



**Carlisle | Wortman**  
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

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**TO:** Augusta Township Planning Commission  
**FROM:** Laura K. Kreps, AICP, Township Planner  
**DATE:** March 7, 2022  
**RE:** Planning Commission Agenda Packet for March 16, 2022, Regular Meeting

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Please find a summary of the business items on this month's Planning Commission agenda below. ***Hard copies of this material will NOT be provided via UPS. IF YOU ARE NOT ABLE TO ATTEND THE MEETING,*** please let myself and/or Allan and Kim at the Township know as far in advance as possible. We cannot conduct the meeting without a quorum (4 members).

- a. **SLU 21-02 KB Landscaping – Special Land Use – 11757 Whittaker Road (T-20-22-300-010).** The Planning Commission held a public hearing on the special land use request on January 19, 2022. At the meeting the Planning Commission denied the special land use request. However, did not document the findings of the denial in the motion. The attached Resolution of Denial outlines the special land use standards and findings associated with the Planning Commission's denial of the KB Landscaping Special Land Use request.
- b. **Large Scale Solar Ordinance Text Amendment Discussion.** The Township Board has requested the Planning Commission evaluate Section 6.25, Large-Scale Solar Energy of the Zoning Ordinance for modifications that would comply more closely with the Master Plan.
- c. **Master Plan Update** – The Open House Vision Session for the Master Plan will be held May 12 from 5-7PM. Please mark your calendars to attend.

As always, please feel free to contact me directly with any questions prior to the meeting.



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**CARLISLE/WORTMAN ASSOC., INC.**

**Laura K. Kreps, AICP**  
**Senior Associate**

cc: Township Supervisor  
Township Clerk  
OHM, Township Engineer

**AGENDA**  
**Augusta Charter Township**  
**Regular Planning Commission Meeting**

Township Hall  
March 16, 2022  
6:30 PM

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call and Recognition of Visitors** –Yurk, Buxton, Woolf, Hall, Spence, Hurd, Rawlins
4. **Approval of Agenda**
5. **Approval of Minutes**
  - a. Planning Commission Meeting Minutes from February 16, 2022 Regular Meeting
6. **Public Hearings**
  - a. None.
7. **Business Items**
  - a. **SLU 21-04, KB Nursery & Landscape Supplies, 11757 Whittaker (T-20-22-300-010), Special Land Use** – Nursery / Landscape Contractor Yard. Resolution of Denial.
  - b. **Large Scale Solar Ordinance Text Amendment Discussion.**
  - c. **Master Plan Update**
8. **Public Comment**
9. **Communications**
10. **Adjournment**

**Draft**  
**Meeting Minutes**  
**Augusta Charter Township**  
**Regular Planning Commission Meeting**  
**Township Hall**  
Wednesday, February 16, 2022  
6:30 PM

**1. Call to Order**

The meeting was called to order by Chair Yurk at 6:30 PM.

**2. Pledge of Allegiance**

Chair Yurk led Pledge.

**3. Roll Call and Recognition of Visitors.**

In Attendance: Robert Yurk, David Hall, Shelly Hurd, Linda Spence, Dan Woolf, Paul Rawlins, Janet Buxton. Also attending were Planner Laura Kreps, Engineering Consultant Nicholas Bayley and Counsel Victor Lillich, representatives of Ranger Power, and members of the public.

**4. Approval of Agenda**

Spence made the motion to approve the Agenda, support by Hurd. Motion carried unanimously.

**5. Approval of Minutes**

Hurd made the motion to approve minutes from January 19, 2022. Planning Commission Meeting, support by Buxton. Motion carried unanimously. During discussion related to approval of minutes for the January 19, 2022 meeting, the Township attorney spoke and suggested that the Planning Commission reconsider its decision to deny application for SUP filed by KB Landscape and decided upon during the January 19, 2022 meeting to assure that the record properly reflects the reasons for its decision. The Planning Commission agreed to reconsider its decision at the March meeting.

**6. Public Hearings**

**a. None**

**7. Business Items**

- a. Closed Session** – Receipt of written attorney-client privilege communication from township attorney which is exempt from disclosure under Section 13(1)(g) of the Freedom of Information Act.

Chair Yurk made the motion to go into closed session 2<sup>nd</sup> by Hall. Motion carried unanimously.

Closed session began: 6:37PM

Motion made by Spence to close the closed session and re-open the public meeting and 2nd by Buxton. Motion carried unanimously.

Closed session ended: 7:33 PM

- b. SLU 21-01, Railsplitter #2, Special Land Use**, Large-Scale Solar Facility, north of Arkona, south of Talladay, east of Sanford, west of Gooding. T-20-19-400-001; T-20-19-400-002; 5655 Willow Road (T-20-30-100-002); 5760 Willow Road (T-20-30-100-003); T-20-30-100-004; 12439 McCrone Road (T-20-30-100-005); T-20-30-200-004; T-20-30-200-008; T-20-30-200-012; T-20-30-400-006; T-20-19-300-003; T-20-30-200-009; 12182 McCrone Road (T-20-30-200-010).

Mr. Drew Vielbig representing Ranger Power gave an overview of the project. Mr. Timothy Stoepker representing Ranger Power made statements to confirm that the tie vote of the Planning Commission during the January 19, 2022 meeting resulted in no action by the Planning Commission. He also gave a chronological recap of the petition and argument why the application for SUP should be granted.

Legal counsel Mr. Victor Lillich provided a short rebuttal and commented on statements made by Mr. Stoepker.

Members of the Planning Commission had questions answered by Ranger Power.

Motion to Deny Railsplitter #2 – Large Scale Solar Energy System SLU-21-01 was made by Spence with support from Rawlins.

Chair Yurk read the Findings of Required Standards and Resolution of Denial Railsplitter #2 – Large-Scale Solar Energy System SLU 21-01 (attached).

Roll call: Ayes; Hall, Hurd, Buxton, Spence, Rawlins. Nays: Yurk, Woolf. Ayes: 5, Nays: 2, Motion Passed 5:2.

- c. SP 21-03, Railsplitter #2, Preliminary Site Plan** – Large-Scale Solar Facility.

It was determined that the commission could not review the Preliminary Site Plan as a Special Land Use permit is required.

**d. Master Plan Update** – The Subcommittee has met a couple of times and there have been 143 respondents to the survey. There will be an Input session that will be held in May with an Open House style format. More information will be posted on Facebook, School website and via e-mail.

## 8. Public Comment

Matthew Spence (McCrone Road), Randy Heft (Willow Road), and Harold Fair (McCrone Road) all thanked the Commission for denying the Special Land Use for Large Scale Solar Project.

**9. Communications**

Trustee Hall informed the Planning Commission that the BOT is working on a lighting project that will put street lights along a section of Willis Road around Lincoln Schools.

**10. Adjournment**

Spence motioned to adjourn the meeting and Hall supported. Motion carried unanimously. Meeting was closed at 8:35 PM.

**FINDINGS OF REQUIRED STANDARDS  
AND RESOLUTION OF DENIAL  
RAILSPLITTER #2 – LARGE-SCALE SOLAR ENERGY SYSTEM  
SLU 21-01  
February 16, 2022**

**WHEREAS** an application for a Special Land Use Permit for large scale solar facility on the premises located north of Arkona Road, east of Sanford Road, south of Talladay Road and west of Hitchingham Road encompassing approximately 493 acres or 13 properties (T-20-19-400-001; T-20-19-400-002; 5655 Willow Road (T-20-30-100-002); 5760 Willow Road (T-20-30-100-003); T-20-30-100-004; 12439 McCrone Road (T-20-30-100-005); T-20-30-200-004; T-20-30-200-008; T-20-30-200-012; T-20-30-400-006; T-20-19-300-003; T-20-30-200-009; 12182 McCrone Road (T-20-30-200-010)). in Sections 19 and 20, Augusta Charter Township, Washtenaw County, Michigan; and

**WHEREAS** in accordance with Article 14.12 of the Township Zoning Ordinance, the Augusta Township Planning Commission held a public hearing on this matter on September 15, 2021, and public comments were received and considered; and

**WHEREAS** the applicant submitted a revised special land use application and supplemental materials for Planning Commission review dated August 23, 2021; and

**WHEREAS** PC members have carefully considered the presentations of Ranger Power and the comments and concerns from members of the public and have generally struggled with the proposed project since it was first presented at a different location in the Township and then moved to its current location because of opposition by the many more residents who would be affected by the project; and

**WHEREAS** the current proposed project is in a better location, and a consensus of current members of this PC have worked with Ranger Power in an attempt to fit the proposed project into the area consistent with the stated purposes of an Agricultural Residential district in the Zoning Ordinance and the stated goals and objectives in the current Master Plan; and

**WHEREAS** in February 2020, an amendment to the Zoning Ordinance was adopted by the Township Board that allowed for large scale solar projects to be considered and potentially approved as a special use in zoned Agricultural Residential districts when such uses were only permitted in zoned industrial districts prior to the 2020 zoning amendment; and

**WHEREAS** upon reviewing the Township Master Plan and Zoning Ordinance for uses permitted in a zoned Agricultural Residential district in the context of the proposed project, this PC considers that the 2020 amendment that permits large scale solar projects to be considered as a special use in zoning Agricultural Residential districts was not based upon the goals and objectives stated in the Township Master Plan as required by law; and

**WHEREAS** this PC reviewed the Special Land Use Permit application for and the proposed large scale solar project as it is required to do in accordance with the requirements of Article 4.4 of the Township Zoning Ordinance, and now finds the following:

- A. Will be harmonious and in accordance with the general objectives or any specific objectives of the Augusta Charter Township Master Plan.**

The Master Plan sets forth the primary goal for rural areas in the Township as the preservation of "...the rural character of Augusta Township through the management of growth and

preservation of natural resources and active farming.” And one of the primary objectives is to “Protect and encourage active farming in Augusta Township.” Several of the members have serious concerns that this primary objective is not satisfied by the introduction of a large scale commercial solar project on 355 acres of prime agricultural land. However, the zoning ordinance, as amended in February of 2020, allows a large scale commercial solar use on land zoned Agriculture Residential in the Township and this Commission is bound by terms in the zoning ordinance for review of the solar use. This PC has been unable to reconcile the goals and objectives outlined in the Master Plan with the proposed large scale solar energy project. Specifically, the following goals and objectives:

- Preserve the rural character of Augusta Charter Township through management of growth and preservation of natural resources and active farming. To the extent that the project can be seen by passersby on the roads and by residents on the perimeter of the project, the rural character of the area is not preserved. Nor does the use preserve and promote active farming or preserve natural resources.
- Protect the integrity of the existing and future residential areas. To the extent that the project can be seen by passersby on the roads and by the existing and future potential residents in the area, the integrity of existing and future residential uses will likely be compromised.
- Protect and encourage active farming in Augusta Charter Township. The proposed use does not protect or encourage active farming. It diminishes active farming in the Township.
- Promote limited development of commercial / industrial uses in appropriate locations of the Township. Utilization of 493 acres of farmland for a commercial/industrial solar use does not limit such uses to an appropriate location in the Township.

*The Planning Commission determines that the proposed large scale solar facility cannot be approved and developed in a manner that is generally harmonious with the Master Plan.*

**B. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.**

Members of this Commission have observed that the intended character of the general vicinity as provided for in the Master Plan and Zoning Ordinance is rural farming in nature with scattered low density rural residential uses. To the extent that a commercial solar use is visible, this Commission believes that the use will likely change the essential character of the area and will not be harmonious and appropriate in appearance with the general vicinity.

*The Planning Commission determines that the proposed large scale solar facility as proposed in the preliminary site plan would not be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will change the essential character of the area.*

**C. Will not be hazardous or disturbing to existing or future nearby uses.**

*The Planning Commission determines the large solar facility will be hazardous or disturbing to existing or future nearby uses based on the scale and visibility of the project to immediate and nearby residents and uses.*

**D. Will be an improvement in relation to property in the immediate vicinity and to the Township as a whole.**

*The Planning Commission determines the large solar facility is not an improvement in relation to the property in the immediate vicinity and to the Township as a whole based on inconsistencies noted in the goals and objectives outlined in the Master Plan.*

**E. Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately for any such service or facility.**

*No water or sewer facilities are required or proposed due to the nature of the project. If permitted, the developer has agreed in the proposal to work with the local emergency service providers for any additional training necessary to serve the proposed facility at the developer's cost.*

*The Planning Commission determines the large solar facility if permitted would be served adequately by essential public services.*

**F. Will not create excessive additional public costs and will not be detrimental to the economic welfare of the Township.**

*The Planning Commission determines the large solar facility if approved would not create excessive additional public costs. However, the full effect of economic impacts and welfare of the Township is unclear to this PC and without such clarity it is difficult for this PC to determine whether the project might create any additional public cost due to loss of tax revenues or for other reasons because of any other cost to the Township caused by the project development and maintenance over a 20 year period.*

**G. Will be consistent with the intent, purposes, and specifications of this Ordinance.**

*Ranger Power and the project as proposed generally meets the specifications for a large-scale solar project as outlined in the Ordinance. However, this PC believes that the proposed use is generally not consistent with the intent, purpose and objectives of other uses allowed in a zoned Agricultural Residential zoning district. To the extent that the Ordinance was amended in 2020 to list large scale solar projects as a special use in zoning Agricultural Residential districts, this PC believes that the amendment was not well thought out because it was not made or guided by the Master Plan policies and goals.*

**NOW THEREFORE BE IT RESOLVED**, that the Augusta Charter Township Planning Commission hereby DENIES SLU 21-01 Railsplitter #2 based on the findings stated above. This PC also considers that the proposed use might be approved if it was proposed, constructed and



maintained in a manner which removes it from sight from passersby on perimeter roads and adjacent properties with existing and potential future residential uses.

**ROLL CALL VOTE:**

AYES: 5  
NAYES: 2  
ABSENT: 0  
ABSTAIN: 0

**RESOLUTION DECLARED ADOPTED**

  
\_\_\_\_\_  
Robert Yurk, Chairperson  
Augusta Charter Township Planning Commission

Dated: Feb 16, 2022

**CERTIFICATE**

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Planning Commission of Augusta Charter Township, County of Washtenaw, State of Michigan at a regular meeting held on the 16 day of February 2022, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the open meetings act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Dated: 2/16/2022

  
\_\_\_\_\_  
Secretary Planning Commission  
Augusta Charter Township



**Carlisle | Wortman**  
ASSOCIATES, INC.

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**MEMORANDUM**

**TO:** Augusta Charter Township Planning Commission  
**FROM:** Laura Kreps, AICP, Township Planner  
**DATE:** March 7, 2022  
**RE:** Solar Ordinance Text Amendment Discussion

On January 25, 2022, the Township Board requested the Planning Commission consider revising the Zoning Ordinance related to Section 6.25, Large Solar Energy Systems to comply more closely with the with the Master Plan. This request was made in the form a motion and recorded in the Township Board January 25, 2022, meeting minutes.

Currently, the ordinance allows commercial solar facilities as a special land use in the Agricultural Residential, General Industrial and Limited Industrial zoning districts

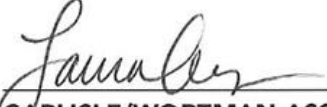
A text amendment can be initiated in one of three ways:

1. The Township Board requests the Planning Commission undertake an ordinance amendment;
2. The Planning Commission under their own authority initiates an ordinance amendment; or
3. An applicant requests an ordinance amendment through the application process.

No modifications to the existing ordinance have been drafted at this time. This discussion will be for feedback with regard to whether the Planning Commission is interested in initiating an amendment for consideration at this time.

For your convenience, the current Solar Ordinance is found in Section 6.25 of the Zoning Ordinance and is attached to this communication.

Please feel free to contact me with any questions on these materials.

  
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**CARLISLE/WORTMAN ASSOC., INC.**  
**Laura K. Kreps, AICP**  
**Senior Associate**

- b. Six (6) months after new technology is available at reasonable cost as determined by the Township, which permits the operation of the communication system without the requirement of the support structure.
3. The situation in which removal of a facility is required may be applied and limited to portions of a facility.
4. Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Zoning Administrator.
4. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the facility.

**6.25 Large Solar Energy Systems.** The following requirements shall apply to all Large Solar Energy Systems.

- A. Purpose and Intent: The purpose and intent of this Section is to establish standards for the siting, installation, operation, repair, decommissioning and removal of Large Solar Energy Systems within the Agricultural Residential, Light Industrial and General Industrial Districts as a Special Land Use.
- B. Site Plan Drawing and Supporting Materials: All applications for a Large Solar Energy Systems use must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information:
  1. All requirements for a site plan contained in Article 11 of the Augusta Charter Township Zoning Ordinance.
  2. All lot lines and dimensions, including a legal description of each lot or parcel comprising the Large Solar Energy System.
  3. Names of owners of each lot or parcel within Augusta Charter Township that is proposed to be within the Large Solar Energy

System.

4. Vicinity map showing the location of all surrounding land uses.
5. Location and height of all proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with a Large Solar Energy System.
6. Horizontal and vertical (elevation) to scale drawings with dimensions that show the location of the proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above ground structures and utilities on the property.
7. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Large Solar Energy System and within 100 feet of all exterior property lines of the Large Solar Energy System.
8. Proposed setbacks from the Solar Array(s) to all existing and proposed structures within the Large Solar Energy System.
9. Land elevations for the Solar Array(s) location and the relationship to the land elevations of all existing and proposed structures within the Large Solar Energy System at a minimum of 5' contours.
10. Access driveways within and to the Large Solar Energy System, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Washtenaw County Road Commission approval, and shall be planned so as to minimize the use of lands for that purpose.
11. Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance or repair of the Large Solar Energy System.
12. A written description of the maintenance program to be used for the Solar Array and other components of the Large Solar Energy System, including decommissioning and removal. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Large Solar Energy System is decommissioned.
13. Planned lightening protection measures.

14. Additional detail(s) and information as required by the Special Land Use requirements of the Augusta Charter Township Zoning Ordinance, or as required by the Planning Commission.
- C. Application Escrow Account: An escrow account shall be deposited with the Township by the Applicant when the Applicant applies for a Special Land Use Permit for a Large Solar Energy System. The monetary amount deposited by the Applicant in escrow with the Township shall be the amount estimated by the Township, to cover all reasonable costs and expenses associated with the Special Land Use Permit review and approval process, which costs shall include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that are reasonably related to the zoning review process for the application. The Applicant shall have thirty (30) days to refuse or approve of the amount estimated by the Township. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the Special Land Use Permit review process, the Township may require that the Applicant place additional funds into escrow with the Township if the existing escrow amount deposited by the Applicant is deemed insufficient by the Township. If the escrow account needs replenishing and the Applicant refuses to do so within thirty (30) days, the Special Land Use Permit process shall cease unless and until the Applicant makes the required additional escrow deposit. Any applicable zoning escrow Resolutions or other Ordinances adopted by the Township must also be complied with by the Applicant. The Township shall provide a summary of all account activity to the Applicant within a timely manner upon request. Any funds remaining within the escrow after approval of the Special Land Use Permit shall be returned in a timely manner to the Applicant.
- D. Compliance with the County Building Code and the National Electric Safety Code: Construction of a Large Solar Energy System shall comply with the National Electric Safety Code and the County Building Code (as shown by approval by the County) as a condition of any Special Land Use Permit under this section. In the event of a conflict between the County Building Code and National Electric Safety Code (NESC), the NESC shall prevail.
- E. Certified Solar Array Components: Components of a Solar Array shall be approved by the Institute of Electrical and Electronics Engineers (“IEEE”), Solar Rating and Certification Corporation (“SRCC”), Electronic Testing Laboratories (“EIL”), or other similar certification organization if the similar certification organization is approved by the Township, which approval shall not be unreasonably withheld.
- F. Height: Maximum height of a Solar Array, other collection device, components or buildings of the Large Solar Energy System, excluding

substation and electrical transmission equipment, shall not exceed fifteen (15) feet (as measured from the natural grade at the base of improvements) at any time or location on the property. Substation and electrical transmission equipment shall not exceed one hundred (100) feet.

- G. Lot Size: A Large Solar Energy System shall be located on one or more parcels with an aggregate area of ten (10) acres or greater.
- H. Setbacks: A minimum setback distance of fifty (50) 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 seventy-five (75) feet shall be required adjacent to any residential structure.
- I. Lot Coverage: A Large Solar Energy System is exempt from maximum lot coverage limitations.
- J. Screening/Security: A Large Solar Energy System shall be completely enclosed by perimeter security fencing 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 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:
1. The Large Solar Energy Systems shall be exempt from the landscape requirements of Article 5.7.
  2. The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be a minimum of four (4) 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.
  3. 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.

4. 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.
- K. Signage: No advertising or non-project related graphics shall be on any part of the Solar Arrays or other components of the Large Solar Energy System. This exclusion does not apply to entrance gate signage or notifications containing points of contact or any and all other information that may be required by authorities having jurisdiction for electrical operations and the safety and welfare of the public.
- L. 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 ROW line.
- M. Lighting: All lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect driver visibility on adjacent public roads in accordance with Section 9.13.
- N. Distribution, Transmission and Interconnection: All collection lines and interconnections from the Solar Array(s) to any electrical substations shall be located and maintained underground inside the Large Solar Energy System, except in areas where technical or physical constraints make it preferable to install equipment above ground. This requirement excludes transmission equipment meant to connect the project substation to the local transmission system.
- O. Abandonment and Decommissioning: Following the operational life of the project, the Applicant shall perform decommissioning and removal of the Large Solar Energy System and all its components. The Applicant shall prepare a Decommissioning Plan and submit it to the Planning Commission for review and approval prior to issuance of the Special Land User Permit. Under this plan, all structures, concrete, piping, facilities, and other project related materials above grade and any structures up to three (3) feet below-grade shall be removed offsite for disposal. Any Solar Array or combination of Photovoltaic Devices that is not operated for a continuous period of twelve (12) months shall be considered abandoned

and shall be removed under the Decommissioning Plan. The ground must be restored to its original topography within three hundred sixty-five (365) days of abandonment or decommissioning.

- P. General Standards: The Planning Commission shall not approve any Large Solar Energy System Special Land Use Permit unless it finds that all of the general standards for Special Land Uses contained in Article 4 of this Ordinance are met.
- Q. Approval Time Limit and Extension: Special Use and Site Plan approvals or permits under this Section shall be valid for one year but, if requested by the Applicant prior to that expiration date, shall automatically be extended for an additional one year period.
- R. Conditions and Modifications: Any conditions and modifications approved by the Planning Commission shall be recorded in the Planning Commissions' meeting minutes. The Planning Commission may, in addition to other reasonable conditions, require landscaping, walls, fences and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts.

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 copy shall be kept on file by the Township Clerk, and one copy shall be returned to the Applicant's authorized representative.

- S. Inspection: 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 Solar Energy System is located. The Township may hire one or more consultants, with approval from the Applicant (which shall not be unreasonably withheld), to assist with inspections at the Applicant's or project owner's expense. Inspections must be coordinated with, and escorted by, the Applicant's operations staff at the Large Solar Energy Facility to ensure compliance with the Occupational Safety and Health Administration (OSHA), NESC and all other applicable safety guidelines.
- T. Maintenance and Repair: Each Large Solar Energy System must be kept and maintained in good repair and condition at all times. If the Township Zoning Administrator determines that a Large Solar Energy System fails to meet the requirements of this Ordinance and the Special Land Use Permit, or that it poses a safety hazard, the Zoning Administrator, or his or her designee, shall provide notice to the Applicant of the safety hazard. If, after a reasonable cure period (not to exceed 7 days), the safety hazards are not corrected, the Applicant is entitled to a hearing before the Township Board. If the Township Board determines that the safety hazard requires that the Large Solar Energy System must be shut down, Applicant shall immediately shut down the Large Solar Energy System and not operate,



start or restart the Large Solar Energy System until the issues have been resolved. Applicant shall keep a maintenance log on the Solar Array(s), which shall be available for the Township's review within 48 hours of such request. Applicant shall keep all sites within the Large Solar Energy System neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.

- U. Roads: Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of a Large Solar Energy System shall be repaired at the Applicant's expense. In addition, the Applicant shall submit to the appropriate County agency a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries. The Applicant shall abide by all County requirements regarding the use and/or repair of County roads.
  
- V. Continuing Security: If any Large Solar Energy System is approved for construction under this Section, Applicant shall post decommissioning security prior to the start of construction (in a mutually agreed upon form) for an amount necessary to accomplish the work specified in the decommissioning plan as agreed upon by the Township and Applicant. The amount shall be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the Large Solar Energy System. Such financial security shall be kept in full force and effect during the entire time that the Large Solar Energy System exists or is in place, and such financial security shall be irrevocable and non-cancelable.
  - 1. Continuing Obligations: Failure to keep any required financial security in full force and effect at all times while a Large Solar Energy System exists or is in place shall constitute a material and significant violation of the Special Land Use Permit and this Ordinance, and will subject the Large Solar Energy System Applicant, owner and operator to all remedies available to the Township, including any enforcement action, civil action, request for injunctive relief, and revocation of the Special Land Use Permit.
  
- W. Other Requirements: Each Large Solar Energy System shall also comply with all applicable federal, state and county requirements, in addition to other applicable Township Ordinances.