

**CHARTER TOWNSHIP OF AUGUSTA
WASHTENAW COUNTY, MICHIGAN
ORDINANCE No. 2022-01**

ZONING ORDINANCE AMENDMENT – LARGE SOLAR ENERGY SYSTEMS

EFFECTIVE DATE: MARCH 12, 2023

AN ORDINANCE TO AMEND THE AUGUSTA CHARTER TOWNSHIP ZONING ORDINANCE PURSUANT TO AUTHORITY GRANTED UNDER PA 110 OF 2006 AND TO PROTECT THE PUBLIC HEALTH SAFETY AND WELFARE BY UPDATING PROVISIONS IN THE ZONING ORDINANCE RELATED TO LARGE SOLAR ENERGY SYSTEMS.

THE CHARTER TOWNSHIP OF AUGUSTA, WASHTENAW COUNTY, MICHIGAN, HEREBY ORDAINS:

Section 1. Amendment to Section 6.25 of Zoning Ordinance. Section 6.25 of the Augusta Charter Township Zoning Ordinance is hereby deleted and replaced with the following new Section 6.25 of the Zoning Ordinance:

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 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 ownership and 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. 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.

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 established with the Township to pay Township costs. The Applicant shall deposit a monetary amount in escrow with the Township as estimated by the Township to be sufficient 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 maintained throughout the Special Land Use process until approval or denial of the final site plan and 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 or denial of the Special Land Use Permit and final site plan 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 (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 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. 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 is required where non-participating 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 consisting of galvanized mesh wire with wood posts (also known as deer fence or agricultural fence). 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.
 2. No landscaping shall be placed within fifty (50) feet of any right-of-way.
 3. Landscape screening shall be installed to obscure the Large Solar Energy System from adjacent uses and from passersby. The evergreen and shrub vegetative buffer shall either be composed of one (1) row of evergreen trees and two (2) offset rows of shrubs

that at planting shall be a minimum of six (6) feet in height (evergreen trees) and shrubs two (2) feet in height. Or two (2) rows of evergreen trees. One (1) row having a minimum height of 4 feet and the other a minimum height of 6 feet. The vegetative buffer shall be continuously maintained and the applicant shall replace 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. 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 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 cash deposit, irrevocable bank letter of credit, or surety approved by the Township for an amount equal to one and one-half (1.5) times to cover the cost of any planting deficiencies to be held by the Township until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee, except that 10% shall be retained to assure that unhealthy plantings are timely replaced for a period of 2 years after plant materials are installed.
 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 fifty-five (55) 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, 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 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.
- 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. 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.
- P. 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.
- Q. Abandonment and Decommissioning: Following the operational life of the project, or if the project ceases to perform its intended function of generating electricity for a period of 6 months, or the electrical output drops below 20% of the nameplate capacity for a period of 6 months, the operator of the project shall commence decommissioning of the project by removal of all collectors, mounts and associated equipment and facilities. Decommissioning shall commence not later than 90 days after the project has ceased to perform as provided for herein, and decommissioning shall be completed within 6 months thereafter, except that the ground must be restored to its original topography within three hundred sixty-five (365) days of abandonment or decommissioning. The owner or operator may apply for the project to be repowered. But such application will be treated as a new application subject to review and approval under ordinance provisions existing when the application is made.

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 Use Permit. 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.

- 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.

- S. Indemnity/Insurance: Public liability and property damage insurance must be continuously maintained during the life of the project and the 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.
- 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.
- 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.
- 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.
- 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.

- 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.

- 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. 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.

- Z. 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 and shall make road improvements 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 roads in the Township.

- AA. 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.

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.

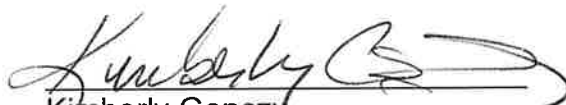
Section 2. Severability. The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is declared void or unenforceable for any reason by a court with competent jurisdiction, it shall not affect any portion of the Ordinance except that part or portion affected by the court's decision.

Section 3. Adoption and Effective Date. This Ordinance shall be published in the manner as required by law. Except as otherwise provide by law, this Ordinance shall be effective 7 days after final publication.

This Ordinance was duly adopted by the Charter Township of Augusta Board at its regular meeting held on the 28th day of February 2023, and was ordered given publication in the manner required by law.



Brian Shelby
Charter Township of Augusta Supervisor



Kimberly Gonczy
Charter Township of Augusta Clerk

Dated: March 1, 2023

Dated: March 1, 2023

First Reading:	December 13, 2022
First Publication:	December 18, 2022
Adoption:	February 28, 2023
Final Publication:	March 5, 2023
Effective Date:	March 12, 2023 (7 Days after publication of Notice of Adoption)

CLERK'S CERTIFICATE


I, Kimberly Gonczy, Clerk of the Charter Township of Augusta, Washtenaw County, Michigan, hereby certifies that the foregoing constitutes a true and complete copy of Augusta Charter Township Ordinance No. 2022-01, which was duly adopted by the Township Board of Augusta Charter Township at a Regular Meeting of said Board, held on February 28, 2023, after said Ordinance had previously been introduced at a Regular Meeting of the Board held December 13, 2023, and published in the form it was introduced in accordance with P.A. 359 of 1947, as amended.

I further certify that Member Gonczy moved for adoption of said Ordinance, and that Member Hall supported said motion.

I further certify that the following Members voted for adoption of said Ordinance Gonczy, Hall, Ortiz, Shelby, Fuqua-Frey, and that the following Members voted against adoption of said Ordinance Adams, Burek, and that the following Members were absent or abstained from voting on the adoption of said Ordinance none.

I further certify that after its passage the Ordinance was filed in the office of the Clerk and a Notice of Ordinance Adoption was published along with the full text of the Ordinance or a summary of the regulatory effect of the Ordinance within 15 days of adoption on March 5, 2023, in accordance with Section 401 of PA 110 of 2006, as amended.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and that such recording has been authenticated by the signatures of the Supervisor and the Clerk.


Kimberly Gonczy
Charter Township of Augusta Clerk

Dated: March 6, 2023