVERGREEN TOWNSHIP ORDINANCE NO. ____.

THE TOWNSHIP OF EVERGREEN (THE "TOWNSHIP") ORDAINS:

Article 1. Amendment of Section 4. Section 4 entitled "Solar Farm Development and Design" is hereby amended and reads in its entirety as follows:

Section 4. Solar Farm Requirements.

- A. Height Restrictions. Photovoltaic panels must be ground-mounted and may not exceed a height of fifteen feet when measured from the ground to the top of the panel when oriented at maximum tilt.
- B. Minimum Lot Size. Solar farms may only be located on parcels of land that are twenty acres in size or larger.
- C. Setbacks: All above-ground structures and equipment including but not limited to transformers, inverters, and photovoltaic panels must be setback a minimum of sixty feet from all parcel lines and a minimum of sixty feet from all public rights-of-way. If a solar farm is located on more than one parcel, the setbacks do not apply to the parcel lines shared by those parcels. Setback requirements do not apply to perimeter fencing and greenbelt screening.
- D. Fencing. The solar farm must be enclosed by fencing that meets the requirements of the National Electric Code, as amended. Barbed wire is prohibited in perimeter fencing. All electrical equipment and gates must be locked.
- E. Access and Inspections. Knox boxes containing keys, contact information, and solar farm schematics must be provided at all gated entrances for emergency personnel access. Any individual or entity authorized to enforce this Ordinance may, as a condition of permitting, enter the solar farm and conduct an inspection of the solar farm in order to ensure compliance with this Ordinance.

- F. Noise. The noise pressure level generated by solar panels, inverters, and transformers must be shown to dissipate to 45 dB(A) Leq (1-min) at the solar farm perimeter or any public right-of-way.
- G. Greenbelt. Greenbelt screening is required around the perimeter of the solar farm and along any public rights-of-way.
1. Greenbelt screening should obscure the solar farm to the greatest extent possible. The greenbelt must consist of shrubbery, trees, grasses, and other plant species that provide a visual screen. All greenbelt screening must be properly maintained. Existing vegetation will be maintained to the greatest extent possible.
 2. The greenbelt must consist of two staggered rows of evergreen trees that are at least six feet tall at the time of planting. Trees will be spaced in a manner that facilitates healthy growth and maximizes visual screening.
 3. The Township Board, at its sole discretion, may waive or modify the requirements of paragraph 4(G)(2) if it finds that existing vegetation or other proposed greenbelt planting fulfills the requirements of paragraph 4(G)(1).
- H. Lighting. Lighting of the solar farm must be limited to the minimum light necessary for safe operations. Illumination from any lighting must not extend beyond the perimeter of the solar farm. Light poles may not be taller than eighteen feet.
- I. Glare. The solar farm must not produce any glare that interferes with the use of neighboring parcels, private roads, and public rights-of-way.
- J. Lines and Cables. All collection lines, wires, conduits, and cables within the solar farm must be located underground. Distribution, transmission, and gen-tie lines within the solar farm may only be located above-ground when required by a state or federal agency having jurisdiction. All electrical lines, wires, conduits, and cables will comply with applicable regulations and industry best practices.
- K. Batteries. All batteries must be maintained and stored in accordance with applicable regulations and industry best practices
- L. Permits. Solar farms must obtain and operate in accordance with all necessary federal, state, county, and Township permits and approvals.
- M. Planting Requirements. The solar farm must be designed, planted, and maintained to achieve an overall score of at least 76 on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites, as amended. Any plantable portion of the solar farm not included in pollinator plantings must be maintained in accordance with United States

Department of Agriculture - Natural Resource Conservation Service Conservation Cover Standard 327, as amended.

- N. Drain Tile. All existing drain tile must be properly maintained in working order.
- O. Emergency Notification. If the solar farm experiences a fire; leakage of hazardous materials; personal injury resulting in loss of life, limb, or eyesight; or other extraordinary or catastrophic event, the permit holder must notify the Township no later than the second business day following the event.

Article 2. Amendment of Section 5. Section 5 entitled "Evergreen Township Board Review and Approval" is hereby amended and reads in its entirety as follows:

Section 5. Township Board Review and Approval.

- A. No solar farm may be installed, used, or maintained unless and until approved by the Township Board and issued a Township Permit by the Township Clerk following approval by the Township Board.
- B. The Township Board may not approve a solar farm Township permit unless it finds that all the standards set forth in this Ordinance are met.
- C. All applications for a Township permit must be filed with the Township Clerk utilizing and complying with the Township application, forms, and processes, as adopted from time to time by resolution of the Township Board. Only complete applications will be accepted.
- D. As part of the application process, the applicant may be required to provide any information reasonably deemed by the Township to be required for the consideration of Township approval.
- E. The following are required as part of any application:
 - 1. The application fee in an amount set from time to time by resolution of the Township Board.
 - 2. The name, address, and phone number of the applicant, any authorized representatives of the applicant, the proposed operator if known, and the real property owners of the parcels being utilized as a part of the solar farm.
 - 3. Project description identifying the planned capacity in megawatts; construction sequence and timeline; development phases if any; rated useful life of solar panels, transformers, and inverters; and possible future expansions.
 - 4. An affidavit or evidence of an agreement establishing that the applicant has the permission of the property owner to apply for the necessary permits for the construction and operation of the solar farm.

5. Scaled renderings depicting the three typical views of the solar farm, including one view from the public right-of-way.
6. Site plan showing the size and location of all proposed structures and equipment including but not limited to transformers by type, inverters by type, and photovoltaic panels by type; required setbacks; parcel lines; signage; fences; greenbelts, vegetation, and screening; drainage systems; easements; rights-of-way; roads; floodplains; bodies of water; lighting; proposed access routes; distribution, transmission, gen-tie, and collection lines; and land elevations. The site plan must be drawn to scale and must indicate how the solar farm will be connected to substations.
7. Noise impact study and noise level map.
8. Glare study and glare map.
9. Lighting design and map.
10. Electromagnetic and communications interference study and mitigation plan.
11. Study showing estimated temporary and permanent job creation and tax impact associated with the solar farm.
12. Environmental and ecological impact studies detailing the effect the construction and operation of the solar farm will have on the parcels comprising the solar farm as well as the surrounding area and a plan for mitigating the negative environmental and ecological impact the construction and operation of the solar farm will have on parcels comprising the solar farm as well as the surrounding area. The impact study and mitigation plan must address water resources, air quality, wildlife, floodplains, wetlands, unique farmlands or soils, erosion and sediment control, areas of aesthetic or historic importance, archeological or cultural concerns, neighboring properties, utilities and infrastructure, noise, glare, light, waste disposal, and any other relevant factors.
13. Proof of environmental compliance, including compliance with Part 31 - Water Resources Protection, of the Natural Resources and Environmental Protection Act, Part 91- Soil Erosion and Sedimentation Control, Part 301 - Inland Lakes and Streams, Part 303 - Wetlands, Part 365 - Endangered Species Protection, and any other applicable laws and rules in force at the time the application is considered by the Township Board.
14. Access plan for construction and operation phases. The plan must show the proposed project service road ingress and egress access onto primary and secondary routes and the layout of the solar farm service road system. Due to infrequent access to the solar farm after its completion, paving or curbing the solar farm access drives is not required. However, driveways and parking lots used for occupied offices located on-site must be paved.

15. Describe the decommissioning and final land reclamation plan following the anticipated useful life, abandonment, or termination of the project. The plan must include evidence of an agreement with the property owner ensuring proper and environmentally safe final removal of power-generating equipment within one year of decommissioning. At a minimum, the decommissioning plan must address the required provisions for removal of all structures (including equipment, fences, and roads), foundations, and the restoration of soil and vegetation to the condition prior to development.

Article 3. Amendment of Section 6. Section 6 entitled "Township Board Conditions and Postings" is hereby amended as follows:

- Paragraph 6(F) is added and reads in its entirety as follows:

F. Stormwater review and controls. Prior to issuance of a permit, a developer shall submit to the Township a stormwater plan as set forth herein which plan contains a description of an adequate, temporary stormwater detention/retention system to prevent construction site stormwater runoff, satisfying the requirements of state law. The developer shall install stormwater runoff facilities so as to prevent construction site stormwater runoff and off-site sedimentation. All stormwater runoff facilities shall be designed in accordance with the then-current BMPs. Without limiting the foregoing, the stormwater plan shall also include: the location of the property and water bodies that will receive stormwater runoff; the existing and proposed topography of the development site, including the alignment and boundary of the natural drainage courses; calculations for the final peak discharge rates and any facility or structure size and configuration; a drawing showing all proposed stormwater runoff facilities with existing and final grades; and, any other information reasonably necessary for the Township to verify that the drainage plan complies with BMPs in terms of design and performance standards for drains and stormwater management systems.

[The remainder of Section 6 is substantively unchanged.]

Article 4. Conflict.

- A. Nothing in this Ordinance will be construed in such a manner so as to conflict with existing Township ordinances except as otherwise stated herein.
- B. Nothing in the Ordinance shall be construed in such a manner so as to conflict with federal law, or any law of the State of Michigan.

Article 5. Repealer.

Any other ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Article 6. Savings Clause.

The provisions of this Ordinance are severable. If any part of this Ordinance is declared void or inoperable for any reason by a court of competent jurisdiction, such declaration does not void any or render inoperable any other part or portion of this Ordinance.

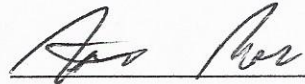
Section 7. Effective Date.

This Ordinance is effective upon the expiration of the 30th day following its publication in the manner required by law.

The vote regarding the adoption of this Ordinance was as follows:

YEAS: ^{AR} ^{KG} Ross, Greenhoe, Fountain Baker
NAYS: Ø
ABSENT/ABSTAIN: Heintzelman

ORDINANCE DECLARED ADOPTED.



Township Supervisor


Township Clerk

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance adopted by the Evergreen Township Board at the date, time, and place specified above pursuant to the required statutory procedures.

Respectfully submitted


Township Clerk

Adopted: November 9, 2022
Published: November 25, 2022
Effective: December 25, 2022