



Carlisle | Wortman
ASSOCIATES, INC.

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TO: Augusta Township Planning Commission
FROM: Laura K. Kreps, AICP, Township Planner
DATE: August 11, 2022
RE: Planning Commission Agenda Packet for August 17, 2022, Regular Meeting

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. A separate email regarding the closed session will be sent. This email is CONFIDENTIAL and should not be shared. 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).

*****NEW LOCATION – LINCOLN SENIOR CENTER – 8970 WHITTAKER (west entrance of Brick Elementary)**

- a. **CLOSED SESSION** – A closed session will be conducted as the first item of business.
- 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. Modifications are noted in the provided ordinance draft. Additional modifications were made as noted from the last Planning Commission meeting. I have provided the latest version with Township Attorney comments for discussion.
- c. **Master Plan Update** – The steering committee has received the first draft of the document. We are currently modifying based on their comments. The last steering committee meeting is scheduled in September. The full draft will be provided to the Planning Commission in October.

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


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

AGENDA
Augusta Charter Township
Regular Planning Commission Meeting

NEW LOCATION

Lincoln Senior Center
8970 Whittaker Road
(West entrance of Brick Elementary)
Ypsilanti, MI 48197
August 17, 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 June 15, 2022 Regular Meeting
6. **Public Hearings**
 - a. None.
7. **Business Items**
 - a. **Closed Session** – Consultation with the township attorney regarding trial or settlement strategy in connection with pending litigation which is exempt from disclosure under Section 13(1)(g) of the Freedom of Information Act.
Move that the PC meet in closed session with the Township Attorney, Planner, and Engineer under Section 8(h) of the Open Meetings Act, to consult regarding trial or settlement strategy in connection with pending litigation.
 - 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
New Location - Lincoln Senior Center
8970 Whittaker Road
Ypsilanti, MI 48197
Wednesday, June 15 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, Linda Spence, Dan Woolf, Janet Buxton(Arrived 6:33) and Paul Rawlins(Arrived 6:32). Absent: Shelly Hurd. Also attending were Planner Laura Kreps, members of the public, a representative for Bellemeade, representatives of Ranger Power and DTE.

4. Approval of Agenda

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

5. Approval of Minutes

Woolf made the motion to approve minutes from May 18, 2022 Planning Commission Meeting, support by Spence. Motion carried unanimously.

6. Public Hearings

a. None

7. Business Items

a. Bellemeade Minor Site Plan Amendment

Ms. Vivienne Outlaw representing Bellemeade spoke explaining the reason they were requesting the removal of specific sidewalks. Hall motioned to approve with support from Buxton. Motion carried unanimously.

b. Large Scale Solar Ordinance Text Amendment Discussion

The commissioners reviewed and discussed some changes that could improve ordinance 6.25 Large Solar Energy Systems. Discussions will continue with further input from counsel.

c. Master Plan Update

The Subcommittee is scheduled to meet July 14. Once the draft is complete a public hearing will be scheduled.

8. Public Comment

None

9. Communications

Chair Yurk noted communication from Mr. Trevino (attached)

Trustee Hall reported that litigation with Ranger Power is ongoing.

10. Adjournment

Hall motioned to adjourn the meeting Spence supported. Motion carried unanimously. Meeting was closed at 7:06 PM.

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

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- 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 and existing 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.

~~13.14.~~ A weed control and mosquito control plan shall be provided. No chemicals shall be used for weed or mosquito control that might have a detrimental impact on groundwater.

~~14.15.~~ 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 additional consultants to assist Township review of the project and any additional 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

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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~~State Construction Code and the National Electric Safety Code: Construction of a Large Solar Energy System shall comply with all requirements of the National Electric Safety Code and the County-State Building-Construction Code (as shown by issuance of a final approval and certificate of occupancy by the County Construction Code Official) as a condition of any Special Land Use Permit under this section. In the event of a conflict between the County BuildingState Construction 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 Planning Commission, 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 (at full-tilt) (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 in height.
- 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 ~~forty (40)~~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 seventy-five (75) feet shall be required adjacent to any residential structure. Additionally, a minimum setback distance of one hundred fifty (150) feet shall be provided from solar arrays, equipment, and fencing from all participating residential property lines. A five hundred (500)-foot setback with landscape screening sufficient to shield the use from view as approved by the Planning~~

Commission is a—required where non-participating residential property adjoins the proposed solar use.

- 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. The Planning Commission may consider an alternative fence-type as part of the special land use approval. 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.

4-2. No landscaping shall be placed within fifty (50) feet of any right-of-way.

2-3. Landscape screening shall be installed to obscure the Large Solar Energy System from view by adjacent uses and from passersby. The evergreen ~~or native~~ and shrub vegetative buffer shall either be composed of ~~native or one (1) row of~~ evergreen trees and two (2) ~~offset rows of shrubs~~ that at planting shall be a minimum of ~~four (4) feet~~ six (6) feet in height (evergreen trees) and shrubs two (2) feet in height. Or two (2) rows of evergreen trees, with ~~One~~ one (1) row having a minimum height of 4 feet and the other a minimum height of 6 feet. 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. The vegetative buffer shall be continuously maintained and the applicant shall replace all ~~A#~~ 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. The applicant may plant a different species than originally planted upon approval from the Planning Commission and if the originally planted species does not thrive in this location.

3. All plant materials shall be installed between March 15 and

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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~~ shall provide the Township with a letter of credit, cash, surety or corporate guarantee as approved by the Township 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, subject to retention of 10% of the security to assure success of the planted materials for an additional year.

4. Failure to install or continuously maintain the required vegetative buffer shall constitute a violation of this Ordinance and any Special Use Permit issued and the 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~~ fifty-five (6555) 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, and any additional lighting used during construction and decommissioning of the solar use shall be directed away from and be shielded from the view by 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. Wetlands: No additional wetlands shall be created or developed by the project.

M-O. Drain Tiles: Drain tiles on the Large Solar Energy System site shall be protected during the life of the project and are subject to professional review. Existing drain tiles must be surveyed. If non-functioning drain tiles are discovered during the survey, they must be repaired and made functional. Any drain tiles rendered non-functioning directly as a result of construction, operation, maintenance or decommissioning of the Large Solar Energy System will be replaced or repaired so as not to create any drainage issues on the Large Solar Energy System site or on adjacent and surrounding properties.

N-P. Distribution, Transmission and Interconnection: All collection lines and

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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.

Q. 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. The decommissioning plan shall be written to provide security to the Township for one hundred percent (100%) of the cost to remove and dispose of all panels, wiring, and restoration of the land to its original conditions. The value of decommissioning shall be determined by a third-party financial consultant or engineer selected by the Township and paid for by the developer. Once value of decommissioning is determined, it shall be updated on a periodic basis of not less than every three (3) years.~~ 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.

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R. Complaints: The operator of the project shall respond to complaints from neighboring property owners arising from and related to the operation of the Large Solar Energy System within ten (10) business days and shall attempt to resolve complaints consistent with Township Ordinances and the law. Complaints and any resolution must be reported to Zoning Administrator.

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S. Indemnity/Insurance: Public liability and property damage insurance must be continuously maintained during the life of the project and the ~~Township~~ Township shall be listed as an additional insured and indemnified from all claims arising from the construction, use, maintenance and decommissioning of the Large Solar Energy System.

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Q.T. A development agreement and/or special land use permit agreement as provided for in Section 4.3(E) must be entered into with the Township Board before construction commences on a Large Solar Energy System.

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P.U. 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.V. 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.W. 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.X. 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.Y. 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 violation or safety hazard. If, after a reasonable cure period (not to exceed 7 days), the violations or safety hazards are not corrected, the Applicant is entitled to a ~~-~~ hearing before the Township Board. If the Township Board determines that the violation or 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. For the purpose of this section, unresolved violations of this Ordinance or a permit issued under this Ordinance are grounds for a determination that the use should be discontinued unless or until the violation(s) are resolved to the Township's satisfaction. 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.Z. Roads: Any material damages to a public road located within the Township resulting from the construction, maintenance, decommissioning 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; ~~and shall make any~~ road improvements ~~that will be necessary to accommodate~~ determined to be necessary or appropriate by the County Road Commission to accommodate construction vehicles, equipment or other deliveries. The Applicant shall abide by all County and Township requirements regarding the use and/or repair of ~~County roads~~ in the Township.

V.AA. Continuing Security: If any Large Solar Energy System is approved for construction under this Section, Applicant shall post decommissioning security as approved by the Township 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 including specifically revocation of the Special Land Use Permit until sufficient security approved by the Township is re-established and in effect.

W.BB. 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.