

**GENOA CHARTER TOWNSHIP BOARD**  
**Regular Meeting**  
**January 6, 2025**  
**6:30 p.m.**

**AGENDA**

Call to Order:

Invocation:

Pledge of Allegiance:

Roll Call:

Call to the Public (Public comment must be addressed to the Chairperson and will be limited to three minutes per person) \*:

**Items for Discussion:**

1. Introduction and discussion of live meeting broadcast.
2. Presentation regarding the Big Red Barrel project.
3. Presentation by Utility Director, Dr. Greg Tatara regarding MEDC Site Readiness Grant.
4. Discussion requesting Supervisor authorization to engage special counsel regarding the validity of the Innovation Park Planned Unit Development Agreement.
5. Discussion regarding creating and maintaining a “My Genoa App” to improve community outreach.

**Approval of Consent Agenda:**

6. Payment of Bills: January 6, 2025
7. Request to approve the December 16, 2024 regular meeting minutes.

**Approval of Regular Agenda:**

8. Consideration of a recommendation for approval of proposed **Ordinance Number Z-25-01** regarding Zoning Ordinance text amendments to Article 11, “General Provisions”. (roll call)
9. Request for approval of **Resolution 250106** entitled “Resolution Regarding Minimal Tax Overpayments” as submitted by the Township Treasurer. (roll call)

10. Request for the introduction of proposed **Ordinance Number Z-25-02** regarding zoning map amendments involving 9.76 acres of land located at 410 S. Hughes Road (parcel 4711-03-300-011) to rezone from Public Recreation Facilities (PRF) to Suburban Residential (SR) and to set the meeting date for considering the proposed ordinance for adoption before the Township Board on Tuesday, January 21, 2025.

11. Request for approval of the Genoa Charter Township Principles of Governance.

Board Comments

Adjournment

\*Citizen's Comments- In addition to providing the public with an opportunity to address the Township Board at the beginning of the meeting, opportunity to comment on individual agenda items *may* be offered by the Chairman as they are presented.



2911 Dorr Road  
Brighton, MI 48116  
810.227.5225  
810.227.3420 fax  
genoa.org

## MEMORANDUM

**TO:** Board of Trustees

**FROM:** Kevin Spicher, Supervisor

**DATE:** 12-30-2024

**RE:** Board of Trustee/Planning Commission Meetings Now Streaming

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On Friday, December 27, American Video Transfer completed the approved install of the camera system in our boardroom.

Beginning with this meeting, all Board of Trustee and Planning Commission meetings held in the board room will be streamed live, and saved for future viewing on the township YouTube page, "Genoa Township Public Channel."

At this time, the system is for viewing only, so anyone wishing to participate in call to the public will have to attend in person.

### **SUPERVISOR**

Kevin Spicher

### **CLERK**

Janene Deaton

### **TREASURER**

Robin L. Hunt

### **TRUSTEES**

Rick Soucy

Bill Reiber

Candie Hovarter

Todd Walker

### **MANAGER**

Kelly VanMarter

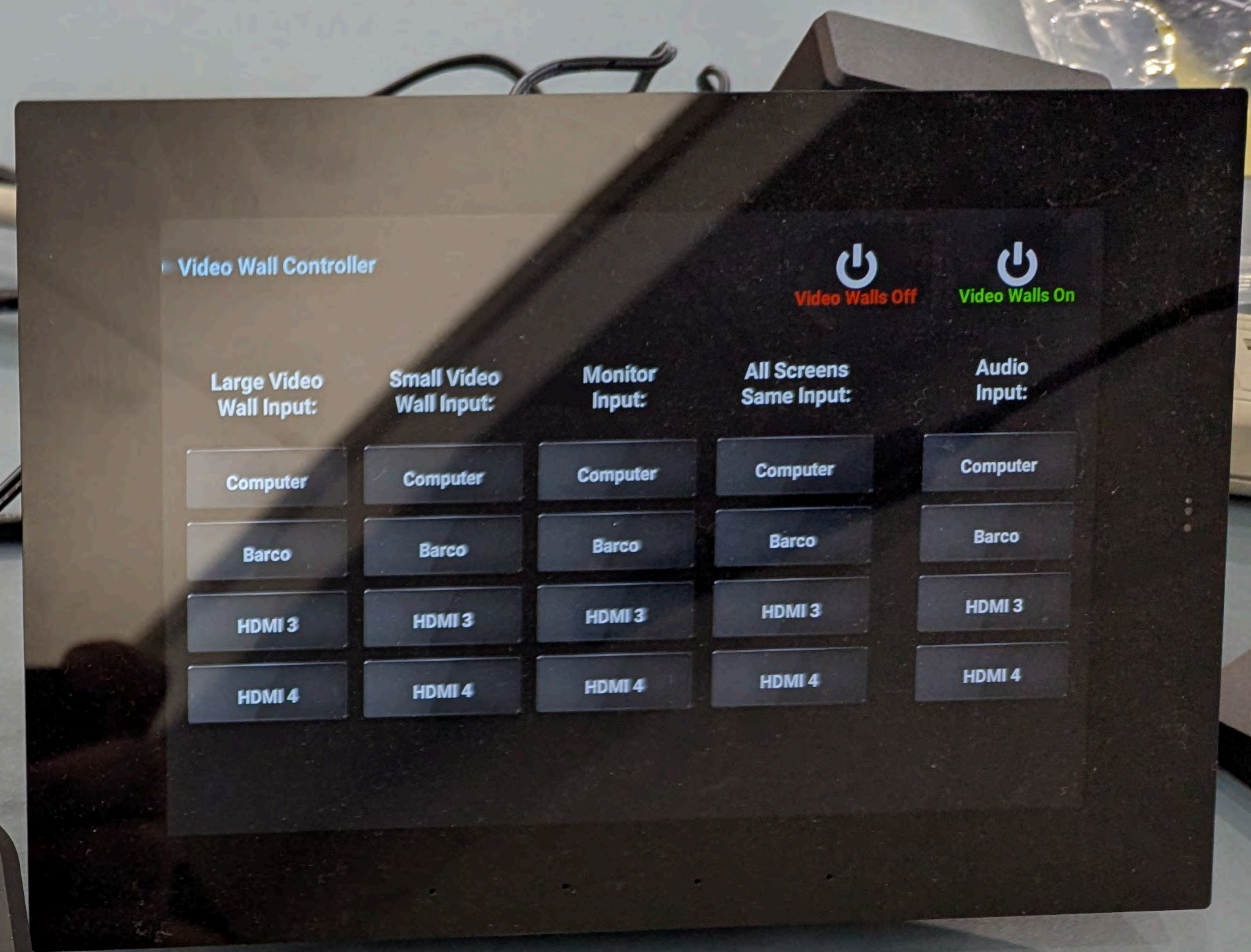
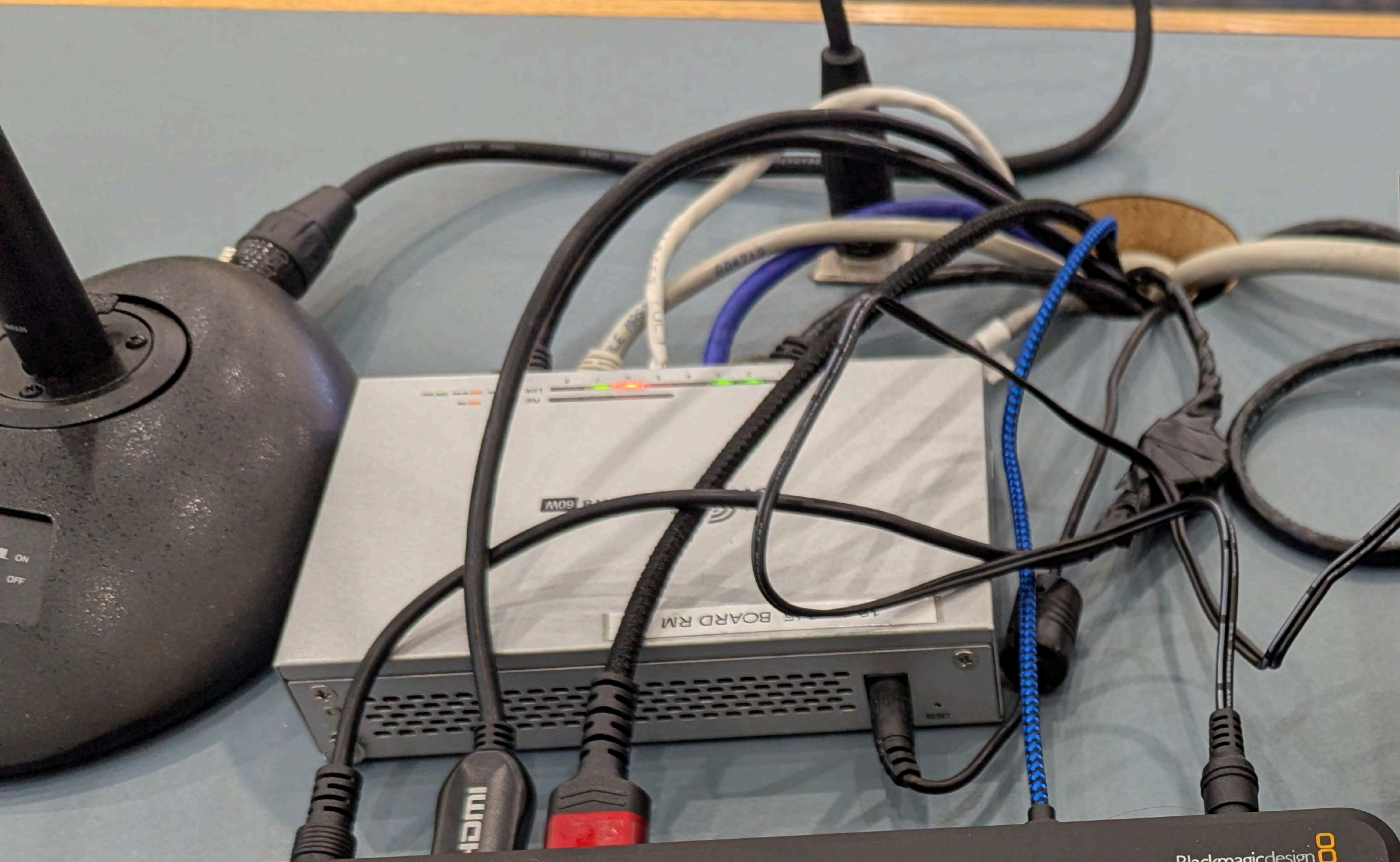














## Kelly VanMarter

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**From:** Clerk  
**Sent:** Wednesday, December 18, 2024 1:11 PM  
**To:** Kelly VanMarter  
**Subject:** Board agenda item

Hi Kelly,

I would like to discuss the Big Red Barrell project to our Board on Monday, January 6 please add it to the agenda.

The Big Red Barrel Project has been available to Livingston County residents to aid in the discreet and proper disposal of unwanted medications. The project abides by a “no questions asked” policy. Since its beginnings, the Big Red Barrel effort has resulted in the secure and environmentally safe disposal of over 30 tons (or 60,000 pounds) of drugs. In addition to keeping these medications out of the hands of potential users, the collection program also keeps people from flushing unused drugs down the toilet or disposing of them in the trash, both of which affect groundwater.

There will be a representative here at 6:30pm to present to the board if that is ok.

Thanks,  
Janene Deaton  
Genoa Township Clerk  
2911 Dorr Road Brighton, MI 48116  
Phone: (810) 227-5225 Fax: (810) 227-3420  
E-mail: [clerk@genoa.org](mailto:clerk@genoa.org)  
Website: [www.genoa.org](http://www.genoa.org)





## Key Facts Regarding Michigan MEDC Site Readiness Grant Award

In 1998, Marion Township, Howell Township, Oceola Township and Genoa Charter Township (all of which are located in Livingston County) (the “Townships”) have organized the MHOG Sewer and Water Authority pursuant to the provisions of Act 233, Michigan Public Acts of 1955, as amended (“Act 233”) for the purpose, among other things, of acquiring, owning, managing and operating a water supply system.

MHOG has no land use Authority, rather it works with the four townships to assure that sufficient volume and pressure are provided in each township to meet the planned development goals and objectives for that township as specified in their individual master plans

It is critical to note that providing sufficient volume and pressure is not dictated by the Township’s Political Boundary, but rather by pressure districts that are based on elevation and main size to provide sufficient pressure and volume to homes and businesses. A copy of MHOG’s current pressure district map is provided in **Figure 1**. As is shown the pressure districts overlap township borders, and based on the geology of Livingston County, water is boosted from west to east by 100 feet in elevation, which equates to approximately 50 psi of pressure. MHOG must also be able to convey millions of gallons of water per day across a 12-mile long transmission system as the water source lies on the western edge of the system in Marion Township with significant demand in Genoa and Oceola Townships on the east end of the system.

MHOG is responsible for maintaining over 1,700 fire hydrants in the MHOG System and providing adequate fire flow for suppression systems and hydrants to protect property in all 4 townships. Therefore, not only must MHOG meet adequate pressure and volume for customer use, but also for fire protection.

Because of the afore mentioned pressure districts, MHOG, rather than the individual townships, is required to construct all transmission main improvements. Per the Authority’s Master Operating Agreement, all Authority Improvements shall be paid by the Authority with Authority tap fees funds, with funds on hand by the Authority, or financed by the Authority issuing revenue bonds, special assessment bonds, or bonds of the Authority secured by the full faith and credit contractual pledges from the Townships, cash contributions from the Townships, or grants.

Every 5 years, MHOG must prepare a report to the Michigan Department of Environment, Great Lakes, and Energy called a “Reliability Study”. As such, Part 12 of Michigan Public Act 399 of 1976, known as the Safe Drinking Water Act, requires each owner of a public drinking water system to complete a study every five years to evaluate the reliability of the system to ensure a continuous supply of water. In this study MHOG must identify the ability to meet current demands and fire flow requirements as well as identify what improvements will be required to meet demands 5 and 20 years into the future.

In the 2009 Study, construction of a 20-inch water main, 500,000 gallon tower, and 16-inch main on Peavy Road in Marion Township was identified as being needed in the near term. This came from a system calibrated hydraulic water modeling that was created for the MHOG system. Due to the 2008 economic recession, the project was able to be delayed temporarily, but in 2012 MHOG constructed the 16-inch main and new water tower in Marion Township. \$4.5 million in bonds were sold to perform the



construction of these required improvements and slightly delay the 20-inch transmission main. A map from the 2008 Reliability Study, with the Peavy Road Improvements, shown as Improvement 10, is attached as **Figure 2**.

In 2014, another reliability study was prepared for submittal to the State of Michigan. Based on demands, construction of transmission mains in Marion Township were again identified as needed to meet future demands in the MHOG system. With construction of the Latson Road Interchange in 2013, demand was added to the South Latson Interchange area in anticipation of development requests in the area of the interchange. A copy of the recommended improvements in Marion Township, shown as Improvements B and C, are presented in **Figure 3**.

In 2016, in an effort to have development fund improvements rather than existing rate payers, MHOG implemented a \$3,500 per REU tap fee per new REU added to the system. As Townships approved new projects, tap fees for REUs not already in a special assessment district were forwarded to MHOG, with the near-term goal to fund Marion Township Transmission Main construction.

Beginning in 2018, we had demand conditions that met our current peak design capacity of 4.5 MGD. As a result, system operators had to make numerous operational changes in the system to meet this demand. When the Reliability Study was updated in 2019, the Marion Transmission Mains were again recommend in order to meet the 5-year demand conditions, which was by 2024.

In 2021, MHOG bid out construction of the 20-inch Marion Transmission Main as it had accumulated a couple of million dollars in tap fee funds to be used for construction. Unfortunately, post Covid, construction costs nearly tripled over the original engineer's estimate. As a result, MHOG was forced to postpone the project again.

In 2023, MHOG became aware of an opportunity to apply for a Strategic Site Readiness Program Grant due to proposed development in the South Latson Road Area. Knowing that there was no ability to adequately fund the construction of water main to serve S. Latson development if it occurred, in addition to proposed other developments in the four MHOG participating townships, MHOG applied for and received this grant.

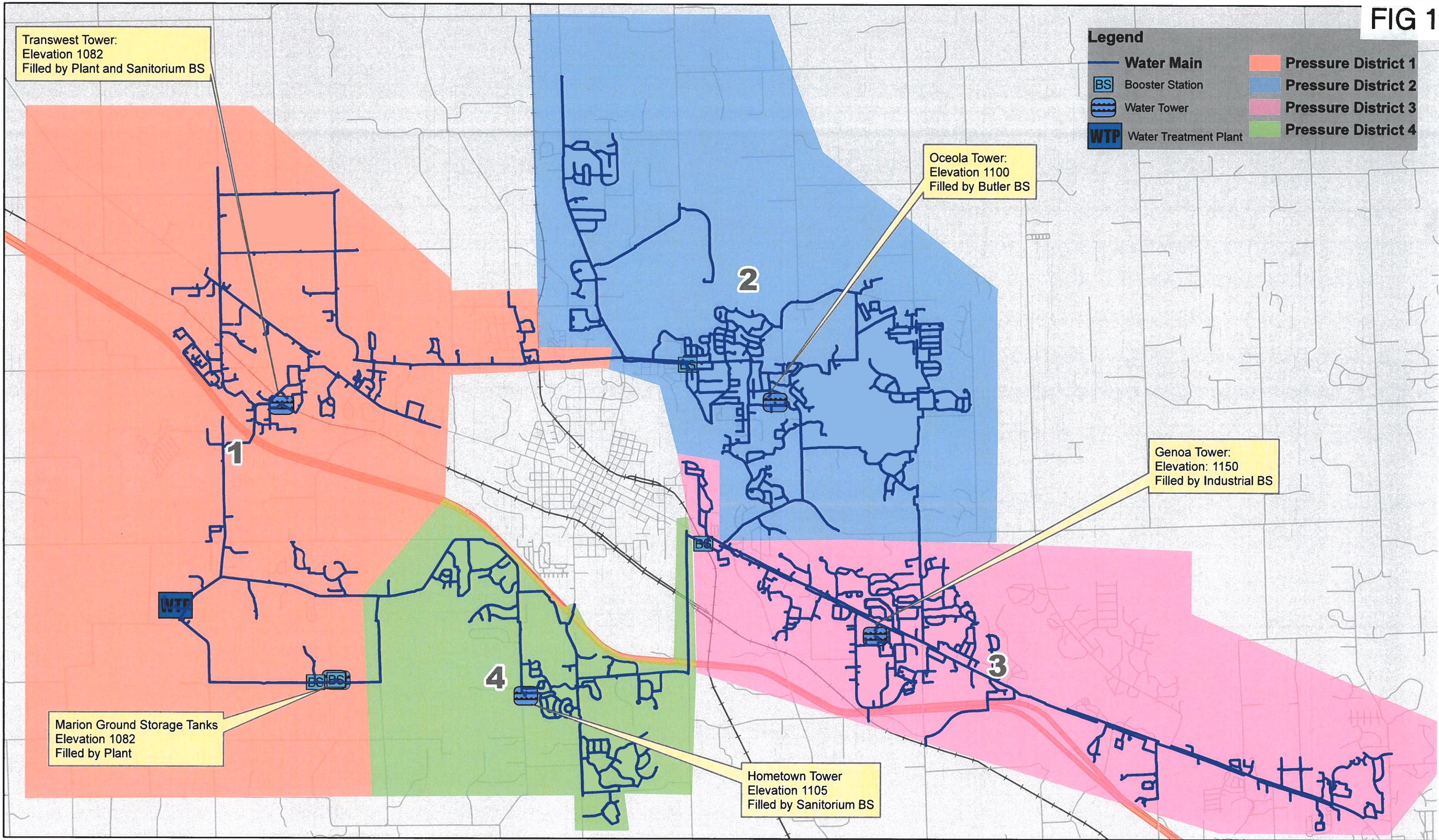
This grant will allow MHOG to construct these necessary improvements without a significant financial impact to our nearly 6,300 customers, which equates to a population of 20,000 Livingston County Residents. We are in the process of submitting the 2024 reliability study. As part of that study, we evaluated the impact to serve residents without these improvements even if no development occurred on S. Latson Road. **Figures 4, 5, 6, and 7** show the impact of system growth within the existing service area for a 5-year planning period. Model results show that even without any additional demand on S. Latson Road, we will soon be unable to serve portions of the MHOG system with adequate pressure, volume and fire flow during a typical peak demand summer period.

With this grant, MHOG was able to save its customers a substantial amount of money. Without this grant, MHOG would be forced to sell bonds, as well as add additional staff to operate the plant for longer periods of time. This would result in a nearly 22% rate increase for customers, which over a 20-year bond issue could cost nearly \$1,900 per customer. The conservative math to develop this estimate is shown in **Exhibit A**.



Currently, MHOG has bid the project, issued a notice of award, and is in the process of obtaining final permits for construction. As shown in Exhibit A, if conditions are favorable, our current system demand will result in MHOG exceeding its current peak design of 4.5 MGD. We are grateful for the Site Readiness Grant Opportunity as it will allow the Authority to serve whatever type development ends up near the interchange on South Latson Road, as well as allow us to continue to serve economic development areas in the other Townships as well. Most importantly, our customers will continue to receive the same quality water service they have come to expect over the last 25 years as shown by the pressure contour map presented as **Figure 8**, once these improvements are in place and pressure districts are adjusted as shown in **Figure 9**.



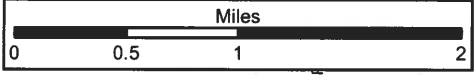
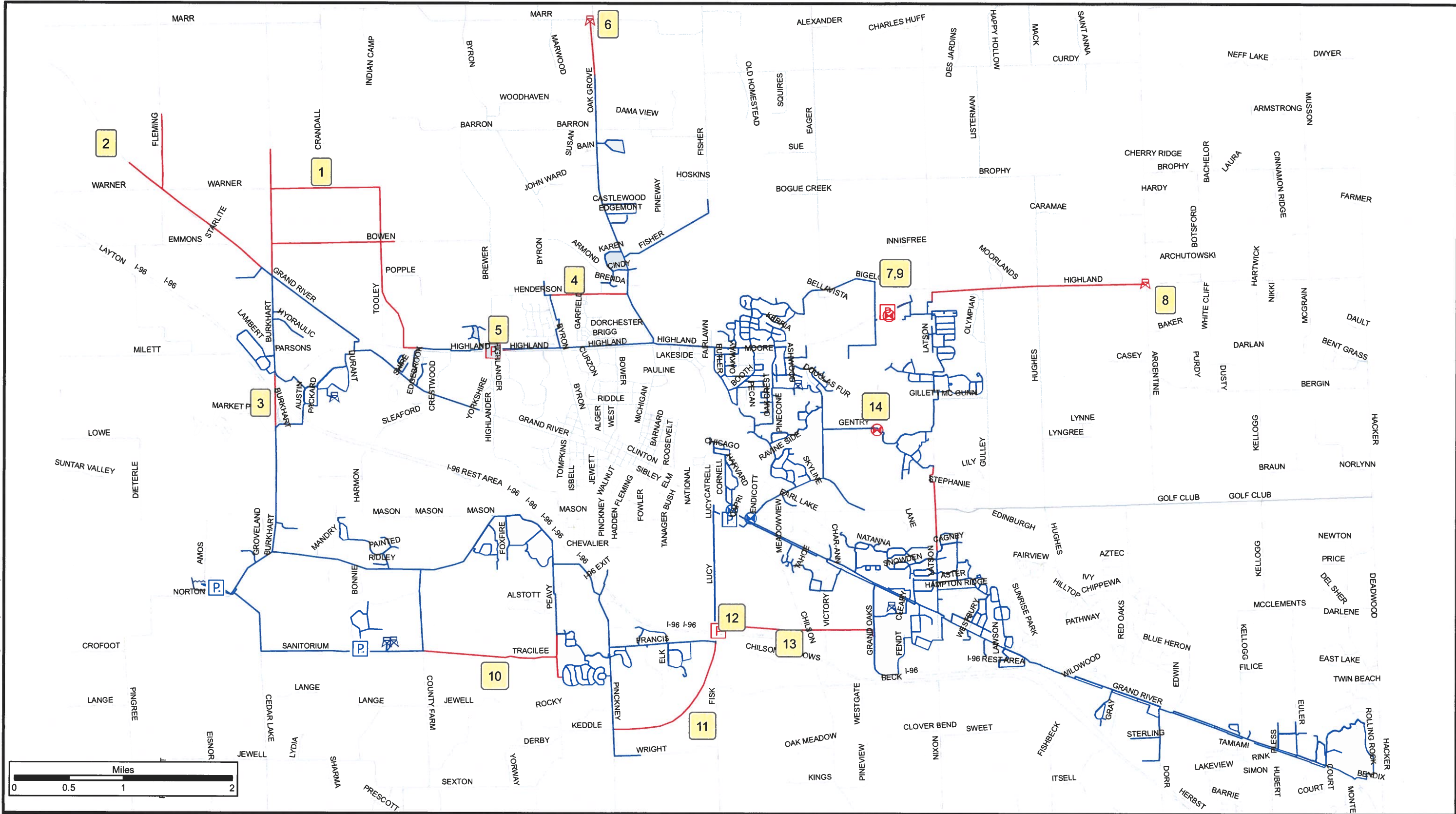


### 2024 Pressure Districts





FILE NAME: \\lanfants1\projects\200-12719-07-015101\Report\Figure 3 System Improvements.mxd



DESIGNED: JDV      DATE: 1-08-2008

- 2007 Network
- 2020 Improvements
- Existing Storage Tank
- 2020 Storage Tank
- Existing Pump
- 2020 Pump
- Existing PRV Valve
- 2020 PRV Valve
- WTP

WATER RELIABILITY STUDY  
**Near Future  
System Improvements**

**FIGURE**



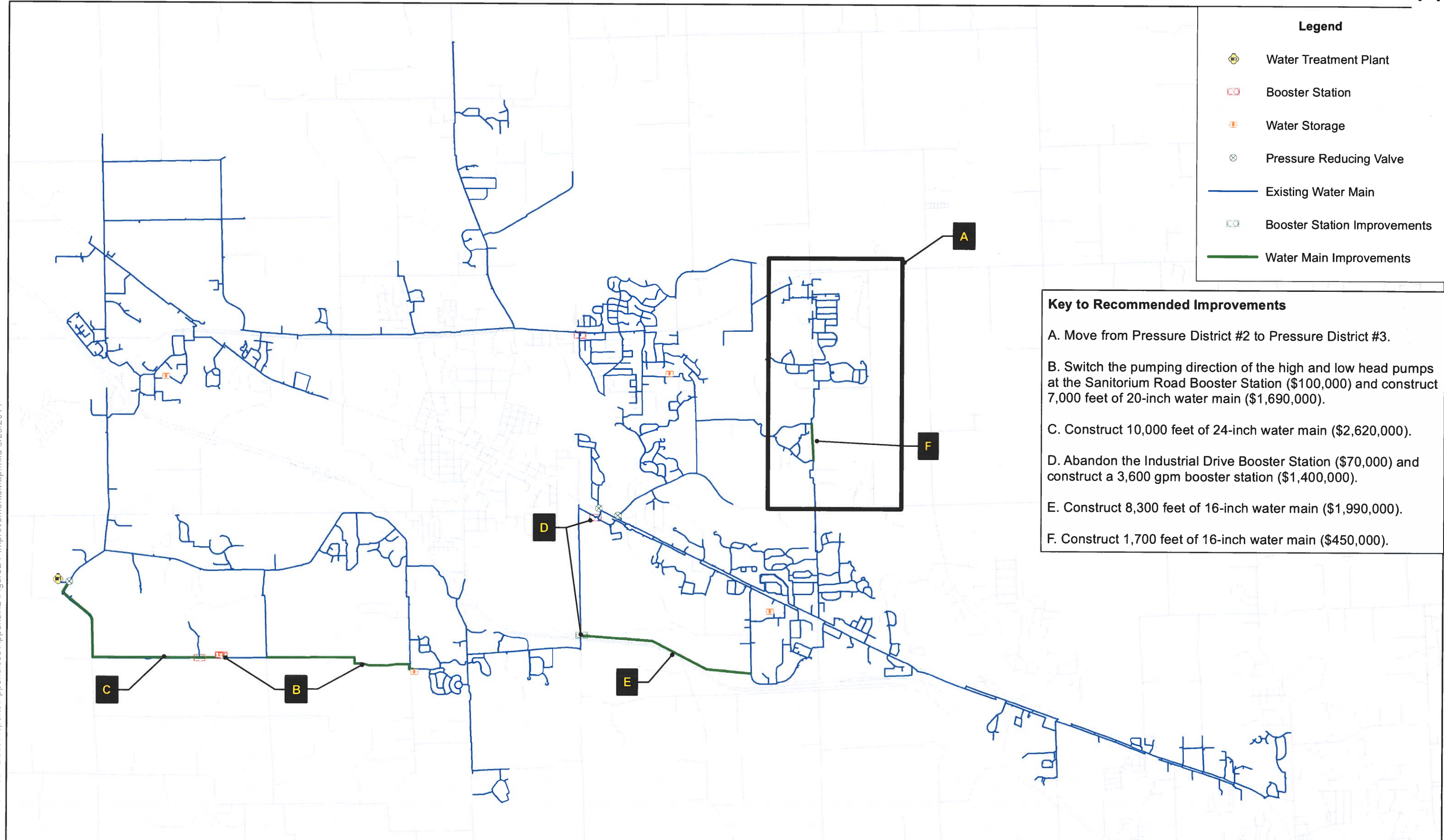
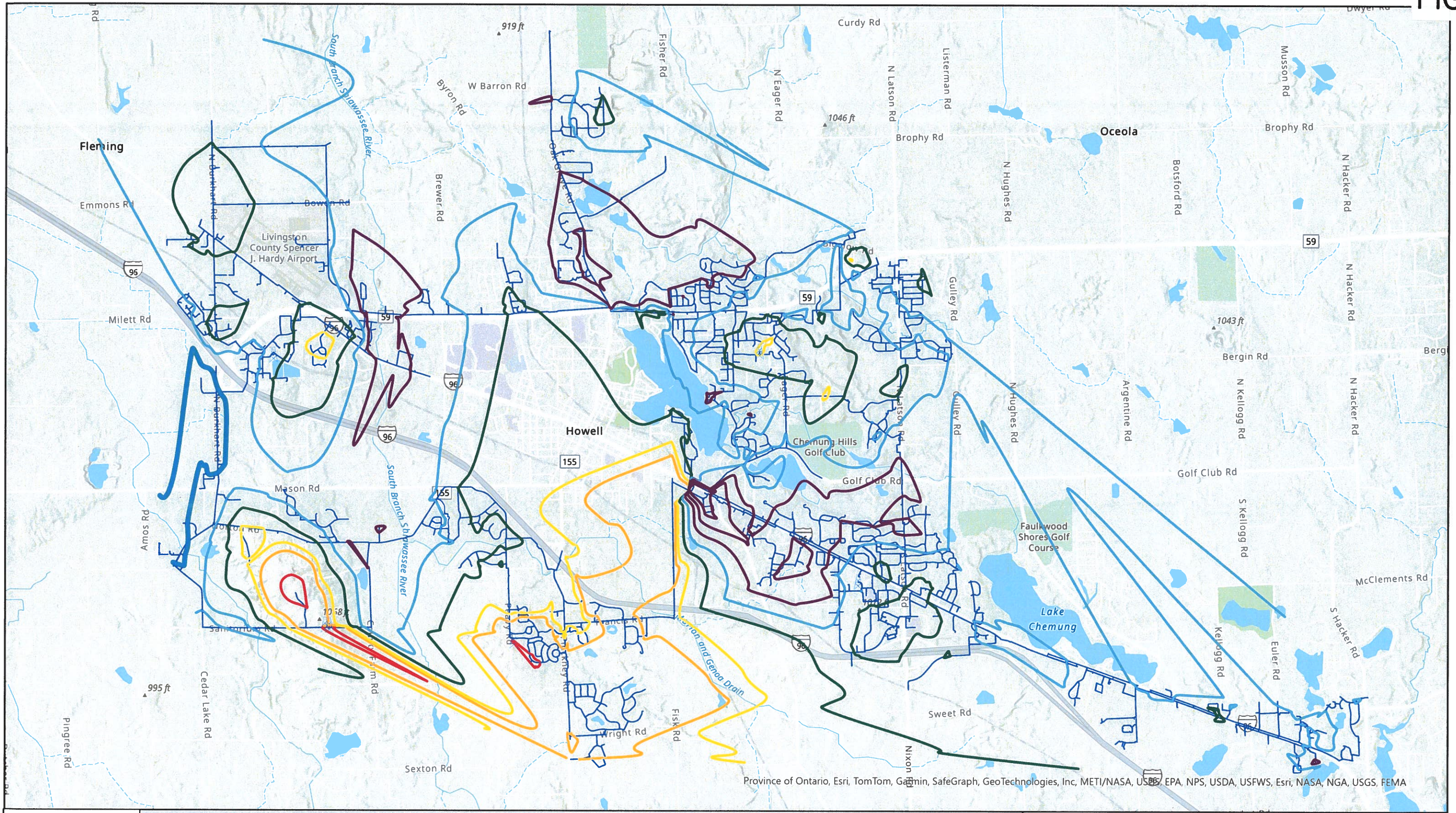


Figure D1: Recommended Improvements between 2019 and 2034  
MHOG Water Reliability Study

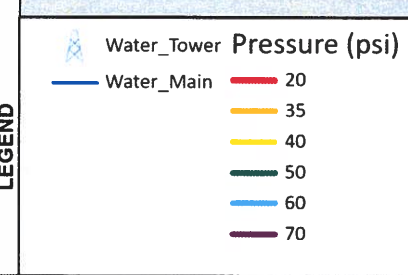
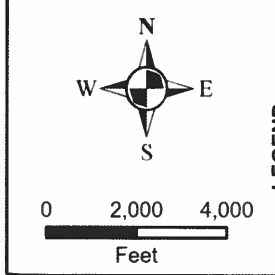


P:\MER\12719\200-12719-14004\Docs\Reports\Appendices\AppendixD\FigureD1-ImprovementsMap.mxd 6/25/2014





Province of Ontario, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA, USFWS, Esri, NASA, NGA, USGS, FEMA

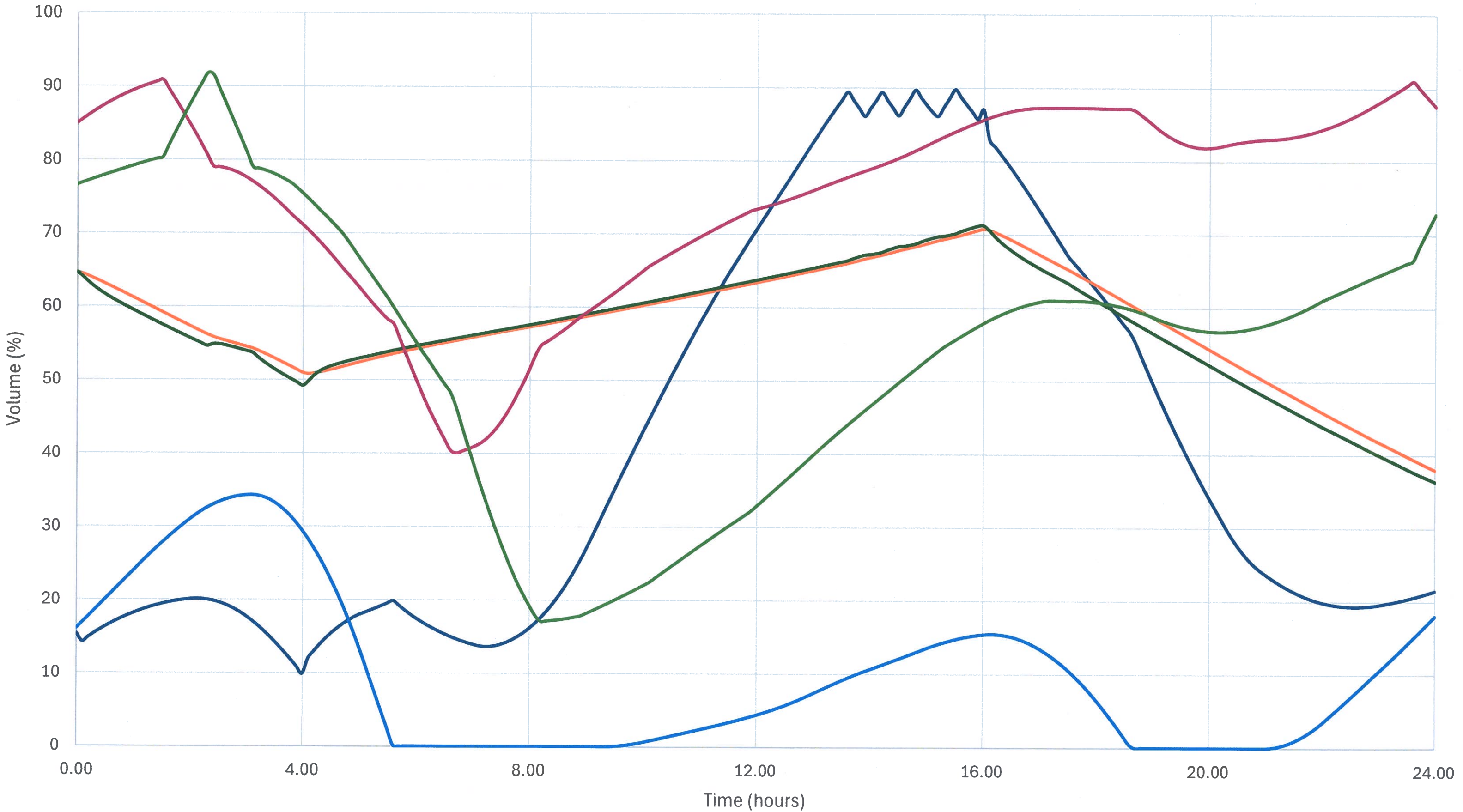


MHOG 2024 Reliability Study  
**2029 MDD - No South Latson Development,  
 No Infrastructure Improvements  
 with Pressure Districts Switched**

FIGURE A

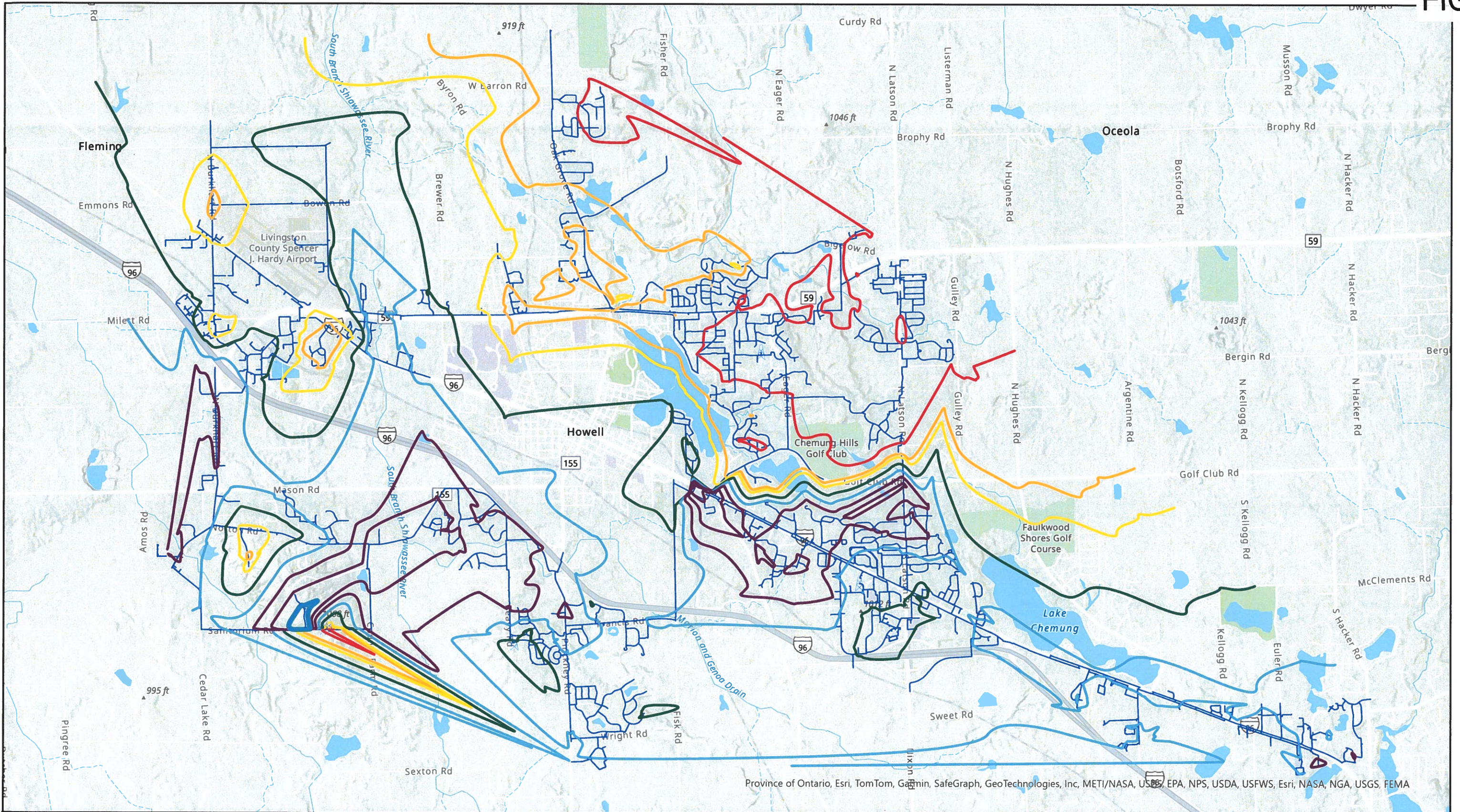


MHOG Tank Levels - 5.7 MGD, No Infastructure Improvements

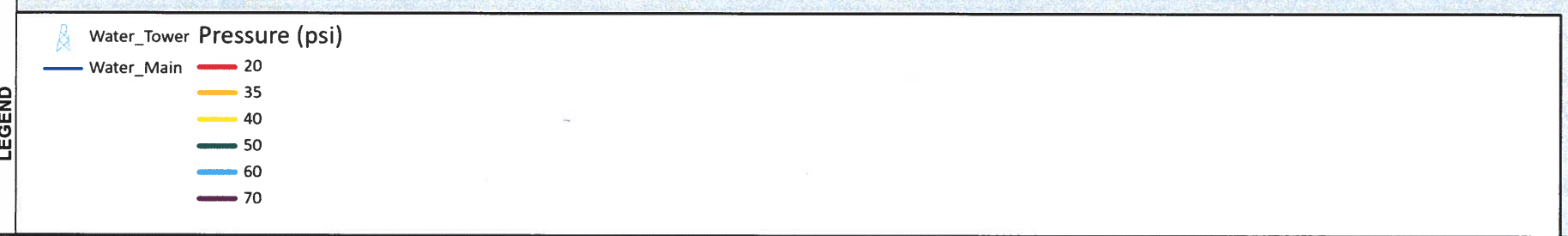
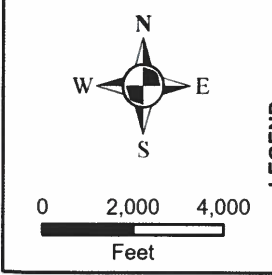


Transwest Tower Marion 2 Marion 1 Ocela Tower Cleary Tower Hometown Tower





Province of Ontario, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA, USFWS, Esri, NASA, NGA, USGS, FEMA

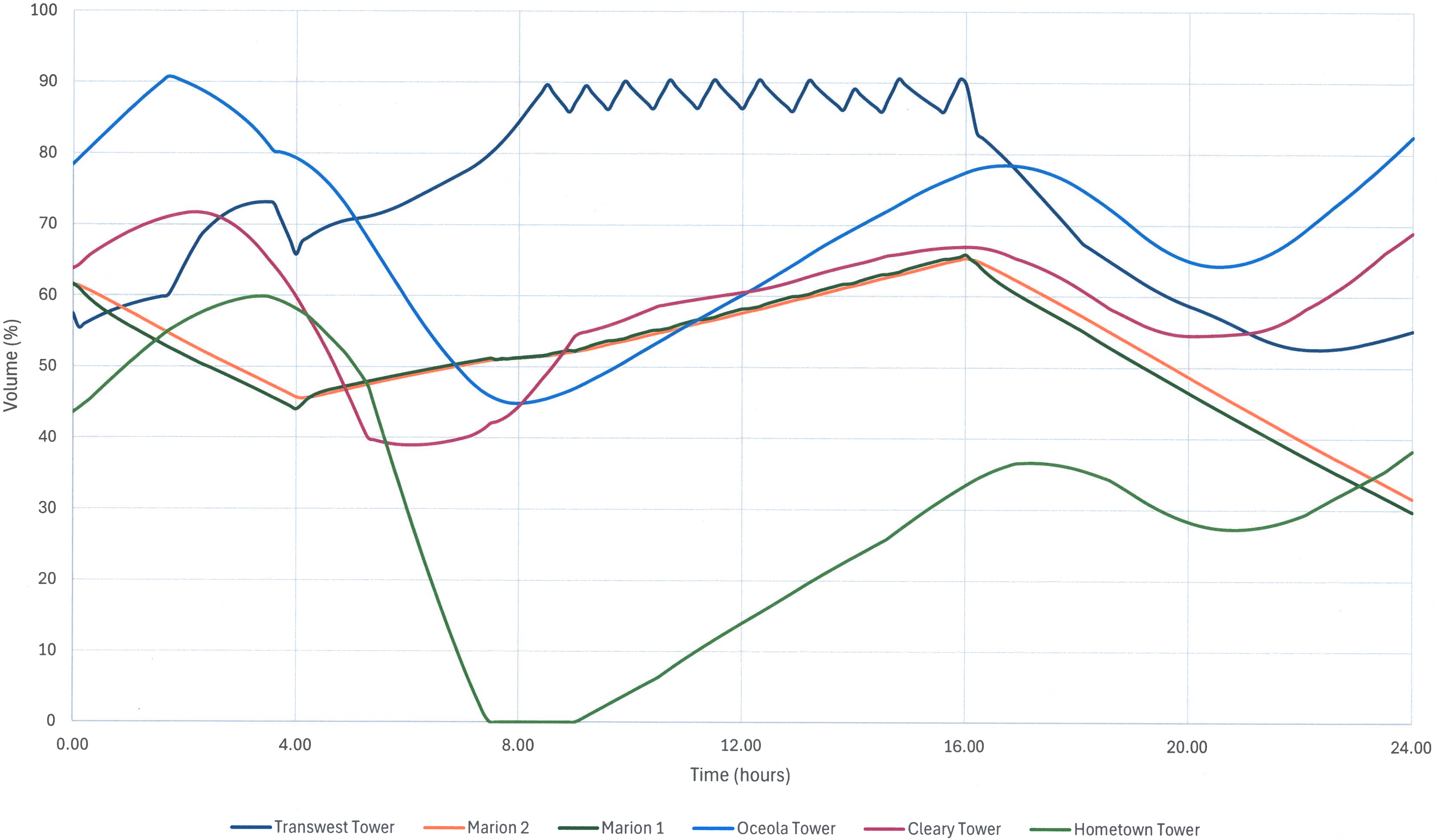


MHOG 2024 Reliability Study  
**2029 MDD - No South Latson Development,  
 No Infrastructure Improvements with  
 Current Pressure Districts**

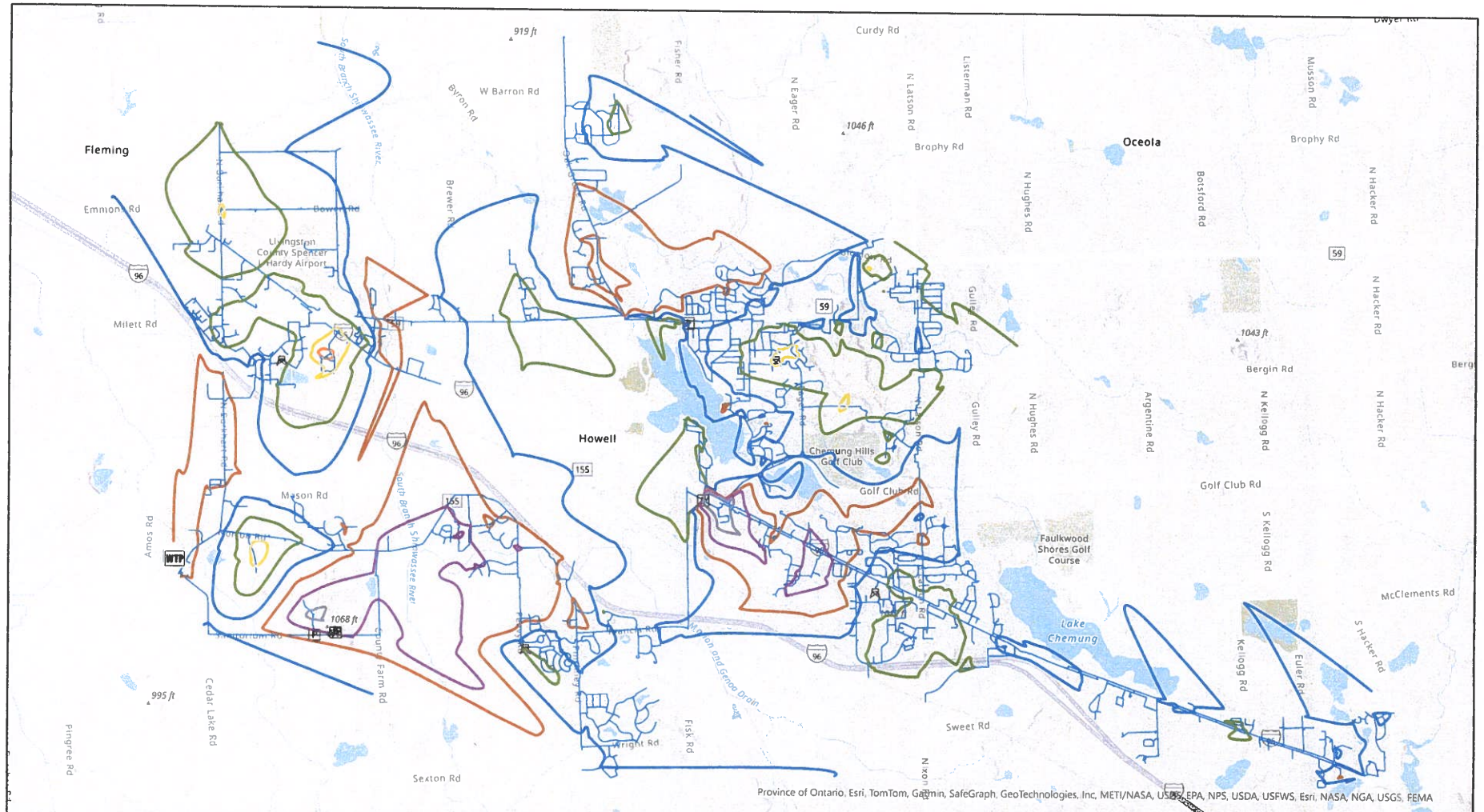
FIGURE B



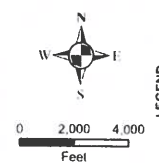
MHOG Tank Levels - 5.7 MGD, No Infastructure Improvements, Pressure District Switched







Source: O:\Projects\Lansing\ER\12719\200-12719-24006\SupportDocs\Calcs\Model



**LEGEND**

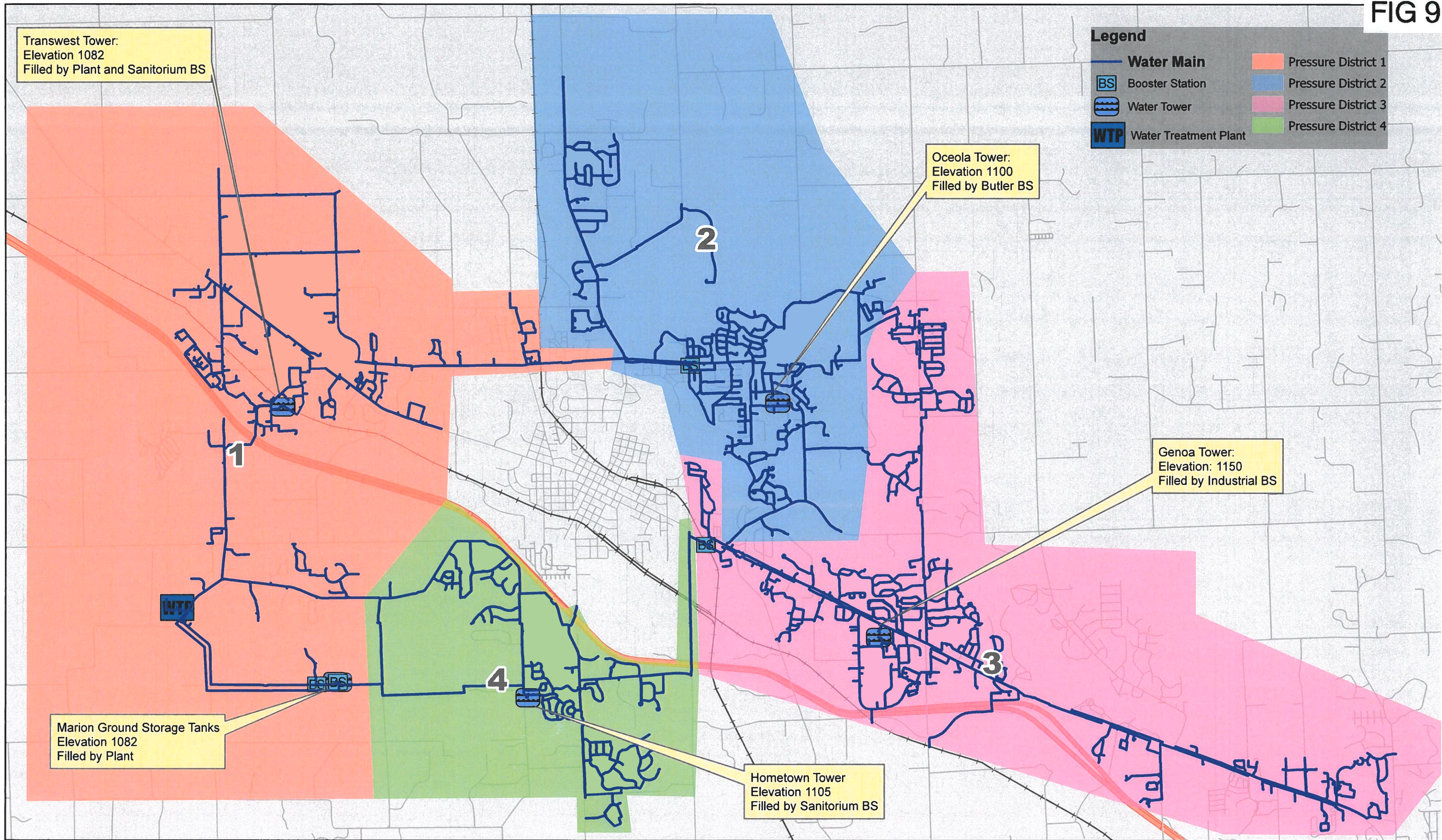
Booster Stations	Pressure (psi)
Water Treatment Plant	20
Water Main	35
	40
	50
	60
	70
	80
	90
	100
	110

**MHOG 2024 Reliability Study**  
**2029 Conditions:**  
**Minimum Pressures During 6.7 MGD MDD**

TETRA TECH

FIGURE D-3





**Legend**

Water Main	Pressure District 1
Booster Station	Pressure District 2
Water Tower	Pressure District 3
Water Treatment Plant	Pressure District 4

### 2029 Pressure Districts







### Cost Impact of No Grant

Grant Amount: \$6,300,000

If Bonded, at 5% Interest, Would Be Annual Payment of \$505,528.

Also, without 24-inch transmission main, MHOG would have to hire an additional operator at an annual cost of \$100,000 annually due to increased plant operation time. (Note: the plant must be staffed anytime it is in operation by a F licensed operator)

Current Annual Volume Billed: 573,005(x1,000) gallons billed in MHOG

To generate \$605,000 annually, would have to charge \$1.06 / 1,000 gallons for water

Current O&M Rate: \$4.84 / 1,000 gal.

Rate with Bond and operator: \$5.90 / 1,000 gal

Percent Increase: 21.9%

Annual Cost to Homeowner with Irrigation – Average usage of 90K gal for 6,300 accounts.

\$95.4 more per year per customer for water or **\$1,908** per customer in total for 20 years

### Potential New Max Day

Historic Max Day

July 11, 2018 = 4.452 MG

Connections as of 3<sup>rd</sup> Quarter 2018 = 5,335

Connections as of 2<sup>nd</sup> Quarter 2024 = 6,288

Increase of 953 connections or 17%

Current Potential Projected Max Day (17% Increase) = 5.209 MG





2911 Dorr Road  
Brighton, MI 48116  
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genoa.org

## MEMORANDUM

**TO:** Board of Trustees  
**FROM:** Kevin Spicher, Supervisor  
**DATE:** 12/20/2024  
**RE:** **Authorization To Engage Special Counsel**

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This pertains to the December 9, 2024 request by the Planning Commission that we seek clarification as to the current validity of the Innovation Park PUD agreement.

As directed by the Board of Trustees at the December 16, 2024, meeting, staff researched legal firms specializing in land use issues. A short list of finalists was compiled and proposals were sought. Due to the busy Holiday season, as of the deadline to make this packet, we are still awaiting one submission.

Because time is of the essence, I ask that you grant the Supervisor the authority to sign a letter of engagement with the firm I feel is best to represent the People of Genoa Township in this issue once all proposals have been received. I feel waiting until the next meeting to engage our special counsel is too much of a delay.

### **SUPERVISOR**

Kevin Spicher

### **CLERK**

Janene Deaton

### **TREASURER**

Robin L. Hunt

### **TRUSTEES**

Rick Soucy

Bill Reiber

Candie Hovarter

Todd Walker

### **MANAGER**

Kelly VanMarter





2911 Dorr Road  
Brighton, MI 48116  
810.227.5225  
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genoa.org

## MEMORANDUM

**TO:** Kelly VanMarter, Genoa Township Manager  
**CC:** Kevin Spicher, Genoa Township Supervisor

**FROM:** Todd Walker, Trustee  
**DATE:** 12/28/2024

**RE:** My Genoa App

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Building upon our previous discussions of how to improve our community outreach, I have been researching what other municipalities are doing and came across both the "My Brighton," and "My Howell," apps. I would like to discuss the potential of creating and maintaining a "My Genoa." App. Can you please add this to the agenda of our upcoming meeting? Thanks so much.

Cheers!

Todd Walker

### **SUPERVISOR**

Kevin Spicher

### **CLERK**

Janene Deaton

### **TREASURER**

Robin L. Hunt

### **TRUSTEES**

Rick Soucy

Bill Reiber

Candie Hovarter

Todd Walker

### **MANAGER**

Kelly VanMarter



BOARD PACKET

CHECK REGISTERS FOR TOWNSHIP BOARD MEETING

MEETING DATE: January 6, 2024

All information below through December 30, 2024

December 20, 2024 Bi Weekly Payroll	\$	126,290.17
January 3, 2025 Bi Weekly Payroll	\$	125,762.27
TOWNSHIP GENERAL EXPENSES	\$	237,966.06
OPERATING EXPENSES DPW (503 FN)	\$	37,675.98
OPERATING EXPENSES Oak Pointe (592FN)	\$	94,709.80
OPERATING EXPENSES Lake Edgewood (593FN)	\$	28,361.59
TOTAL	\$	<u>650,765.87</u>



## December 20, 2024 Bi Weekly Payroll

12/30/2024 10:36 AM

Check Register Report For Genoa Charter Township  
For Check Dates 12/20/2024 to 12/20/2024

Page 3 of 3

Check Date	Bank	Check Number	Name	Check Gross	Physical Check Amount	Direct Deposit	Status
12/20/2024	FNBCK	DD11344	WITJES, ROBIN	135.35	0.00	125.00	Cleared
12/20/2024	FNBCK	EFT1002	FLEX SPENDING (TASC)	1,013.09	1,013.09	0.00	Open
12/20/2024	FNBCK	EFT1003	INTERNAL REVENUE SERVICE	28,887.08	28,887.08	0.00	Open
12/20/2024	FNBCK	EFT1004	PRINCIPAL FINANCIAL	4,721.00	4,721.00	0.00	Open
12/20/2024	FNBCK	EFT1005	PRINCIPAL FINANCIAL	1,949.84	1,949.84	0.00	Open
<b>Totals:</b>							
			Number of Checks:	065	161,771.60	37,788.46	88,501.71
Total Physical Checks:			5				
Total Check Stubs:			60				

Physical Check Amount      \$37,788.46  
 Direct Deposit                \$88,501.71  
**TOTAL                            \$126,290.17**

## January 3, 2025 Bi Weekly Payroll

01/03/2025	FNBCK	EFT1006	FLEX SPENDING (TASC)	1,124.37	1,124.37	0.00	Open
01/03/2025	FNBCK	EFT1007	INTERNAL REVENUE SERVICE	29,004.53	29,004.53	0.00	Open
01/03/2025	FNBCK	EFT1008	PRINCIPAL FINANCIAL	4,761.00	4,761.00	0.00	Open
01/03/2025	FNBCK	EFT1009	PRINCIPAL FINANCIAL	1,949.84	1,949.84	0.00	Open
<b>Totals:</b>							
			Number of Checks:	058	161,833.13	37,066.51	88,695.76
Total Physical Checks:			1				

12/30/2024 02:44 PM

Check Register Report For Genoa Charter Township  
For Check Dates 01/03/2025 to 01/03/2025

Page 3 of 3

Check Date	Bank	Check Number	Name	Check Gross	Physical Check Amount	Direct Deposit	Status
Total Check Stubs:			57				

Physical Check Amount      \$37,066.51  
 Direct Deposit                \$88,695.76  
**TOTAL                            \$125,762.27**



**FNBACK Check Register**

12/30/2024 10:47 AM  
 User: denise  
 DB: Genoa Township

CHECK REGISTER FOR GENOA TOWNSHIP  
 CHECK NUMBERS 39320 - 40000

Page: 1/1

Check Date	Check	Vendor Name	Amount
Bank FNBACK CHECKING ACCOUNT			
12/10/2024	39320	APEX SOFTWARE	2,005.00
12/10/2024	39321	CONTINENTAL LINEN SERVICE	150.53
12/10/2024	39322	DTE ENERGY	1,257.20
12/10/2024	39323	DTE ENERGY	321.80
12/10/2024	39324	FOSTER SWIFT COLLINS & SMITH PC	1,091.60
12/10/2024	39325	MICHIGAN MUNICIPAL EXECUTIVES	425.00
12/10/2024	39326	MICHIGAN OFFICE SOLUTIONS	67.39
12/10/2024	39327	NETWORK SERVICES GROUP, L.L.C.	523.11
12/10/2024	39328	PFEFFER, HANNIFORD, PALKA	3,220.00
12/10/2024	39329	PITNEY BOWES, INC	265.58
12/10/2024	39330	WASTE MANAGEMENT CORP, SERVICES	129,960.00
12/16/2024	39331	COMCAST	637.20
12/16/2024	39332	CONSUMERS ENERGY	551.55
12/16/2024	39333	DYKEMA GOSSETT PLLC	146.00
12/16/2024	39334	EHIM, INC	5,525.38
12/16/2024	39335	PM TECHNOLOGIES	2,100.00
12/16/2024	39336	S.E.C.M.A.A.	60.00
12/16/2024	39337	STAPLES	1,453.54
12/19/2024	39338	AMERICAN AQUA	63.80
12/19/2024	39339	BLUE CROSS & BLUE SHIELD OF MI	56,841.09
12/19/2024	39340	COMCAST	957.83
12/19/2024	39341	ETNA SUPPLY COMPANY	14,790.00
12/19/2024	39342	HOWELL AREA CHAMBER OF COMMERCE	573.00
12/19/2024	39343	LIVINGSTON CO. INFORMATION TECH GIS	252.00
12/19/2024	39344	SEWARD HENDERSON PLLC	14,396.15
12/19/2024	39345	US BANK EQUIPMENT FINANCE	2,331.31
FNBACK TOTALS:			
Total of 26 Checks:			237,966.06
Less 0 Void Checks:			0.00
Total of 26 Disbursements:			<b>237,966.06</b>

**503FN Check Register**

12/30/2024 11:05 AM  
 User: denise  
 DB: Genoa Township

CHECK REGISTER FOR GENOA TOWNSHIP  
 CHECK NUMBERS 6231 - 7000

Page: 1/1

Check Date	Check	Vendor Name	Amount
Bank 503FN DPW-UTILITIES #233			
12/10/2024	6231	WEX BANK	3,968.14
12/12/2024	6232	BUSINESS IMAGING GROUP	2,137.94
12/16/2024	6233	CHASE CARD SERVICES	15,216.47
12/16/2024	6234	UNITED STATES POSTAL SERVICE	118.72
12/16/2024	6235	VERIZON WIRELESS	628.93
12/17/2024	6236	CENTRAL SQUARE TECHNOLOGIES	1,035.00
12/17/2024	6237	GIFFELS WEBSTER	7,410.00
12/17/2024	6238	HUTSON, INC	284.16
12/17/2024	6239	MARSHALL'S EXPRESS	52.95
12/17/2024	6240	MYERS AUTOMOTIVE	60.00
12/17/2024	6241	PORT CITY COMMUNICATIONS, INC.	269.02
12/17/2024	6242	RANDY'S SERVICE STATION	1,129.20
12/17/2024	6243	RED WING BUSINESS ADVANTAGE ACCOUNT	144.00
12/17/2024	6244	TETRA TECH INC	5,175.00
12/18/2024	6245	MARSHALL'S EXPRESS	46.45
503FN TOTALS:			
Total of 15 Checks:			37,675.98
Less 0 Void Checks:			0.00
Total of 15 Disbursements:			<b>37,675.98</b>



592FN Check Register

Check Date	Check	Vendor Name	Amount
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		CHECK REGISTER FOR GENOA TOWNSHIP	Page: 1/1
		CHECK NUMBERS 6248 - 7000	
Bank 592FN OAK POINTE OPERATING FUND #592			
12/12/2024	6248	AT&T LONG DISTANCE	133.78
12/18/2024	6249	ADVANCE AUTO PARTS	19.00
12/18/2024	6250	AMERICAN AQUA	1,557.20
12/18/2024	6251	AT&T	250.15
12/18/2024	6252	BRIGHTON ANALYTICAL LLC	660.00
12/18/2024	6253	CONSUMERS ENERGY	592.63
12/18/2024	6254	CORRPRO COMPANIES INC.	820.00
12/18/2024	6255	DUBOIS-COOPER	36,753.00
12/18/2024	6256	GENOA TOWNSHIP DPW FUND	50,074.04
12/18/2024	6257	HYDROCORP	299.25
12/18/2024	6258	TETRA TECH INC	1,397.50
12/18/2024	6259	UIS SCADA	2,153.25
592FN TOTALS:			
Total of 12 Checks:			94,709.80
Less 0 Void Checks:			0.00
Total of 12 Disbursements:			94,709.80

593FN Check Register

Check Date	Check	Vendor Name	Amount
12/30/2024 11:07 AM User: denise DB: Genoa Township			
		CHECK REGISTER FOR GENOA TOWNSHIP	Page: 1/1
		CHECK NUMBERS 4559 - 6000	
Bank 593FN LAKE EDGEWOOD OPERATING FUND #590			
12/12/2024	4559	CONSUMERS ENERGY	259.61
12/17/2024	4560	COMPLETE BATTERY SOURCE	215.92
12/17/2024	4561	CONSUMERS ENERGY	18.00
12/17/2024	4562	GENOA OCEOLA SEWER	2,712.63
12/17/2024	4563	GENOA TOWNSHIP DPW FUND	12,382.00
12/17/2024	4564	FVS NOLWOOD CHEMICALS, INC	1,923.43
12/17/2024	4565	TETRA TECH INC	9,570.00
12/17/2024	4566	UIS SCADA	1,280.00
593FN TOTALS:			
Total of 8 Checks:			28,361.59
Less 0 Void Checks:			0.00
Total of 8 Disbursements:			28,361.59





Manage your account online at : [www.chase.com/cardhelp](http://www.chase.com/cardhelp)

Customer Service: 1-800-945-2028

Mobile: Download the Chase Mobile® app today

January 2025						
S	M	T	W	T	F	S
29	30	31	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	1
2	3	4	5	6	7	8

New Balance  
**\$15,216.47**  
 Minimum Payment Due  
**\$152.00**  
 Payment Due Date  
**01/01/25**

**INK CASH(SM) POINT SUMMARY**

Previous points balance	5,271
+ 1 Point per \$1 earned on all purchases	15,217
+ 2Pts/\$1 gas stns, rstnts, ofc sply, hm impr	306
<b>Total points available for redemption</b>	<b>20,794</b>

**Late Payment Warning:** If we do not receive your minimum payment by the due date, you may have to pay a late fee, and existing and new balances may become subject to the Default APR.

**Minimum Payment Warning:** Enroll in Auto-Pay and avoid missing a payment. To enroll, go to [www.chase.com](http://www.chase.com)

**ACCOUNT SUMMARY**

Account Number: XXXX XXXX XXXX XXXX

Previous Balance	\$5,115.01
Payment, Credits	-\$5,893.19
Purchases	+\$15,994.65
Cash Advances	\$0.00
Balance Transfers	\$0.00
Fees Charged	\$0.00
Interest Charged	\$0.00
<b>New Balance</b>	<b>\$15,216.47</b>
Opening/Closing Date	11/08/24 - 12/07/24
Credit Limit	\$45,500
Available Credit	\$30,283
Cash Access Line	\$2,275
Available for Cash	\$2,275
<b>Past Due Amount</b>	<b>\$0.00</b>
<b>Balance over the Credit Limit</b>	<b>\$0.00</b>

233-000-084-990

UTILITY DEPT.

DEC 12 2024

RECEIVED

0000001 FIS33339 C 1 0309

N Z 07 24/12/07

Page 1 of 3

05686 MA DA 19071 34210000010561907101



P.O. BOX 15123  
 WILMINGTON, DE 19850-5123  
 For Undeliverable Mail Only

Make your payment at  
[chase.com/paycard](http://chase.com/paycard)

**Payment Due Date:** 01/01/25  
**New Balance:** \$15,216.47  
**Minimum Payment Due:** \$152.00

Account number: XXXX XXXX XXXX XXXX

\$ \_\_\_\_\_ Amount Enclosed  
 Make/Mail to Chase Card Services at the address below:



CARDMEMBER SERVICE  
 PO BOX 6294  
 CAROL STREAM IL 60197-6294

19071 BEX Z 34224 C  
 GREG TATARA  
 MHOG SEWER & WATER AUTH  
 2911 DORR RD  
 BRIGHTON MI 48116-9436



⑆ 5000 160 28⑆ 9869 10 27 2804 1 1⑈





### ACCOUNT ACTIVITY

Date of Transaction	Merchant Name or Transaction Description	\$ Amount
11/07	HARBOR FREIGHT TOOLS 630 HOWELL MI <i>9/10</i>	84.79 ✓
11/14	GUIDO'S PIZZA-BRIGHTON EC 810-2299888 MI <i>9/10</i>	68.19 ✓
11/14	TRACTOR-SUPPLY-CO #0316 HOWELL MI <i>DPW-uniform</i>	84.79 ✓
11/21	BELLE TIRE 078 HOWELL MI <i>DPW truck</i>	202.99 ✓
11/22	AMAZON MKTPL*N87GN35C3 Amzn.com/bill WA <i>9/10</i> JAMES AULETTE TRANSACTIONS THIS CYCLE (CARD ) \$484.96	44.20 ✓
11/11	GRIFFIN FILTER TECHNOLOG SOUTH FARMING NY <i>MHO6</i>	2,062.50 ✓
11/12	TOTAL HOME SUPPLY 877-847-0050 NJ <i>MHO6</i>	1,788.08 ✓
11/15	GRIFFIN FILTER TECHNOLOG SOUTH FARMING NY <i>MHO6</i>	118.30 ✓
11/19	AMAZON MKTPL*RO9MV5O53 Amzn.com/bill WA <i>MHO6</i>	15.00 ✓
11/19	PY *WITMER MOTOR SERVICE 717-336-2949 PA <i>MHO6</i>	32.94 ✓
11/30	AMAZON MKTPL*Z30P769T2 Amzn.com/bill WA <i>MHO6</i>	199.00 ✓
12/02	AMZN Mktp US*ZL7BV4PS0 Amzn.com/bill WA <i>MHO6</i>	23.00 ✓
12/03	STATE MI EGLE MIENVIRO 517-2845483 MI <i>MHO6</i>	153.00 ✓
12/04	BOBCAT OF LANSING 517-3941155 MI <i>MHO6</i> ALEX CHIMPOURAS TRANSACTIONS THIS CYCLE (CARD ) \$4665.40	293.58 ✓
11/20	AMZN Mktp US Amzn.com/bill WA	-750.60
11/08	AMZN Mktp US*O35ZV3M03 Amzn.com/bill WA	698.00
11/07	AMZN Mktp US*QX9VF5063 Amzn.com/bill WA	2,094.00
11/08	AMZN Mktp US*7Y6WO3LN3 Amzn.com/bill WA	758.00
11/09	ZOOM.US 888-799-9666 WWW.ZOOM.US CA	16.95
11/12	Amazon.com*AR7Y46UO3 Amzn.com/bill WA	1,086.01
11/21	Amazon.com*812DN1FB3 Amzn.com/bill WA	19.99
11/21	AMZN Mktp US*LR5LE9MA3 Amzn.com/bill WA	887.98
11/21	AMAZON MKTPL*VF6LL03N3 Amzn.com/bill WA	12.84
11/22	AMZN Mktp US*5I93M11N3 Amzn.com/bill WA	785.13
11/22	AMZN Mktp US*XD8SO5QC3 Amzn.com/bill WA	2,381.28
11/24	Amazon.com*IC6IL66J3 Amzn.com/bill WA	48.45
11/24	Amazon.com*T31U607W3 Amzn.com/bill WA	31.97
11/25	Amazon.com*XB2DH2FA3 Amzn.com/bill WA	77.35
12/03	Amazon.com*ZL6OF9DH2 Amzn.com/bill WA	56.42
12/03	Amazon.com*ZL6CB8ZV1 Amzn.com/bill WA	17.99
12/04	LANDS END BUS OUTFITTERS 800-332-4700 WI	419.92
12/03	REALCOMP II LTD 248-553-3003 MI	201.00
12/05	WWW.MICHIGANCLERKS.ORG WWW.MICHIGAN MI KELLY VANMARTER TRANSACTIONS THIS CYCLE (CARD ) \$8904.64	100.00
11/01	Late Fee Reversal	-40.00
11/21	Payment ThankYou Image Check	-5,075.01
11/27	RINGCENTRAL INC. 888-896-4591 CA <i>DPW-phone</i>	-21.68 ✓
11/27	RINGCENTRAL INC. 888-896-4591 CA <i>DPW-phone</i>	-5.90 ✓
11/10	SHUTTERFLY, INC. 650-610-5200 CA <i>DPW-training</i>	56.53 ✓
11/10	GoToCom*GoToConnect goto.com MA <i>MHO6</i>	249.92 ✓
11/27	RINGCENTRAL INC. 888-896-4591 CA- <i>DPW-phone</i>	15.90 ✓
12/04	RINGCENTRAL INC. 888-896-4591 CA <i>DPW-phone</i>	67.01 ✓
12/05	AMZN Mktp US*ZR10Y6CS0 Amzn.com/bill WA <i>Genoa Trip</i> GREG TATARA TRANSACTIONS THIS CYCLE (CARD ) \$3953.54- INCLUDING PAYMENTS RECEIVED	799.69 ✓

2024 Totals Year-to-Date	
Total fees charged in 2024	\$40.00
Total interest charged in 2024	\$0.00

Year-to-date totals do not reflect any fee or interest refunds you may have received.



**GENOA CHARTER TOWNSHIP BOARD**  
**Regular Meeting**  
**December 16, 2024**

**MINUTES**

**Call to Order**

Supervisor Spicher called the regular meeting of the Genoa Charter Township Board to order with a roll call at 6:30 pm at the Township Hall.

**Invocation**

Supervisor Spicher led the invocation for the Board and the members of the public.

**Pledge of Allegiance**

The Pledge of Allegiance was recited.

**Roll Call**

The following members were present constituting a quorum for the transaction of business: Kevin Spicher, Janene Deaton, Candie Hovarter, Robin Hunt, Bill Reiber, Rick Soucy, and Todd Walker.

Also present was Township Manager Kelly VanMarter, Township Attorney Joe Seward, and 16 people in the audience.

**Call to the Public**

The call to the public was opened at 6:32 pm.

Mr. Jeff Dhaenens of 5494 Sharp Drive is looking forward to the discussion on the request from the Planning Commission. He trusts Mr. Seward's opinion, but it would be good to get another one.

Mr. Ben Tasich of 3492 Lakewood Shores Drive is a 25-year resident of the community and is here on behalf of Livingston County Essential Transportation. He has spoken to the director of LETS and over 25,000 rides in 2024 originated in Genoa Township. They have given rides to 150,000 people in Livingston County this year. Public transportation is crucial. February 4, 2025 is Rosa Parks Equity Day. All members of the Board are invited to the celebration at 8 am that day. He asked that the Board pass a resolution acknowledging that day as was done in 2024.

Ms. Deb Beattie of 3109 Pineview Trail asked about the new format for the agenda. The items for discussion section was moved from the bottom of the agenda to the beginning of the meeting. She does not see the issue pertaining to the severance package that was discussed at



the last meeting. There is no update regarding the online meetings that was discussed at the last meeting.

Ms. Susan Nickels of 4935 Fairways Drive stated they have faith in who they elected. Regarding the last meeting, a motion can be made to amend the agenda after it's approved. She is looking forward to the discussion regarding the severance package. Back in October the severance package was approved. Her sister is a county clerk, and she has been on a township board for eight years and she said this is unheard of in Michigan; it is not common. As she was reviewing the amendment, she noticed that COBRA is in the policy, and it is to be paid for one year for someone who has worked for 20 years or more. This is a very gracious policy, and it should be reviewed.

Ms. Colleen Quinn of 4042 Brookstone Court has heard that the prior board adopted a very generous parachute package. A severance package of one year of pay. She is uncomfortable with this. She was a Human Resources professional for General Motors and when she retired 11 years ago, they were reducing their severance packages.

Ms. Deb Towles of 3210 Pineview Trail is happy that a discussion will be had regarding the validity of the Latson Road PUD. Many residents think this is expired. She hopes that experts can be hired to determine if it is expired.

Ms. Tracey Pardiac of 4312 Rurik reiterated what others said about the severance package. She wonders if it was a fear thing because the Board was changing and people were afraid employees would be let go. It is very expensive. Another opinion is needed for the PUD.

The call to the public was closed at 6:45 pm.

### **Items for Discussion:**

Supervisor Spicher stated that this section of the agenda is for items that are not typically going to be acted on at the meeting. They will be in the packet, discussed, and then it will provide two weeks for the Board to think about it until it is put on the next meeting's agenda.

#### **1. Staff update on Employee Handbook amendments.**

Ms. VanMarter stated that the severance package portion was discussed at the previous meeting. There were concerns with the amounts of the packages. Staff and Human Resources met with some members of the Board and are working on a revised policy that would change the formula, which would reduce the amounts. She anticipates bringing it to the January 6, 2025 meeting.

Ms. Hunt stated that she is the one who stated at the last meeting that the item cannot be added to the agenda for action when there is no backup paperwork to vote on it. She is not an attorney, and she didn't quote the law, but she believes members should be prepared. That was never done before. She agreed with Ms. VanMarter that it was discussed, and the amounts are being reviewed, and it will be brought back before the Board.



Mr. Reiber stated the timing of the amendment does seem like it was a protective measure because it was very high. Severance packages are not common among other townships and municipalities. There are no other surrounding townships who have severance packages. This township ran many years just fine without severance packages. The township does not need to have this.

Mr. Soucy stated he is in favor of a severance policy. The one that is in the handbook is excessive. He was in the meeting and the amounts have been brought down substantially and the issue will be brought back to the Board at their next meeting.

**Moved** by Reiber, supported by Hovarter, to move Item #1 Staff Update on Employee Handbook Amendments from Discussion to the Agenda. **The motion carried with a roll call vote (Walker - yes, Reiber - yes, Hunt - yes, Spicher - yes, Deaton - yes, Soucy - no, Hovarter - yes),**

## **2. Discussion regarding community outreach.**

Supervisor Spicher hopes to foster a stronger sense of community with an increased citizen engagement. His ideas are to host a town hall in January with any topics open to discussion as requested by the citizens, increase the Township's social media presence, increased information on the website, host a senior breakfast or event nights such as bingo or movie nights, have veterans' events, dog walk events around the Township property, etc. They could possibly add a Community Outreach position to the staff.

Ms. Hunt agrees it is a great idea. She questioned the Open Meetings Act requirements for these events. Mr. Seward stated it will need to be posted as a public meeting and if there are going to be four or more members present, then minutes need to be recorded and published. If there is not a quorum then there does not need to be minutes. No decisions can be made at these events.

Mr. Reiber is interested in these and would be willing to increase the staff to manage it.

Ms. Hunt would like to have research done on what can and cannot be placed on social media and if comments are allowed.

## **3. Discussion of a request by the Planning Commission to seek special counsel to obtain a judgment regarding the validity of the Innovation Park Planned Unit Development Agreement.**

Ms. VanMarter stated that at the Planning Commission meeting, the item regarding the installation of a small section of entrance roadway on the PUD had public comments that revolved around whether the agreement has expired or not. The Planning Commission made a motion to postpone this item and asked the Board to seek independent counsel to have a judge render a decision on the validity of the agreement which would allow this item to move forward.

Mr. Seward suggested a court should make the decision and it should not be a lawyer's opinion. The Board decides who the attorney is, then they would determine how it should be done. Ms. VanMarter would seek proposals from attorneys and then return to the Board with a proposal for



review and action. The Board agreed to have Ms. VanMarter move forward with seeking proposals.

**4. Discussion regarding Master Plan amendment.**

Ms. VanMarter stated there are concerns regarding planned land uses for the South Latson Road Corridor. The discussion on these uses was started in 2013 and incorporated into the Master Plan in 2023. Many residents have concerns about the Master Plan for this area. She suggested moving forward to seek proposals to reopen the Master Plan to do a special focus study on the I-96/Latson Road Subarea Plan.

**Moved** by Reiber, supported by Walker, to add item #4 Discussion Regarding Master Plan Amendment to tonight's agenda. **The motion carried unanimously.**

**Approval of Consent Agenda:**

**Moved** by Hunt, supported by Reiber, to approve the Consent Agenda moving Item #6 to the Regular Agenda. **The motion carried unanimously.**

**5. Payment of Bills: December 16, 2024**

~~**6. Request to approve the December 2, 2024 regular meeting minutes. (Moved to Regular Agenda)**~~

**Approval of Regular Agenda:**

**Moved** by Hunt, supported by Deaton, to approve the Regular Agenda with the addition of Item #6. **The motion carried unanimously.**

**6. Request to approve the December 2, 2024 regular meeting minutes. (Moved from Consent Agenda)**

Mr. Reiber stated that the discussion regarding him requesting to have the severance item added to the agenda and Ms. Hunt stating that it could not be added because the agenda was already approved was not in the minutes. This is important and should be on the record.

The Board and Staff determined the language that should be added regarding this discussion.

**Moved** by Hovarter, supported by Reiber to approve the December 2, 2024 regular meeting minutes as amended. **The motion carried unanimously.**

**7. Consideration of a request to appoint Chris Grajek, Ron Matkin, Lori Merians, and Eric Graetzel (alternate) to the Board of Review with a term ending on December 31, 2026.**



Supervisor Spicher stated he reviewed the applications of residents interested in serving on this Board and after he discussed it with the assessing department, he is making these recommendations. He thanked Ms. McCreary for her service on this board.

**Moved** by Soucy, supported by Walker, to appoint Chris Grajek, Ron Matkin, Lori Merians, and Eric Graetzel (alternate) to the Board of Review with a term ending on December 31, 2026. The motion carried unanimously.

**8. Request for approval of Resolution 241216A establishing the 2025 instructions for poverty exemption, guidelines for poverty exemption, poverty exemption application, and poverty exemption worksheet as submitted by Assessor Debra Rojewski. (roll call)**

Mr. Soucy asked how many people receive this benefit. Ms. Hunt stated there are six people who have been approved. The guidelines are set by the federal government.

**Moved** by Hunt, supported by Deaton, to approve the 2025 Instructions for Poverty Exemption, Guidelines for Poverty Exemption, Poverty Exemption Application and Poverty Exemption Worksheet as submitted. **The motion carried unanimously with a roll call vote (Hovarter - yes; Soucy - yes; Deaton - yes; Spicher - yes; Hunt - yes; Reiber - yes; Walker - yes).**

**9. Request for approval to enter into agreements to collect 2025 Summer property taxes for the Brighton Area Schools, Hartland Consolidated Schools, Howell Public Schools, and the Livingston Educational Service Agency as submitted by the Township Treasurer.**

Ms. Hunt stated this is put before the Board each year. The \$3.00 per parcel fee is standard for Livingston County. Pinckney is not on the list because they collect their taxes in the winter. Mr. Soucy asked how much money is collected for the schools and how much does it cost the Township to do this. Ms. Hunt stated they will collect \$24,498 this year. She is not sure of the administrative costs. The Township has a long-standing agreement with the school districts to collect their taxes. It makes it much easier for the schools and the residents.

**Moved** by Soucy, supported by Walker, to enter into agreements to collect 2025 summer property taxes for the Brighton Area Schools, Hartland Consolidated Schools, Howell Public Schools, and the Livingston Educational Service Agency as submitted by the Township Treasurer. **The motion carried unanimously.**

**10. Request for approval of Resolution 241216B entitled “Resolution Regarding Minimal Tax Overpayments” as submitted by the Township Treasurer. (roll call)**



Ms. Hunt stated that she had a discussion with the Township Attorney and is now asking for this item to be tabled this evening.

**Moved** by Hunt, supported by Walker, to table the approval of Resolution 241216B entitled “Resolution Regarding Minimal Tax Overpayments” as submitted by the Township Treasurer. **The motion carried unanimously.**

**11. Request to introduce proposed ordinance number Z-25-01 regarding zoning ordinance text amendments to Article 11, “General Provisions” and to set the meeting date for considering the proposed ordinance for adoption before the Township Board on Monday, January 6, 2025.**

Ms. VanMarter stated these proposed zoning ordinance amendments are to allow the Township to get ahead of the Michigan Public Safety Commission’s decision regarding Public Act 233. She noted the Township is currently in an appeal on this Act, but if a developer comes to the Township for this, an ordinance should be in place to address it.

Mr. Reiber asked for a status of the appeal and Ms. VanMarter stated she does not have an update from the attorney.

**Moved** by Hunt, supported by Walker, to introduce proposed Ordinance Number Z-25-01 and to set the meeting date to consider adoption before the Township Board on Monday, January 6, 2025 for the purpose of considering the proposed Zoning Ordinance text amendment to Article 11 General Provisions. **The motion carried unanimously.**

**12. Master Plan**

Ms. VanMarter stated that The Planning Commission is the body that initiates any updates to the Master Plan. She is requesting to use Giffels Webster. This would be the most economical way to move forward as they recently did the previous update.

**Moved** by Hovater, supported by Soucy, to direct Township Staff to work with the Planning Commission to initiate an update to the 2023 Master Plan with a special focus on the I-96/Latson Road Subarea Plan, with recommendation to use Giffels Webster. **The motion carried unanimously.**

**13. Staff update on Employee Handbook amendments.**

Ms. Hunt strongly feels it is inappropriate to make a decision on something that is not in the packet and has not been reviewed by the Township Board. The previous motion was to have staff work on this issue and return to the Board. Staff and Board Members met to discuss this, and she would like them to have the opportunity to present their plan to the Board. She reiterated this is not for all employees and only those who are let go without cause.



Ms. Hovarter stated this was not in the handbook previously. If no one is doing anything wrong, there is nothing to worry about.

Mr. Reiber stated that this never existed in the past. People have been severed before and it was handled on a case-by-case basis. It is a liability to the taxpayers. He wants to be fiscally responsible.

Mr. Seward stated a severance package triggers an employee to have to sign a release so that there is not a lawsuit against the Township if they are let go.

Ms. VanMarter stated that one of the Township's biggest risk is labor laws and personnel. The Township does not want an issue where someone wants to sue because they were let go. She addressed Mr. Reiber's comment that no other townships in the area have severance packages. She stated that Genoa Township is different because in most communities, upper echelon employees have employee contracts. Genoa Township does not have that for all those employees, so they are unique, which is why it is in the handbook.

Ms. Deaton stated that everyone at the Township has been wonderful to work with. Ms. VanMarter is one of the smartest ladies she knows. There were fears that the new board would fire everyone. She has been here on a day-to-day basis, and everyone works hard and there is no immediate need to terminate anyone. The Clerk's Department was a mess, and she would not want to condone that behavior for any other employees and keep them because there is a severance package. If they were to be let go, the Township would have to pay them. If someone isn't going to do their job and they are let go, the taxpayers should not have to pay that employee. Ms. Hunt stated no one in the Clerk's Office would have qualified for severance.

Supervisor Spicher stated that Greg Tatara is concerned how this would affect his department. If one of the communities chose not to continue with the MHOG agreement, he would have to let an employee go because of funding. Mr. Soucy suggested having a clause that if a community leaves MHOG, they will have to pay, which could cover the severance. Maybe there would be two handbooks; one for Township employees and one for MHOG employees.

Mr. Tasich asked to speak. What is the rationale behind a severance package? People who we want to leave early or people who are not doing their job and will be receiving a severance package. Ms. VanMarter stated the current policy would only be for someone that is being let go without cause. They are doing their job fine, but the Township is downsizing, or the employee is asked to leave for no malfeasance, no performance issues, etc. If someone is not doing their job, then they would not qualify for the severance package. It is not a buy-out offer.

Mr. Reiber reiterated his concerns that he stated previously.



Supervisor Spicher is not in favor of removing it and wants staff to present it to the Board. Mr. Soucy agrees.

**Moved by** Reiber, supported by Hovarter, to take the severance pay policy out of the Employee Handbook. **The motion carried with a roll call vote (Hovarter - yes; Soucy - no; Deaton - yes; Spicher - no; Hunt - no; Reiber - yes; Walker - yes)**

**Member Discussion**

Ms. VanMarter stated she received a compliment from a resident regarding the yard waste drop off service this fall. He stated that from the time he left his home in Oak Pointe, went to the Township Hall to drop off his leaf bags, and returned home, it was 18 minutes. He was absolutely thrilled with the service he received.

Ms. Deaton stated she is working on a project that was stopped at the Township. The Big Red Barrel is a program where residents can dispose of prescription medication in a safe way instead of flushing or throwing it in the trash. This will help keep PFAS out of the Township. She does not propose to have a barrel here at the Township Hall but would like to do special collection events at different times throughout the year.

**Adjournment**

**Moved by** Hunt, supported by Walker, to adjourn the meeting at 8:10 pm. **The motion carried unanimously.**

Respectfully Submitted,

Patty Thomas  
Recording Secretary

Approved: Janene Deaton  
Genoa Charter Township

Kevin Spicher, Supervisor  
Genoa Charter Township





2911 Dorr Road  
Brighton, MI 48116  
810.227.5225  
810.227.3420 fax  
genoa.org

# MEMORANDUM

**TO:** Honorable Board of Trustees  
**FROM:** Amy Ruthig, Planning Director  
**DATE:** December 29, 2024  
**RE:** Solar, Wind and Energy storage Ordinance Amendments  
Ordinance No. Z-25-01

In consideration of the recommendation by the Township Planning Commission on December 4<sup>th</sup>, 2024 and the Livingston County Planning Commission on December 18, 2024 please find attached the proposed text amendments for your review. The proposed zoning text amendment is to amend Zoning Ordinance Section 11.05 Wind Energy Systems, Section 11.06 Solar Energy Systems and the addition of 11.07 Energy Storage Systems within Article 11 entitled General Provisions.

The proposed zoning text amendments was precipitated by the enactment of P.A. 233 of 2023 which gives local government limited control of Utility-Scale Renewable Energy Facilities of 50 megawatts or more for solar, 100 megawatts or more for wind; and 50 megawatts or more for energy storage facilities with an energy discharge capability of 200 megawatts or more. The act does give siting locations control to local governments if the local government has an ordinance that is not more restrictive than Public Act 233.

As required pursuant to the Charter Township Act (Act 359 of 1947) and the Michigan Zoning Enabling Act (Act 110 of 2006) the board has introduced and staff has published notice of the proposed text amendment. Consideration for adoption is therefore requested. If the Board is in support of the proposed ordinance I offer the following motion for your consideration:

***Please note the ordinance requires adoption by a majority of the membership on roll call vote.***

Moved by \_\_\_\_\_, supported by \_\_\_\_\_ to approve and adopt Ordinance Number Z-25-01 amending Article 11 of the Zoning Ordinance in regard to General Provisions.

If you should have any questions, please feel free to contact me.

Best Regards,

Amy Ruthig  
Planning Director

**SUPERVISOR**

Kevin Spicher

**CLERK**

Janene Deaton

**TREASURER**

Robin L. Hunt

**TRUSTEES**

Rick Soucy

Bill Reiber

Candie Hovarter

Todd Walker

**MANAGER**

Kelly VanMarter



**ORDINANCE #Z-25-01**

**AN ORDINANCE TO AMEND ZONING ORDINANCE SECTION 11.05 WIND ENERGY SYSTEMS, 11.06 SOLAR ENERGY SYSTEMS AND 11.07 ENERGY STORAGE SYSTEMS WITHIN ARTICLE 11 ENTITLED GENERAL PROVISIONS**

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**THE TOWNSHIP OF GENOA ORDAINS:**

**SECTION 1: SHORT TITLE:** This Ordinance shall be known as the “**Section 11.05 Wind Energy Systems, Section 11.06 Solar Energy Systems and 11.07 Energy Storage Systems Amendment to Zoning Ordinance Article 11 General Provisions**”.

**SECTION 2: SUMMARY OF ORDINANCE:** Pursuant to the Michigan Zoning Enabling Act (P.A. 110 of 2006), notice is hereby given that an ordinance to amend the Zoning Ordinance regulating the development and use of land in Genoa Charter Township has been adopted by the Township Board on \_\_\_\_\_. The Board conducted the second reading and approved Ordinance #Z-25-01 to adopt the ordinance and amend the Zoning Ordinance of the Charter Township of Genoa by amending Article 11 General Provisions Section 11.05 Wind Energy Systems, Section 11.06 Solar Energy Systems and 11.07 Energy Storage Systems. The following provides a summary of the regulatory effect of the ordinance.

**ARTICLE 11 OF THE ZONING ORDINANCE, ENTITLED GENERAL PROVISIONS, SECTION 11.05 WIND ENERGY SYSTEMS, 11.06 SOLAR ENERGY SYSTEMS AND 11.07 ENERGY STORAGE SYSTEMS WITHIN ARTICLE 11 ENTITLED GENERAL IS HEREBY AMENDED TO REPLACE THE EXISTING SECTION AS FOLLOWS:**

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**Sec. 11.05 WIND ENERGY CONVERSION SYSTEMS (WECS)**

- (c) **Definitions:** For the purpose of this section, the following words and phrases shall have the meanings respectively ascribed to them as follows:
- (8) **Independent power producer (IPP):** a person that is not an electric provider but owns or operates facilities to generate electric power for sale to electric providers, this state, or local units of government.
  - (10) **Non-participating property:** a property that is adjacent to an energy facility and that is not a participating property.
  - (13) **Participating property:** real property that either is owned by an applicant or that is the subject of an agreement that provides for payment by an applicant to a landowner or monetary compensation related to an energy facility regardless of whether any part of that energy facility is constructed on the property.
  - (18) **Utility-Scale Wind Energy Systems under PA 233:** A system that captures and converts wind into electricity, for the purpose of sale or far use in locations other than solely the wind energy facility property, and with a nameplate capacity of 100 megawatts or more. Wind energy facility includes, but is not limited to , the following equipment and facilities to be constructed by an electric provider or independent power producer: wind towers; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; energy storage facilities; overhead and underground controls; communications and radio relay systems and telecommunications equipment; monitoring and recording equipment and facilities; erosions control facilities; utility lines and installations; generation tie lines; ancillary buildings; wind monitoring stations; and accessory equipment and structures. (see 11.05.04)



11.05.04 **Utility-Scale Wind Energy Systems under PA 233 only.**

- (a) **Intent and Purpose:** The intent and purpose of this Section is to establish standards pursuant to PA 233 of 2024. To the extent the following provisions conflict with the provisions in subsection 11.05.01, 11.05.02, 11.05.03 above, these provisions shall apply. All provisions in 11.05.01, 11.05.02, and 11.05.03 above that do not conflict with the subsection remain in full force and effect and shall be applicable to all Utility- Scale Wind Energy Systems regardless of nameplate capacity. The following provisions do not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect, and do not apply to Utility Grid WESC.
- (b) **Locations Where System Allowed:** Utility-Scale Wind Energy Systems shall be permitted in Industrial (IND) and Planned Industrial Parks (PID) 20-acres or more with special land use approval by Township Board in accordance with Article 19 and site plan approval by the Township Board and Planning Commission in accordance with Article 18.
- (c) **Application:** To construct an Utility-Scale Wind Energy System, an electric provider or IPP that proposes to obtain a certificate from the Michigan Public Service Commission to construct an energy facility within the Township shall follow the following application process:
- (1) At least 60 days before the public meeting provided for in MCL 460.1223, an electric provider or IPP shall offer in writing to meet with the Township Supervisor, or the Supervisor's designee, to discuss the site plan. The offer to meet should be delivered by email. The Supervisor or Supervisor's designee must respond within 30 days from the offer to meet.
  - (2) Within 30 days following the meeting described in paragraph 11.05.04(c)(1), the Township Supervisor shall notify the electric provider or IPP planning to construct the energy facility that the Township has a compatible renewable energy ordinance. If all affected local units with zoning jurisdiction provide similar timely notice to the electric provider or IPP, then the electric provider or IPP shall file for approval of a permit with the Township.
  - (3) To file for approval of a permit the electric provider or IPP must submit a complete application to the Township Clerk. The application form to be used shall be adopted by resolution of the Township Board. The application shall contain the items set forth in MCL 460.1225(1), except for (l)(j) and (s). The application may also require other information to determine compliance with this Compatible Renewable Energy Ordinance. By resolution, the Township may establish an application fee and escrow policy to cover the Township's reasonable costs of review and processing of the application, including but not limited to staff, attorney engineer, planning, environmental, or other professional costs.
- (d) **Application Review:** The application shall be processed as a special land use subject to the provisions of this Article. The Township Board following a recommendation from the Planning Commission shall approve or deny the application within 120 days after receiving a complete application. This deadline may be extended by up to 120 days if jointly agreed upon by the Township Board and the applicant. If the application is approved, the following standards apply:
- (1) **Setbacks.** Utility-Scale Wind Energy Systems must comply with the following minimum setback requirements, with setback distances measured from the center of the base of the wind tower:



Setback Description	Setback Distance
Occupied community buildings and dwelling on nonparticipating properties	2.1 times the maximum blade tip height to the nearest point on the outside wall of the structure
Residences and other structures on participating properties	1.1 times all the maximum blade tip height to the nearest point on the outside wall of the structure
Nonparticipating property lines	1.1 times the maximum blade tip height
Public road right-of-way	1.1 times the maximum blade tip height to the center line of the public road right-of-way
Overhead communication and electric transmission, not including utility service lines to individual houses or outbuildings	1.1 times the maximum blade tip height to the center line of the easement containing the overhead line

- (2) **Height.** Each wind tower does not exceed the height allowed under a Determination of No Hazard to Air Navigation by the Federal Aviation Administration under 14 CFR part 77.
- (3) **Shadow Flicker:** Each wind tower must be sited such that any occupied community building or nonparticipating residence will not experience more than 30 hours per year of shadow flicker under planned operating conditions as indicated by industry standard computer modeling.
- (4) **Noise:** The Wind Energy System must not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
- (5) **Lighting:** The Wind Energy System must be equipped with a functioning light-mitigating technology. To allow proper conspicuity of a wind turbine at night during construction, a turbine may be lighted with temporary lighting until the permanent lighting configuration, including the light-mitigating technology, is implemented. The Township may grant a temporary exemption from the requirements of this subparagraph if installation of appropriate light-mitigating technology is not feasible. A request for a temporary exemption must be in writing and state all of the following:
  - (a) The purpose of the exemption.
  - (b) The proposed length of the exemption
  - (c) A description of the light-mitigating technologies submitted to the Federal Aviation Administration.
  - (d) The technical or economic reason a light-mitigating technology is not feasible.
  - (e) Any other relevant information requested by the Township.
- (6) **Radar Interference:** The Wind Energy System must meet any standards concerning radar interference, lighting (subject to subparagraph (6) or other relevant issues as determined by the Township.
- (7) **Environmental Regulations:** The Wind Energy System must comply with applicable state or federal environmental regulations.
- (8) **Public Service Commission:** The Wind Energy Facility will comply with any more stringent requirements adopted by the Michigan Public Service Commission as provided for in MCL 460.1226(8)(b)(vii). Before adopting such requirements, the commission



must determine that the requirements are necessary for compliance with state or federal environmental regulations.

- (9) **Host community agreement:** The applicant shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the Wind Energy System owner must pay the Township \$2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the local unit and the applicant.

## Sec. 11.06 SOLAR ENERGY SYSTEMS

### 11.06.01

#### (a) **Definitions:**

(9) **Non-Participating Property:** A property that is adjacent to an energy facility and that is not a participating property.

(10) **Participating Property:** A property that participates in a lease or easement agreement, or other contractual agreement, with or that is owned by an entity submitting a Special Land Use Permit application for the purpose of developing a Utility Solar Energy Facility.

(16) **Utility-Scale Solar Energy Facility under PA 233:** a system that captures and converts solar energy into electricity, for the purpose of sale or for use in locations other than solely the solar energy facility property, and with a nameplate capacity of 50 megawatts or more. Utility-Scale Solar energy facility includes, but is not limited to, the following equipment and facilities to be constructed by an electric provider or independent power producer: photovoltaic solar panels; solar inverters; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; energy storage facilities; overhead and underground control; communications and radio relay systems and telecommunications equipment; utility lines and installations; generation tie lines; solar monitoring stations; and accessory equipment and structures.

### 11.06.07 **Utility-Scale Solar Energy Systems under PA 233 only.**

(a) **Intent and Purpose:** The following provisions apply to Utility-Scale Solar Energy Systems as defined above and shall be allowed in the Industrial (IND) and Planned Industrial Parks (PID) zoning districts by special use permit. To the extent the following provisions conflict with the provisions in subsection 11.06.02, 11.06.03, 11.06.04, 11.06.05 and 11.06.06 above, these provisions shall apply. All provisions above that do not conflict with the subsection remain in full force and effect and shall be applicable to all Utility-Scale Solar Energy Systems regardless of nameplate capacity. The following provisions do not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect, and do not apply to Utility-Scale Solar Energy Systems:

(b) **Location.** Where System Allowed: Utility-Scale Solar Energy Systems shall be permitted in Industrial (IND) and Planned Industrial Parks (PID) on 20-acres or more with special land use approval by Township Board in accordance with Article 19 and site plan approval by the Planning Commission and Township Board in accordance with Article 18.



(c) **Application.** To construct an Utility-Scale Wind Energy System, an electric provider or IPP that proposes to obtain a certificate from the Michigan Public Service Commission to construct an energy facility within the Township shall follow the following application process:

- (1) At least 60 days before the public meeting provided for in MCL 460.1223, an electric provider or IPP shall offer in writing to meet with the Township Supervisor, or the Supervisor’s designee, to discuss the site plan. The offer to meet should be delivered by email. The Supervisor or Supervisor’s designee must respond within 30 days from the offer to meet.
- (2) Within 30 days following the meeting described in paragraph 11.06.07 (c)(1), the Township Supervisor shall notify the electric provider or IPP planning to construct energy facility that the Township has a compatible renewable energy ordinance. If all affected local units with zoning jurisdiction provide similar timely notice to the electric provider or IPP, then the electric provider or IPP shall file for approval of a permit with the Township.
- (3) To file for approval of a permit the electric provider or IPP must submit a complete application to the Township Clerk. The application form to be used shall be adopted by resolution of the Township Board. The application shall contain the items set forth in MCL 460.1225(1), except for (l)(j) and (s).
- (4) The application may also require other information to determine compliance with this Compatible Renewable Energy Ordinance. By resolution, the Township may establish an application fee and escrow policy to cover the Township’s reasonable costs of review and processing of the application, including but not limited to staff, attorney, engineer, planning, environmental, or other professional costs.

(d) **Application Review:** The application shall be processed as a special land use subject to the provisions of this Article. The Township Board following a recommendation from the Planning Commission shall approve or deny the application within 120 days after receiving a complete application. This deadline may be extended by up to 120 days if jointly agreed upon by the Township Board and the applicant. If the application is approved the following standards apply:

- (1) **Setback:** Setback distances measured from the nearest edge of the perimeter fencing of the facility:

<b>Setback Description</b>	<b>Setback Distance</b>
Occupied community buildings and dwelling on nonparticipating properties	300 feet from the nearest point on the outer wall
Public road right-of-way	50 feet measured from nearest edge of a public road right-of-way
Nonparticipating properties	50 feet measured from the nearest shared property line

- (2) **Fencing:** The solar energy facility shall comply with the latest version of the National Electric Code as of November 29, 2024 or any applicable successor standard approved by the Michigan Public Service Commission as provided in MCL 460.1226(8)(a)(ii).



- (3) **Height:** Solar panel components do not exceed a maximum height of 25 feet above ground when the arrays are at full tilt.
- (4) **Noise:** The solar energy facility does not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
- (5) **Lighting:** The solar energy facility will implement dark sky-friendly lighting solutions.
- (6) **Environmental Regulations.** The solar energy facility will comply with any more stringent requirements adopted by the Michigan Public Service Commission as provided in MCL 460.1226(8)(a)(vi).
- (7) **Host Community Agreement.** The applicant shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the Utility-Scale Solar Energy System owner must pay the Township \$2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed by to by the local unit and the applicant.

Sec. 11.07 **UTILITY-SCALE ENERGY STORAGE SYSTEMS UNDER PA 233.**

**11.07.01 General**

(a) **Intent and purpose:** The regulations of this Section are intended to conform with PA 233 of 2024.

(b) **Definitions:**

- (1) **Battery Energy Storage System, Small Off-Site:** A Battery Energy Storage System that is a principal use (or co-located with a second principal use) and that is designed and built to connect into the distribution or transmission grid with a nameplate capacity less than 50 megawatts.
- (2) **Battery Energy Storage System, Large Off-Site:** A Battery Energy Storage System (BESS) that is a principal use (or co-located with a second principal use) and that is designed and built to connect to the transmission grid with a nameplate capacity of 50 megawatts or more and an energy discharge capability of 200 megawatt hours or more
- (3) **Non-Participating Property:** Any property that is adjacent to a participating property, but is not part of the battery storage project.
- (4) **Participating Property:** A Utility-Scale Battery Energy Storage System host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the system owner (or affiliate) regardless of whether any part of a system is constructed on the property.



- (c) **Applicability:** The following provisions apply to Utility-Scale Battery Energy Storage Systems as defined. The following provisions do not apply if it conflicts with 11.05 and PA 233 of 2023 is repealed, enjoined, or otherwise not in effect, and do not apply to Utility-Scale Solar Energy Systems:
- (d) **Locations.** Utility-Scale Battery Energy Storage Systems shall be permitted in Industrial (IND) and Planned Industrial Parks (PID) 20-acres or more with special land use approval by Township Board in accordance with Article 19 and site plan approval by the Planning Commission and Township Board in accordance with Article 18.
- (e) **Application.** To Construct an Utility-Scale Battery Energy Storage System, an electric provider or IPP that proposes to obtain a certificate from the Michigan Public Service Commission to construct an energy facility within the Township shall follow the following application process:
  - (1) At least 60 days before the public meeting provided for in MCL 460.1223, an electric provider or IPP shall offer in writing to meet with the Township Supervisor, or the Supervisor’s designee, to discuss the site plan. The offer to meet should be delivered by email and certified mail must also be sent to the Township Board in care of the Township Clerk in this manner. The Supervisor or Supervisor’s designee must respond within 30 days from the offer to meet.
  - (2) Within 30 days following the meeting described in paragraph 11.07.01 (e)(1) the Township Supervisor shall notify the electric provider or IPP planning to construct the Utility-Scale Battery Energy Storage System facility that the Township has a compatible renewable energy ordinance. If all affected local units with zoning jurisdiction provide similar timely notice to the electric provider or IPP, then the electric provider or IPP shall file for approval of a permit with the Township.
  - (3) To file for approval of a permit the electric provider or IPP must submit a complete application to the Township Clerk. The application form to be used shall be adopted by resolution of the Township Board. The application shall contain the items set forth in MCL 460.1225(1), except for (l)(j) and (s). The application may also require other information to determine compliance with this Compatible Renewable Energy Ordinance. By resolution, the Township may establish an application fee and escrow policy to cover the Township’s reasonable costs of review and processing of the application, including but not limited to staff, attorney, engineer, planning, environmental, or other professional costs.

**11.07.02**

**Application Review:** The application shall be processed as a special land use subject to the provisions of this Article 19. The Township Board following a recommendation from the Planning Commission shall approve or deny the application within 120 days after receiving a complete application. This deadline may be extended by up to 120 days if jointly agreed upon by the Township Board and the applicant. In consideration of the application the Zoning Administrator must approve the application and issue a permit for the requested construction if it complies with the following standards:

- (a) **Setback:** Setback distances measured from the nearest edge of the perimeter fencing of the facility:



<b>Setback Description</b>	<b>Setback Distance</b>
Occupied community buildings and dwelling on nonparticipating properties	300 feet from the nearest point on the outer wall
Nonparticipating parties	50 feet measured from the nearest shared property line
Public road right-of-way	50 feet measured from nearest edge of a public road right-of-way

- (b) **NFPA Standard:** Utility-Scale Battery Energy Storage facility must comply with the version of NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems” in effect on November 29, 2024 or any applicable successor standard adopted by the Michigan Public Service Commission as provided for in MCL 460.1226(8)(c)(ii).
- (c) **Fencing:** The Utility-Scale Battery Energy Storage Facility shall comply with the latest version of the National Electric Code as of November 29, 2024 or any applicable successor standard approved by the Michigan Public Service Commission as provided in MCL 460.1226(8)(a)(ii).
- (d) **Noise:** The Utility-Scale Battery Energy Storage Facility shall not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
- (e) **Lighting:** The Utility-Scale Battery Energy Storage Facility will implement dark sky-friendly lighting solutions.
- (f) **Environmental Regulations:** The Utility-Scale Battery Energy Storage System must comply with applicable state of federal environmental regulations.
- (g) **Host Community Agreement:** The applicant shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the Utility-Scale Battery Energy Storage System owner must pay the Township \$2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed by to by the local unit and the applicant.

**SECTION 3: REPEALOR:** All ordinances or parts of Ordinances in conflict herewith are repealed.

**SECTION 4: SEVERABILITY:** Should any section, subsection, paragraph, sentence, clause, or word of this Ordinance be held invalid for any reason, such decisions shall not affect the validity of the remaining portions of the Ordinance.

**SECTION 5: SAVINGS:** This amendatory ordinance shall not affect violations of the Zoning Ordinance or any other ordinance existing prior to the effective date of this Ordinance and such violation shall be governed and shall continue to be separate punishable to the full extent of the law under the provisions of such ordinance at the time the violation was committed.

**SECTION 6: EFFECTIVE DATE:** These ordinance amendments were adopted by the Genoa Charter Township Board of Trustees at the regular meeting held \_\_\_\_\_ and ordered to be given publication in the manner required by law. This ordinance shall be effective seven days after publication.



On the question: "SHALL THIS ORDINANCE NOW PASS" the following vote was recorded:

**Ayes:**

**Nays:**

**Absent:**

I hereby approve the adoption of the foregoing Ordinance this \_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Janene Deaton  
Township Clerk

\_\_\_\_\_  
Kevin Spicher  
Township Supervisor

Township Board First Reading:	December 16, 2024
Date of Posting of Ordinance:	December 18, 2024
Date of Publication of Ordinance:	December 20, 2024
Township Board Second Reading and Adoption:	Proposed January 6, 2025
Date of Publication of Ordinance Adoption:	Proposed January 12, 2025
Effective Date:	Proposed January 19, 2025

DRAFT



7. ZONING REVIEWS:

A. **Z-45-24: GENOA TOWNSHIP, REZONING:  
PUBLIC RECREATION FACILITIES (PRF) TO SUBURBAN RESIDENTIAL (SR) IN SECTION 3.**

**Current Zoning:** PRF Public Recreation Facilities

**Proposed Zoning:** NSC Neighborhood Service Commercial (28,000 sq. ft./12,000 sq. ft. with sanitary sewer)

**Section:** Section 3

**Township Master Plan:** Genoa Township's Master Plan designate the subject area described below:

*Small Lot Single Family Residential: This designation refers to two distinct groups of single-family residential uses: the older homes around Lake Chemung and the Tri- Lakes area and newer, small lot, single family subdivisions located within the more urbanized area of the Township. These areas will generally be, or are planned to be, served by public water and sanitary sewer. Single family residential uses located within these areas will typically be located on lots ranging from 14,520 square feet to 21,780 square feet in size or 2 to 3 units per acre.*

**Township Planning Commission Recommendation:** **Approval.** The Genoa Township Planning Commission recommended approval at their November 12, 2024, meeting. There were no public comments.

**Staff Recommendation:** **Approval.** The proposed rezoning from Public Recreation Facilities (PRF) to Suburban Residential (SR) is consistent with the Township Master Plan and the Livingston County Master Plan.

**Commission Discussion:** Commissioner Burkholder asked applicant if any of the square footage of the lots extend into the water or if they had plans to split the property.

**Public Comment:** Brent Lavanway from Boss Engineering spoke on the project and offered to answer any questions on the development.

**Commission Action:**

**Commissioner Action: IT WAS MOVED BY COMMISSIONER CALL TO RECOMMEND APPROVAL, SECONDED BY COMMISSIONER BURKHOLDER.**

**Motion passed: 4-0.**

B. **Z-54-24: GENOA TOWNSHIP, AMENDMENTS TO ZONING ORDINANCE ARTICLES –  
ARTICLE 11 GENERAL PROVISIONS: 11.05.01 & 11.05.04 UTILITY-SCALE WIND ENERGY  
CONVERSION SYSTEMS, 11.06.01 & 11.06.07 UTILITY-SCALE SOLAR ENERGY SYSTEMS  
AND 11.07.01 & 11.07.02 UTILITY-SCALE BATTERY STORAGE UNDER PA 233.**

Genoa Township is proposing to amend their Wind Energy Conversion Systems, Utility Scale Solar Energy System Ordinances as well as add new language for Utility-Scale Battery Storage. Utility-scale renewable energy projects in Genoa Township would remain a permitted, special use in the Industrial and Planned Industrial Districts.

The intent is to meet the requirements of PA 233 and be no more stringent than section 226 (8); effectively creating a Compatible Renewable Energy Ordinance (CREO). As of November 29, 2024, Public Act 233 is in effect and renewable energy providers could begin the application process with local communities. Genoa Township along with 70+ communities in Michigan filed a class action lawsuit November 8, 2024, challenging PA 233. The proposed amendments add qualifying language, in the case PA 233 is either repealed, enjoined or otherwise not in effect, Genoa Township's existing renewable energy ordinances would take precedence.



**Township Recommendation: Approval.** Genoa Township Planning Commission recommended approval of the proposed amendments at their December 4, 2024, Planning Commission Meeting. There were no public comments.

**Staff Recommendation: Approval With Conditions.** The conditions being the Township proofread for grammatical errors and verified correct sections of PA 233 are referenced.

Although there is pending litigation that Genoa Township is involved in, adopting language that aligns with PA 233 will help the township maintain local siting control of utility-scale renewable energy projects. Further, the trigger language helps maintain the existing ordinance in the event PA 233 is no longer in effect.

**Commission Discussion:** Commissioner Bowdoin asked if there is an overlay district in Genoa Township.

**Public Comment:** None.

**Commission Action:**

**Commissioner Action: IT WAS MOVED BY COMMISSIONER BOWDOIN TO RECOMMEND APPROVAL WITH CONDITIONS, SECONDED BY COMMISSIONER CALL.**

**Motion passed:4-0.**

**C. Z-46-24: DEERFIELD TOWNSHIP, AMENDMENTS TO ZONING ORDINANCE ARTICLES – TABLE 10-2; TABLE 10-3; SECTION 17.27 COMMERCIAL WIND ENERGY FACILITIES; SECTION 17.30 SOLAR ENERGY SYSTEMS; ARTICLE 11 COMPATIBLE RENEWABLE ENERGY ORDINANCE (CREO).**

The Deerfield Township Planning Commission is proposing to amend several sections of the Township Zoning Ordinance for compliance with PA 233 of 2023 and create a new Article 11 that will implement a Compatible Renewable Energy Ordinance (CREO) in the Township.

**Township Recommendation: Approval.** The Deerfield Township Planning Commission recommended approval of the proposed amendments at their November 21, 2024, public hearing.

**Staff Recommendation: Approval.** The proposed amendments are generally consistent with CREO requirements, but we encourage a cautious approach as the current MPSC order is being legally challenged and could result in changes to local ordinances.

**Commission Discussion:** None.

**Public Comment:** None

**Commission Action:**

**Commissioner Action: IT WAS MOVED BY COMMISSIONER BOWDOIN TO RECOMMEND APPROVAL, SECONDED BY COMMISSIONER BURKHOLDER.**

**Motion passed: 4-0.**

**D. Z-47-24: HOWELL TOWNSHIP, AMENDMENTS TO ZONING ORDINANCE ARTICLES – VARIOUS SECTIONS, STORAGE AND CARGO CONTAINER AMENDMENTS.**

The Howell Township Planning Commission is proposing to amend several sections of the Township Ordinance to include portable storage and cargo containers within the Township.

**Township Recommendation: Approval.** The Howell Township Planning Commission recommended approval of the proposed amendments at their November 19, 2024, public hearing.

**Staff Recommendation: Approval With Conditions.** Items noted in this review should be corrected prior to any final approval of the proposed amendments.



Ms. Hunt stated that she had a discussion with the Township Attorney and is now asking for this item to be tabled this evening.

**Moved** by Hunt, supported by Walker, to table the approval of Resolution 241216B entitled "Resolution Regarding Minimal Tax Overpayments" as submitted by the Township Treasurer. **The motion carried unanimously.**

**11. Request to introduce proposed ordinance number Z-25-01 regarding zoning ordinance text amendments to Article 11, "General Provisions" and to set the meeting date for considering the proposed ordinance for adoption before the Township Board on Monday, January 6, 2025.**

Ms. VanMarter stated these proposed zoning ordinance amendments are to allow the Township to get ahead of the Michigan Public Safety Commission's decision regarding Public Act 233. She noted the Township is currently in an appeal on this Act, but if a developer comes to the Township for this, an ordinance should be in place to address it.

Mr. Reiber asked for a status of the appeal and Ms. VanMarter stated she does not have an update from the attorney.

**Moved** by Hunt, supported by Walker, to introduce proposed Ordinance Number Z-25-01 and to set the meeting date to consider adoption before the Township Board on Monday, January 6, 2025 for the purpose of considering the proposed Zoning Ordinance text amendment to Article 11 General Provisions. **The motion carried unanimously.**

**12. Master Plan**

Ms. VanMarter stated that The Planning Commission is the body that initiates any updates to the Master Plan. She is requesting to use Giffels Webster. This would be the most economical way to move forward as they recently did the previous update.

**Moved** by Hovater, supported by Soucy, to direct Township Staff to work with the Planning Commission to initiate an update to the 2023 Master Plan with a special focus on the I-96/Latson Road Subarea Plan, with recommendation to use Giffels Webster. **The motion carried unanimously.**

**13. Staff update on Employee Handbook amendments.**

Ms. Hunt strongly feels it is inappropriate to make a decision on something that is not in the packet and has not been reviewed by the Township Board. The previous motion was to have staff work on this issue and return to the Board. Staff and Board Members met to discuss this, and she would like them to have the opportunity to present their plan to the Board. She reiterated this is not for all employees and only those who are let go without cause.



**OPEN PUBLIC HEARING #2... Consideration of Zoning Ordinance Text amendments to Article 11” General Provisions” of the Zoning Ordinance.**

**A. Recommendation of Zoning Ordinance Amendment to Article 11 “General Provisions”**

Ms. Ruthig reviewed the proposed ordinance amendments. The State approved taking away control from local governments with regard to determining setbacks, heights, use requirements, etc. for solar and wind energy. The township is only allowed to determine where they can be placed.

The Planning Commission and staff discussed the proposed changes. Some typographical errors were noted and will be amended by staff.

The call to the public was opened at 9:26 pm with no response.

**Moved** by Rassel, supported by Chouinard, to recommend to the Township Board approval of the Zoning Ordinance Amendment to Article 11 “General Provisions” as it relates to Public Act 233. **The motion carried unanimously.**

ADMINISTRATIVE BUSINESS:

**Staff Report**

Ms. Ruthig reminded the commissioners that Monday’s meeting will be at Parker Middle School.

**Approval of the November 12, 2024 Planning Commission meeting minutes**

**Moved** by Commissioner McCreary, seconded by Commissioner Rassel, to approve the minutes of the November 12, 2024 Planning Commission Meeting as presented. The motion carried unanimously.

**Member Discussion**

Chairman Grajek thanked Jeff Dhaenens for his leadership on the Planning Commission and his care of the community.

**Adjournment**

**Moved** by Commissioner Rassel, seconded by Commissioner McCreary, to adjourn the meeting at 9:33 pm. **The motion carried unanimously.**

Respectfully Submitted,



- (8) The outdoor furnace shall not be located where smoke will create a nuisance to neighboring properties pursuant to Section 13.05.
- (9) The outdoor furnace shall be from a manufacturer with a safety certification from a qualified independent laboratory that has tested the furnace and certified that it complies with safety standards established by Underwriters Laboratory (UL 391-1955).
- (10) Use of the outdoor furnace must follow all operating instructions supplied by the manufacturer.
- (11) The outdoor furnace must also comply with all applicable county, state or federal guidelines. (as amended 2/25/11)

**Sec. 11.05 WIND ENERGY CONVERSION SYSTEMS (WECS)**

**11.05.01 General:**

- (a) **Intent:** The intent of these regulations is to provide for sustainable energy sources by allowing the development of Wind Energy Conversion Systems (WECS), while providing regulations that limit the impact of these facilities as follows:
  - (1) Protect public health, safety, welfare, and quality of life by minimizing the potential adverse impacts of a WECS.
  - (2) Protect the aesthetic quality of the natural, rural open spaces of the Township.
  - (3) Protect neighboring property owners from noise and safety impacts.
  - (4) Protect waterfowl and birds.
  - (5) Ensure structures do not exceed a height that would impact aviation safety.
  - (6) To establish standards and procedures by which the siting, design, engineering, installation, operation, and maintenance of a WECS shall be governed.
- (b) **Applicability:** WECS shall comply with the standards below.
  - (1) On-site use WECS up to a height of seventy-two (72) feet shall be allowed in any zoning district as an accessory structure, subject to the requirements of Section 11.05.02.
  - (2) On-site use WECS over a height of seventy-two (72) feet shall be allowed in certain zoning districts as an accessory structure, subject to the requirements of Section 11.05.03.
  - (3) A utility grid WECS shall be allowed as a principal use of land in certain zoning districts, subject to the requirements of Section 11.05.03.
- (c) **Definitions:** For the purpose of this section, the following words and phrases shall have the meanings respectively ascribed to them as follows:



- (1) **Ambient Noise:** The amount of background noise at a given location prior to the installation of a WECS which may include, but is not limited to, traffic, machinery, lawnmowers, general human activity and the interaction of the wind with the landscape. Ambient Sound Level is measured on the Decibel – dB (A) – weighted scale as defined by the American National Standards Institute (ANSI). Such noise levels shall be measured on the property line or on the adjacent property, which is receiving the noise.
- (2) **Anemometer tower:** A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system used by utility companies to monitor energy production from a central control unit, which is an accessory land use to a utility grid WECS.
- (3) **ANSI:** The American National Standards Institute.
- (4) **dB (A):** dB (A) means the sound pressure level in decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute, Publication ANSI s1.4-1971.
- (5) **Decibel:** The unit of measure used to express the magnitude of sound pressure and sound intensity (dB).
- (6) **Horizontal axis WECS:** A WECS which converts wind energy into electricity through the use of a wind turbine generator with a horizontal axis of rotation. This type of WECS is directional in that it achieves optimal energy production while pointed into or away from the direction of the wind.
- (7) **IEC:** The International Electrotechnical Commission.
- (8) **Independant power producer:** a person that is not an electric provider but owns or operates facilities to generate electric power for sale to electric providers, this state, or local unit of government.
- (98) **ISO:** The International Organization for Standardization.
- (109) **Lease unit boundary:** The boundary around property leased for purposes of the WECS tower unit boundary a WECS, including adjacent parcels to the parcel on which or equipment is located. For purposes of setback, the lease shall not cross road rights-of-way.
- (110) **Non-participating property:** means a property that is adjacent to an energy facility and that is not a participating property.
- (124) **On site WECS:** A land use for generating electric power from wind that is accessory to a legal principal use and intended to primarily serve the needs of the electric power consumer at that site.
- (132) **Participating property:** means real property that either is owned by an applicant or that is the subject of an agreement that provides for payment by an applicant to a landowner or monetary compensation



related to an energy facility is constructed on facility regardless of whether any part of that energy the property.

(143) **Rotor:** An element of a WECS that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

(154) **Shadow flicker:** Alternating changes in light intensity caused by the moving blades of a WECS casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling.

(165) **Tower height:** The vertical distance as measured from the ground level of the base of a wind energy conversion system tower to the uppermost vertical extension of a rotor blade, or the maximum height reached by any part of a WECS.

(176) **Utility grid WECS:** The use of wind power to generate electric power for the principal purpose of supplying electric power to the energy grid, with little or no on-site use of the generated power.

(187) **Utility-Scale Wind Energy Systems under PA 233.** A system that captures and converts wind into electricity, for the purpose of sale or far use in locations other than solely the wind energy facility property, and with a nameplate capacity of 100 megawatts or more. Wind energy facility includes, but is not limited to, the following equipment and facilities to be constructed by an electric provider or independent power producer: wind towers; - towers; foundations; towers; poles; crossarms; guy lines and anchors; substations; substations; interconnection or switching facilities; circuit breakers and transformers; - transformers; energy storage facilities; overhead and underground controls; - communications and radio relay systems and telecommunications equipment; monitoring and recording equipment and facilities; erosions control facilities; utility lines and installations; generation tie lines; ancillary buildings; wind monitoring stations; and accessory equipment and structures. (see 11.05.04)

(198) **Vertical axis WECS:** A WECS which converts wind energy into electricity through the use of a wind turbine generator with a vertical axis of rotation. This type of WECS is not directional in that it does not need to be pointed into or away from the direction of the wind in order to achieve optimal energy production.

(20+9) **Wind energy conversion system (WECS):** A land use for generating power by use of wind; utilizing wind turbine generators, including the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the WECS to the electric utility grid. See also on-site WECS and utility grid WECS.

(219) **Wind site assessment.** An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a WECS.



11.05.02 **On-site Use WECSs:** An On-site Use WECS up to seventy-two (72) feet tall is an accessory use which shall meet the following standards:

- (a) **Locations Where System Allowed:** An accessory WECS up to seventy two (72) feet tall shall be permitted in all districts with administrative land use permit approval by the Zoning Administrator.
- (b) **Number of Systems:** An on-site use WECS is to be designed to primarily serve the needs of a home, farm, or on-site business. One (1) on-site use WECS shall be permitted per property.
- (c) **Clearance above Ground:** The minimum blade or rotor clearance will be at least ten (10) feet from the ground.
- (d) **System Attached to a Structure or Roof:** A WECS may be attached to an existing structure. Roof-mounted equipment shall not exceed a height of fifteen (15) feet above the surrounding roof surface.
- (e) **Property Setback:** The minimum distance between an on-site use WECS and the owner's property lines shall be equal to the height of the WECS tower including the top of the blade in its vertical position. No part of the WECS structure, including guy wire anchors, may extend closer than ten (10) feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in the greater setback. Where a WECS is located in the front yard, it shall be setback two hundred (200) feet from the front lot line.
- (f) **Color:** WECS shall be painted a non-obtrusive (light color such as white, beige or light gray) color that is non-reflective. No striping or color shall be visible on the blades or tower. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's identification.
- (g) **Towers:** WECS shall use tubular towers. Lattice towers shall be prohibited.
- (h) **Sound Pressure Level:** On site use WECS shall not create noise levels that exceed sixty (60) dB (A) measured at the property line.
- (i) **Construction Codes, Towers, & Interconnection Standards:** On-site use WECS, including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site use WECS including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 *et seq.*), and the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 *et seq.*).
- (j) **Connection to Energy Grid:** An interconnected on-site use WECS shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.
- (k) **Safety:** An on-site use WECS shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers



shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least eight (8) feet above the guy wire anchors.

- (l) **Accessibility:** Towers shall be designed and constructed in such a manner that integrated tower climbing devices are a minimum of twelve (12) feet above the base of the tower and only accessible by using a separate climbing device.
  
- (m) **Labeling of WECS Tower Subsystem:** The following information shall be provided on labels attached to the tower in a visible, easily read, and easily accessible location:
  - (1) Equipment weight of the tower subsystem;
  - (2) Manufacturer's name and address;
  - (3) Model number;
  - (4) Serial number;
  - (5) The survival wind speed in miles per hour and meters per second;
  - (6) Name of installer;
  - (7) Name of person responsible for maintenance;
  - (8) Emergency telephone number in force for (6) and (7) above.
  
- (n) **Labeling of WECS Power Conversion Subsystem:** The following information shall be provided on labels attached to the WECS power conversion subsystem in a visible, easily read, and easily accessible location:
  - (1) Maximum power input (KW), rated voltage (volts) and rated current output (amperes) of the generator, alternator, etc.;
  - (2) Manufacturer's name and address;
  - (3) Model number;
  - (4) Serial number;
  - (5) Emergency and normal shutdown procedures;
  - (6) Underwriters label, where appropriate.
  
- (o) **Utilities:** Power lines shall be placed underground. If the WECS is connected to a public utility system for net metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's current service regulations that meet federal, state and industry standards applicable to wind power generation facilities. Any such connection shall be inspected and approved by the appropriate utility company.



- (p) **Removal of Abandoned Facilities:** Any WECS that is not operated for a continuous period of twelve (12) months shall be considered abandoned and the owner of such WECS shall remove the WECS within ninety (90) days of receiving an abandonment notification from the Township. Failure to remove an abandoned WECS within ninety (90) days shall be grounds for the Township to remove the WECS at the owner's expense.

11.05.03 **Utility Grid WECS, Anemometer Towers and On-site Use WECS Over Seventy-Two (72) Feet High:** A utility grid WECS and anemometer towers, or on-site use WECS over seventy-two (72) feet high shall meet the following standards:

- (a) **Locations Where System Allowed:** Utility grid WECS and on-site WECS over seventy-two (72) feet in height shall be permitted in the AG, CE, PRF and IND districts with special land use approval by the Township Board in accordance with Article 19 and site plan approval by the Planning Commission in accordance with Article 18.
- (b) **Clearance above Ground:** The minimum blade or rotor clearance for a horizontal axis tower mounted WECS will be at least twenty (20) feet above ground or above any outdoor areas intended for human use. The minimum rotor clearance for a vertical axis WECS installed on-grade will be at least ten (10) feet above ground.
- (c) **System attached to a Structure or Roof:** A WECS may be attached to an existing structure so that the appearance of the structure will not be materially altered or changed. Roof-mounted equipment shall not exceed a height of twenty (20) feet above the surrounding roof surface. The equipment shall not be attached to a portion of the roof that is highly visible.
- (d) **Height:** No utility grid WECS or on-site use WECS shall exceed one hundred fifty (150) feet in height.
- (e) **Property Setback:** The minimum distance between a WECS and the property lines shall be equal to the height of the WECS tower including the top of the blade in its vertical position. The minimum distance between an anemometer tower and the owner's property lines shall be equal to the height of the tower. No part of the WECS structure, including guy wire anchors, may extend closer than ten (10) feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in the greater setback. Any operations and maintenance office building, a sub-station, or ancillary equipment shall comply with any property set-back requirement of the respective zoning district. Where a WECS is located in the front yard, it shall be setback two hundred (200) feet from the front lot line.
- (f) **Color:** WECS shall be painted a non-obtrusive (light color such as white, beige or light gray) color that is non-reflective. No striping or color shall be visible on the blades or tower.
- (g) **Sound Pressure Level:** WECS shall not create noise levels that exceed sixty (60) dB (A) measured at the property line.
- (h) **Safety Requirements:** WECS shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. All spent lubricants



and cooling fluids shall be properly and safely removed in a timely manner from the site of the WECS. A sign shall be posted near the tower or operations and maintenance office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice.

- (i) **Accessibility:** Towers shall be designed and constructed in such a manner that integrated tower climbing devices are a minimum of twelve (12) feet above the base of the tower and only accessible by using a separate climbing device.
- (j) **Performance Security:** Performance guarantee, pursuant to Section 21.03 of this Ordinance, shall be provided for the applicant making repairs to public roads damaged by the construction of the WECS.
- (k) **Utilities:** Power lines shall be placed underground. If the WECS is connected to a public utility system for net metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's current service regulations that meet federal, state and industry standards applicable to wind power generation facilities. Any such connection shall be inspected and approved by the appropriate utility company. Utility grid WECS shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.
- (l) **Permits:** WECS shall comply with all applicable state construction and electrical codes and County building permit requirements.
- (m) **Aviation Hazard:** WECS shall comply with Federal Aviation Administration (FAA) requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950 as amended, M.C.L. 259.431 et seq.), and the Michigan Tall Structures Act (Public Act 259 of 1959 as amended, M.C.L. 259.481 et seq.). The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA.
- (n) **Standards:** The following standards apply only to utility grid WECS:
  - (1) **Visual Impact:** Utility grid WECS projects shall use tubular towers and all utility grid WECS in a project shall be finished in a single, non-reflective matte finished color. A project shall be constructed using WECS of similar design, size, operation, and appearance throughout the project. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification.
  - (2) **Decommissioning:** A decommissioning plan for the WECS and any anemometer towers shall be provided that indicates 1) the anticipated life of the project, 2) the estimated decommissioning costs net of salvage value in current dollars, 3) the method of ensuring that funds will be available for decommissioning and restoration, 4) the anticipated manner in which the project will be decommissioned and the site restored and 5) performance guarantee, pursuant to Section 21.03 of this Ordinance.



- (3) **Electromagnetic Interference:** Utility grid WECS shall not be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the WECS. No utility grid WECS shall be installed in any location within the line of sight of an existing microwave communications link where operation of the WECS is likely to produce electromagnetic interference in the link's operation unless the interference is proven to be insignificant.
- (o) **Site Plan:** Site plan requirements for utility grid WECS and on-site WECS over seventy-two (72) feet in height are as follows:
  - (1) Documentation that sound pressure level, construction code, tower, interconnection (if applicable), and safety requirements have been reviewed and the submitted site plan is prepared to show compliance with these issues.
  - (2) Proof of the applicant's general liability insurance for at least three million dollars (\$3,000,000) for the project to cover the operator, the landowner and the Township.
  - (3) A copy of that portion of all the applicant's lease(s) with the land owner(s) granting authority to install the anemometer tower and/or utility grid WECS; legal description of the property(ies), lease unit(s); and the site plan shows the boundaries of the leases as well as the boundaries of the lease unit boundary.
  - (4) The phases, or parts of construction, with a construction schedule.
  - (5) The project area boundaries.
  - (6) The location of all dwellings within three hundred (300) feet of the system.
  - (7) The location of all guy wires or other support devices.
  - (8) The location, height, and dimensions of all existing and proposed structures and fencing.
  - (9) The location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state-maintained road.
  - (10) All new above ground infrastructure related to the project.
  - (11) A copy of manufacturers' material safety data sheet(s) which shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
  - (12) For utility grid WECS only:
    - a. A copy of a noise modeling and analysis report and the site plan shall show locations of equipment identified as a source of noise. Equipment shall be



placed so that the WECS will not exceed the maximum permitted sound pressure levels. The noise modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the utility grid WECS, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to Genoa Township within sixty (60) days of the commercial operation of the project.

- b. A visual impact simulation showing the completed site as proposed on the submitted site plan. The visual impact simulation shall be from four viewable angles and conducted adjacent to property lines or the lease unit boundaries.
- c. A copy of an environment analysis by a qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- d. A copy of an avian and wildlife impact analysis by a qualified professional to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. (Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptor.)
  - 1. At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law.
  - 2. The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted.
- e. A copy of a shadow flicker analysis for residential buildings and livestock areas within one thousand (1,000) feet of the proposed system. The



analysis shall to identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The analysis shall identify problem areas where shadow flicker may affect residents and livestock within one thousand (1,000) feet. The analysis shall also show measures that shall be taken to eliminate or mitigate the problems.

- f. A second site plan which shows the restoration plan for the site after completion of the project which includes the following supporting documentation:
  - 1. The anticipated life of the project.
  - 2. The estimated decommissioning costs net of salvage value in current dollars.
  - 3. The method of ensuring that funds will be available for decommissioning and restoration.
  - 4. The anticipated manner in which the project will be decommissioned and the site restored.

g. A description of the complaint resolution process developed by the applicant to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint. During construction the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.

**11.05.04 Utility-Scale Wind Energy Systems under PA 233 only.**

- (a) **Intent and Purpose:** The intent and purpose of this Section is to establish standards pursuant to PA 233 of 2024. To the extent the following provisions conflict with the provisions in subsection 11.05.01, 11.05.02, 11.05.03 above, these provisions shall apply. All provisions in 11.05.01, 11.05.02, and 11.05.03 above that do not conflict with the subsection remain in full force and effect and shall be applicable to all Utility- Scale Wind Energy Systems regardless of nameplate capacity. The following provisions do not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect, and do not apply to Utility Grid WESC.
- (b) **Locations Where System Allowed:** Utility-Scale Wind Energy Systems shall be permitted in Industrial (IND) and Planned Industrial Parks (PID) 20-acres or more with special land use approval by Township Board in accordance with Article 19 and site plan approval by the Township Board and Planning Commission in accordance with Article 18.
- (c) **Application:** To construct an Utility-Scale Wind Energy System, an electric provider or IPP that proposes to obtain a certificate from the Michigan Public Service Commission to construct an energy facility within the Township shall follow the following application process:
  - (1) At least 60 days before the public meeting provided for in MCL 460.1223, an electric provider or IPP shall offer in writing to meet with the Township



Supervisor, or the Supervisor’s designee, to discuss the site plan. The offer to meet should be delivered by email. The Supervisor or Supervisor’s designee must respond within 30 days from the offer to meet.

- (2) Within 30 days following the meeting described in paragraph 11.05.04 (c2)(1a), the Township Supervisor shall notify the electric provider or IPP planning to construct the energy facility that the Township has a compatible renewable energy ordinance. If all affected local units with zoning jurisdiction provide similar timely notice to the electric provider or IPP, then the electric provider or IPP shall file for approval of a permit with the Township.
- (3) To file for approval of a permit the electric provider or IPP must submit a complete application to the Township Clerk. The application form to be used shall be adopted by resolution of the Township Board. The application shall contain the items set forth in MCL 460.1225(1), except for (l)(j) and (s). The application may also require other information to determine compliance with this Compatible Renewable Energy Ordinance. By resolution, the Township may establish an application fee and escrow policy to cover the Township’s reasonable costs of review and processing of the application, including but not limited to staff, attorney engineer, planning, environmental, or other professional costs.

(d) **Application Review:** The application shall be processed as a special land use subject to the provisions of this Article. The Township board following a recommendation from the Planning Commission shall approve or deny the application within 120 days after receiving a complete application. This deadline may be extended by up to 120 days if jointly agreed upon by the Township Board and the applicant. If the application is approved, the following standards apply:

- (1) **Setbacks.** Utility-Scale Wind Energy Systems must comply with the following minimum setback requirements, with setback distances measured from the center of the base of the wind tower:

<b>Setback Description</b>	<b>Setback Distance</b>
Occupied community buildings and dwelling on nonparticipating properties	2.1 times the maximum blade tip height to the nearest point on the outside wall of the structure
Residences and other structures on participating properties	1.1 times all the maximum blade tip height to the nearest point on the outside wall of the structure
Nonparticipating property lines	1.1 times the maximum blade tip height
Public road right-of-way	1.1 times the maximum blade tip height to the center line of the public road right-of-way
Overhead communication and electric transmission, not including utility service lines to individual houses or outbuildings	1.1 times the maximum blade tip height to the center line of the easement containing the overhead line

- (2) **Height.** Each wind tower does not exceed the height allowed under a Determination of No Hazard to Air Navigation by the Federal Aviation Administration under 14 CFR part 77.



- (3) **Shadow Flicker:** Each wind tower must be sited such that any occupied community building or nonparticipating residence will not experience more than 30 hours per year of shadow flicker under planned operating conditions as indicated by industry standard computer modeling.
- (4) **Noise:** The Wind Energy System must not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
- (56) **Lighting:** The Wind Energy System must be equipped with a functioning light-mitigating technology. To allow proper conspicuity of a wind turbine at night during construction, a turbine may be lighted with temporary lighting until the permanent lighting configuration, including the light-mitigating technology, is implemented. The Township may grant a temporary exemption from the requirements of this subparagraph if installation of appropriate light-mitigating technology is not feasible. A request for a temporary exemption must be in writing and state all of the following:
  - (a) The purpose of the exemption.
  - (b) The proposed length of the exemption
  - (c) A description of the light-mitigating technologies submitted to the Federal Aviation Administration.
  - (d) The technical or economic reason a light-mitigating technology is not feasible.
  - (e) Any other relevant information requested by the Township.
- (67) **Radar Interference:** The Wind Energy System must meet any standards concerning radar interference, lighting (subject to subparagraph (6) or other relevant issues as determined by the Township.
- (78) **Environmental Regulations:** The Wind Energy System must comply with applicable state or federal environmental regulations.
- (89) **Public Service Commission:** The Wind Energy Facility will comply with any more stringent requirements adopted by the Michigan Public Service Commission as provided for in MCL 460.1226(8)(b)(vii). Before adopting such requirements, the commission must determine that the requirements are necessary for compliance with state or federal environmental regulations.
- (940) **Host community agreement:** The applicant shall enter into a host community agreement with the Township. The host community agreement shall require that , upon commencement of any operation, the Wind Energy System owner must pay the Township \$2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the local unit and the applicant.



**Sec. 11.06 SOLAR ENERGY SYSTEMS (as amended 08/21/23)**

**11.06.01 General:**

(a) **Intent:** The intent of these regulations is to provide suitable locations for Solar Energy Systems to meet a reasonable demonstrated need for renewable energy land uses while providing regulations that limit the impact of these facilities as follows:

- (1) Protect public health, safety, welfare and quality of life by minimizing the potential adverse impacts of a solar energy system.
- (2) To ensure the compatibility of land uses in the vicinity of the solar energy system.
- (3) Protect the aesthetic quality of the natural, rural open spaces of the Township and to mitigate adverse impacts to agricultural lands, natural and environmentally-sensitive areas, and developed residential areas; and to preserve scenic views and cultural heritage.
- (4) Protect neighboring property owners from glare, noise and safety impacts.
- (5) Protect native vegetation, wildlife and pollinator habitat.
- (6) To establish standards and procedures by which the siting, design, construction, operation, monitoring, modification, and removal of such systems shall be governed.
- (7) Land considered for utility solar energy systems shall be within reasonable proximity to an electrical substation and electrical transmission lines to limit potential impact on other areas and uses within the Township.

(b) **Definitions:**

- (1) **Abandonment:** Any solar energy system or facility that is no longer producing power.
- (2) **Building Integrated Photovoltaics (BIPVs):** A private solar energy system that is integrated into the structure of a building (rather than a separate mechanical device), replacing or substituting for an architectural or structural component of the building. Building integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials such as solar roof tiles or solar shingles, windows, skylights and awnings.



- (3) **Decommission:** To remove or retire a solar energy system or facility from active service.
- (4) **Ground-Mounted Solar Energy System:** A private or utility solar energy system that is not attached to or mounted on any roof or exterior wall of any principal or accessory building.
- (5) **Height:** The height of a solar energy system, measured vertically from the adjacent grade to its highest point at maximum tilt.
- (6) **Inhabited Structure:** Any existing structure usable for living or non-agricultural commercial purposes, including, but not limited to: working, sleeping, eating, cooking, recreation, office, office storage, or any combination thereof. An area used only for storage incidental to a residential use, including agricultural barns, is not included in this definition. If it is not clear by this definition, the Zoning Administrator shall make a determination of any structure regarding whether or not it is inhabited.
- (7) **Maximum Tilt:** The maximum angle of a solar array (i.e., most vertical position) for capturing solar radiation as compared to the natural or unaltered ground or topography upon which the solar array is installed.
- (8) **Minimum Tilt:** The minimal angle of a solar array (i.e., most horizontal position) for capturing solar radiation as compared to the natural or unaltered ground or topography upon which the solar array is installed.
- (9) **Non-Participating Property:** A property that is adjacent to an energy facility and that is not a participating property.
- (10) **Participating Property:** A property that either is owned by an applicant or that is the subject of an agreement that provides for the payment by an applicant to a landowner or monetary compensation related to an energy facility regardless of whether any part of that energy facility is constructed on the property.
- (11) **Photovoltaic Array (PV Array):** A device designed to collect and transform solar energy into electricity.
- (12) **Private Solar Energy System:** A Solar Energy System used exclusively for private purposes with the purpose primarily of generating electricity for the principle use on the site and not used for commercial resale of energy, except for the sale of surplus electrical energy back to the electrical grid.
- (13) **Repowering:** Replacing or upgrading Solar Energy System to increase power rating of panels or Solar Energy System accessory structures within



the approved project footprint. This does not apply to regular maintenance.

- (14) **Roof or Building-Mounted Solar Energy System:** A private solar energy system that is attached to or mounted on any roof or exterior wall of any principal or accessory building but excluding BIPVs.
- (15) **Solar Energy System:** Any part of a system or device designed to collect or store solar radiation or energy for the purpose of transforming it into any other form of usable energy or electricity, including the collection and transfer of heat created by solar energy to any other medium by any mean which may include but is not limited to, PV arrays, racks, inverters, transformers, wiring, batteries, and electrical system components.
- (16) **Utility-Scale Solar Energy Facility under PA 233:** a system that captures and converts solar energy into electricity, for the purpose of sale or for use in locations other than solely the solar energy facility property, and with a nameplate capacity of 50 megawatts or more. Utility-Scale Solar energy facility includes, but is not limited to, the following equipment and facilities to be constructed by an electric provider or independent power producer: photovoltaic solar panels; solar inverters; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; energy storage facilities; overhead and underground control; communications and radio relay systems and telecommunications equipment; utility lines and installations; generation tie lines; solar monitoring stations; and accessory equipment and structures.
- (17) **Solar Farm:** See Utility Solar Energy Facility.
- (18) **Utility Solar Energy System or Facility:** A Solar Energy System where the principal design, purpose, or use of such system is to provide energy to off-site uses or the wholesale or retail sale of generated electricity to any person or entity.

(c) **General Provisions:** Solar Energy Systems shall comply with the standards below:

- (1) All Solar Energy Systems shall be permanently and safely attached to the building or structure or to the ground and must conform to the provisions of this Ordinance and all County, State, and Federal regulations, and safety requirements, including applicable building codes and applicable industry standards, including those of the American National Standards Institute (ANSI).



- (2) Solar Energy Systems shall be installed, maintained and used only in accordance with the manufacturer's directions. Upon request, a copy shall be submitted to the Township or building official prior to installation. The Township may inspect the completed installation to verify compliance.
- (3) If an applicant or operator of a Solar Energy System fails to comply with this Ordinance, the Township, in addition to any other remedy under this Ordinance, may revoke any approvals after giving the applicant notice and an opportunity to be heard. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney fees and costs.

**11.06.02 Private Solar Energy System:**

- (a) Private Solar Energy Systems shall be permitted as an accessory use in all zoning districts, subject to the following:
  - (1) Administrative Review. A land use permit from the Township is required for the installation of any private solar energy system. The applicant is responsible for contacting the building department to determine if a Private Solar Energy System requires a building permit. The application must include:
    - a. A site plan depicting setback, panel size and location, wiring location, lot coverage, location of property lines, buildings, structures, fences, greenbelts, and road right of ways. The site plan must be drawn to scale.
    - b. Photographs of the property's existing condition.
    - c. Renderings or catalogue cuts of the proposed solar energy equipment.
    - d. A certificate of compliance demonstrating that the system has been tested and approved by Underwriters Laboratories (UL) or other approved independent testing agency acceptable to Township.
    - e. A copy of the manufacturer's installation directions.
  - (2) The exterior surfaces of solar energy systems shall be generally neutral in color and substantially non-reflective of light. A unit may not be installed or located so that sunlight or glare is reflected into neighboring uses or onto adjacent streets.
  - (3) Solar energy systems shall be located in the least visibly obtrusive location where panels would remain functional.



- (4) Batteries associated with Private Solar Energy Systems must be located within a secured container or enclosure.
- (5) Solar energy systems that are damaged or are no longer in use for a period of one (1) year shall be replaced or removed by the property owner within six (6) months of the date of damage or abandonment.
- (6) Signage shall be provided in a visible location with disconnection procedures for emergency first responders.
- (7) All power transmission lines, wires, or conduits from a ground-mounted Private Solar Energy System to any building or other structure shall be located underground.

11.06.03 **Ground Mounted Private Solar Energy System.** Ground Mounted Private Solar Energy Systems are permitted in all zoning districts as an accessory use, subject to the following:

- (a) Ground Mounted Private Solar Energy Systems are subject to special land use review except small residential accessory systems which occupy less than 500 square feet in area are subject to administrative review of a land use permit pursuant to Section 11.06.02(a)(1).
- (b) **Location.** Ground Mounted Private Solar Energy System shall only be located in the non-required rear or side yard for principal buildings in the zoning district in which it is located. The unit may be located in the front yard only if permitted by the Planning Commission provided that the unit is no less than two-hundred (200) feet from the front lot line.
- (c) **Size.** The total combined area of all Ground Mounted Private Solar Energy System must not exceed one (1) percent of the size of the lot with a maximum of 2,500 square feet.
- (d) **Lot Coverage.** The total area of ground-mounted solar energy collectors shall be included in the calculation of maximum permitted lot coverage for impervious surface.
- (e) **Height.** 16 feet maximum, measured from the natural grade below the unit to the highest point when oriented to maximum tilt.
- (f) All power transmission lines, wires, or conduits from a ground-mounted Private Solar Energy System to any building or other structure shall be located underground.
- (g) **Screening.** Greenbelt screening is required around any Ground Mounted Private Solar Energy System and around any equipment associated with the system to obscure, to the greatest extent possible, the Solar Energy System from adjacent residences. The greenbelt shall consist of shrubs, trees, and other non-



invasive plant species that provide a visual screen. All landscaping shall be maintained in a healthy, neat and orderly state free from refuse and debris. Any dead or diseased plants shall be removed and replaced within six (6) months. In lieu of a planting greenbelt, a decorative fence may be used if approved by the Planning Commission. Fences shall be installed and maintained free from defects, safety hazards and collapse, and shall be kept in good repair.

11.06.04 **Building Integrated Photovoltaics.** Private solar energy system BIVPs shall be permitted in all zoning districts and shall be subject to the zoning regulations applicable to the structure or building to which they are integrated. BIVP's must comply with the general provisions of 11.06.01(c).

11.06.05 **Roof or Building Mounted Private Solar Energy Systems:**

- (a) **Weight and Installation:** A roof or building mounted unit shall be only of such weight as can safely be supported by the structure. Proof thereof, in the form of certification by a professional engineer or other qualified person, shall be submitted to the Township prior to installation.
- (b) **Application:** Applications for building and roof mounted solar energy systems must include horizontal and vertical elevation drawings that show the location and height of the system on the building and the dimensions of the system.
- (c) **Location:** Wall-mounted units shall not be located on the front yard elevation wall of a building.
- (d) **Height:**
  - (1) Wall-mounted units shall not exceed the height of the building wall to which they are attached.
  - (2) A roof-mounted system shall not project more than three (3) feet above the highest point of the roof and shall not exceed the maximum building height for the zoning district in which it is located.
- (e) **Extension:** A solar energy collector that is mounted on a building in an area other than the roof shall not extend vertically beyond the wall on which it is mounted and shall not extend more than twelve (12) inches beyond the wall on which it is mounted and may not extend into a required yard.

11.06.06 **Utility Solar Energy System or Facility**

- (a) **Intent and Purpose.** The intent and purpose of this Section is to establish standards for the siting, installation, operation, repair, decommissioning, and removal of Utility Solar Energy Systems or Facilities; establish the process for the reviewing and permitting of such facilities; protect the health, welfare, safety, and quality of life of the general public; and ensure compatibility with land uses in the vicinity of the areas affected by such facilities.



- (b) **Locational Requirements.** Utility Solar Energy Systems or Facilities are permitted by special land use in the Industrial (IND) and Planned Industrial (PID) Districts. Utility solar energy systems and facilities are not permitted on property enrolled in the Farmland and Open Space Preservation Act, being in PA 116, of 1974, now codified in Part 361 of the Natural Resources and Environmental Protection Act, PA 451 of 1974, as amended.
- (c) **Application Requirements.** An applicant proposing a Utility Solar Energy System or Facility must comply with the Special Land Use requirements of Article 19 and the Site Plan review requirements of Article 18. The information, plans, documents, and other items identified as application requirements in this ordinance, including the site plan and special land use permit, are substantive requirements for obtaining approval for a Utility Solar Energy System or Facility. The Planning Commission will review the sufficiency of the application materials. If the Planning Commission determines that the substance of any application item is insufficient to protect the public health, safety, and welfare, the Planning Commission may deny approval on that basis. In addition, the applicant for a Utility Solar Energy System or Facility shall provide the Township with all of the following:
- (1) **Applicant Identification.** The name of the applicant, any parent company or subsidiary of the parent company, along with any “doing business as” of the parent company along with address in full. A statement that the applicant is the owner involved or is acting on the owner's behalf. The address of the property involved in the application (substitution may include a legal description and parcel identifications number(s)), and any additional contact information. Each application for a Utility Solar Energy Facility shall also be dated to indicate the date the application is submitted to the Township.
  - (2) A complete copy of the agreement including all exhibits and attachments between the applicant and the utility company that will be purchasing electricity from the proposed Utility Solar Energy System or Facility.
  - (3) An affidavit or evidence of an agreement between the lot owner or operator confirming the owner or operator has the permission of the property owner to apply for the necessary permits for construction and operation of Utility Solar Energy System or Facility.
  - (4) **Parcel Numbers.** A list of all parcel numbers that will be used by the Utility Solar Energy System or Facility including applicable attachments, establishing ownership of each parcel, with all lease agreements, easements, or purchase agreements for the subject parcels.



- (5) Project Description. A general description of the proposed project including a legal description of the property or properties on which the project would be located and an anticipated construction schedule.
- (6) Insurance. Proof of the general liability insurance to cover the Utility Solar Energy Facility, the Township, and the Landowner.
- (7) Certifications. Certification that applicant will comply with all applicable state and federal laws and regulations.
- (8) Compliance with the County Building Code and the National Electric Safety Code. Construction of a Utility Solar Energy System or Facility 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.
- (9) Operations and Maintenance Agreement. This agreement shall include landscaping upkeep, regular checks, and maintenance with a detailed description of operations and parameters including anticipated regular and unscheduled maintenance and the hours maintenance will take place, the name and contact information of the certified operator, the applicant's equipment maintenance and repair plan, the applicant's inspection protocol, and general safety documentation as well as consequences and penalties for noncompliance. This agreement shall attach copies of manufacturer's directions and/or instruction manuals for installing, maintaining and using the Utility Solar Energy System or Facility.
- (10) Hazardous Waste Plan. A plan for managing hazardous waste shall be provided. This plan shall include Manufacturers' Safety Data Sheets (MSDS) and documentation of the type, quantity and storage procedures of all materials used in the operation of all equipment.
- (11) Environmental Impact: Copy of the Environmental Impact Assessment meeting the requirements of 11.06.05(c)(36)(f) section and those of Section 18.07.
- (12) Sound modeling study including sound isolines extending from the sound sources to the property lines and indicating compliance with the requirements of 11.06.05(c)(36)(h).
- (13) Wildlife Impact: A wildlife impact study, including an analysis of the impact on the properties within one mile of the project and meeting the requirements of 11.06.05(c)(36)(e).



- (14) A ground cover vegetation establishment and management plan shall be provided and shall meet the requirements of 11.06.05(c)(36)(i).
- (15) A groundwater analysis performed by a certified hydrogeologist or other qualified environmental expert of all parcels in the participating property shall be provided.
- (16) Glare Study: An analysis by a third-party qualified professional acceptable to the Township to determine if glare from the Utility-Scale Solar Energy System will be visible from nearby residents and roadways. If required, the analysis will consider the changing position of the sun throughout the day and year and its influences on the utility-scale solar energy system.
- (17) Stormwater Study: An analysis by a third-party qualified professional acceptable to the Township studying the proposed layout of the Utility-Scale Solar Energy System and how the spacing, row separation, and slope affects stormwater infiltration, including calculations for a 100-year rain event. Percolation tests or site-specific soil information must be provided to demonstrate infiltration on-site without the use of engineered solutions.
- (18) Visual Impact Assessment Analysis. A technical analysis by a third party qualified professional of the visual impacts of the proposed project, including a description of the project, the existing visual landscape, and important scenic resources, plus visual simulations that show what the project will look like (including proposed landscape and other screening measures) a description of potential project impacts, and mitigation measures that would help to reduce the visual impacts created by the project and documented on the site plan.
- (19) Decommissioning and Land Reclamation Plan: This plan shall describe the actions to be taken following the abandonment or discontinuation of the Utility Solar Energy System or Facility, including evidence of proposed commitments with property owners to ensure proper final reclamation, repairs to roads, and other steps necessary to fully remove the system or facility and restore the subject parcels to a native state. This plan shall include the format of a financial security to be applied to the decommissioning process. This plan shall also comply with the requirements of Section 11.06.05(c)(37).
- (20) Complaint Resolution Protocol: A plan for resolving complaints from the public or others concerning the construction and operation of the Utility Solar Energy System or Facility. This plan shall comply with the requirements as provided in Section 11.06.05(c)(38).
- (21) Emergency Action Plan: Copy of a plan for the actions to be taken in event of an emergency. The emergency action plan must include a fire



suppression plan, including the technology to be used and the training and equipment to be provided to Township or other firefighters before the facility becomes operational. The emergency action plan must include plans for immediate cleanup and long-term aftermath efforts following an emergency.

- (22) Proof of approval by Livingston County, Road Commission, and Drain Commission.
- (23) The applicant must also obtain a permit from the Livingston County Road Commission or Michigan Department of Transportation (MDOT) for permission to connect access roads to existing County or State roads and from the Livingston County Drain Commission for any culverts or other drainage facilities.
- (24) Proof that the Applicant and/or its contractor has informed the Livingston County Road Commission (LCRC) and the Township of all the roads they propose to use as haul routes to each construction (including repair and decommissioning) site. This shall be done prior to beginning any construction (or decommissioning) at any site. A third-party road inspector will be retained, with mutual approval of the Township, the Applicant, and the LCRC or the Michigan Department of Transportation (MDOT) if a state highway is involved. The road inspector will determine any precautions to be taken (including videotaping and physical inspections) during the process to determine any damage that may be caused by Applicant's contractor(s), and then determine the appropriate road standards and measures to be taken to repair the damage. The cost of the third-party road inspector and/or any other required third-party assistance, and of all repairs necessitated to restore the roads [and related property which may be damaged by the contractor(s)], shall be the responsibility of the Applicant and/or their contractor, and shall in no case be the responsibility of the Township.
- (25) Anticipated construction schedule including timeline to completion and scope of work.
- (26) A complete description of the proposed technology to include type of solar panel and system, maximum height, fixed mounted versus tracking, number of panels and angles of orientation.
- (27) Current ground and aerial photographs and video of the entire development area prior to construction.
- (28) Proof of environmental compliance, including compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.; Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances; Part 301, Inland Lakes and Streams,



(MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); Part 365, Endangered Species Protection (MCL324.36501 et. seq.); and any other applicable laws and rules in force at the time the application is considered by the Township.

- (29) An attestation that the applicant will indemnify and hold the Township harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the Solar Energy System. The Township shall be named as an additional insured for such indemnity under 11.06.05(c)(36)(I).
- (30) Airport Review: Any Solar Energy System must be reviewed using the current Solar Glare Hazard Analysis Tool (SGHAT) available through Sandia National Laboratories or a commercially available equivalent. The SGHAT will be used to ensure that airports and those that use them will not be affected by unwanted visual or ocular impacts. The process is designed to save costs and increase public safety.
  - a. The Study shall determine if there are any potential adverse effects on any registered airfield within ten miles of the project. Effects noted, but not exclusively, should include any possible decreased safety and utility.
  - b. In addition, all proposed solar facilities must obtain a Determination of No Hazard (DNH) from the Federal Aviation Administration (FAA). A DNH does not eliminate the need for the SGHAT study nor does it in any way eliminate the standard for glare on roadways or non-participating parcels.
  - c. The DNH must be obtained prior to breaking ground on any portion of the Solar Energy System.
  - d. No Solar Energy System that impacts safety or utility of any registered airfield shall be permitted.
- (31) Any other relevant studies, reports, certificates, or approvals as may be reasonably required by the Planning Commission.
- (32) Site Plan Requirements shall be submitted meeting the requirements of Section 18.04 and in addition, shall also include the following:
  - a. The approximate height, and dimensions of all existing structures, existing parcel drainage tile layouts, water bodies, waterways, floodplains, landscaping, and fencing, on the parcels planned for Solar Energy installation including other parcels within one thousand (1000) feet of the project's boundaries.



- b. Documentation of existing vegetation, floodplains and regulated and/or endangered species.
- c. Indication of how and where the system will be connected to the power grid.
- d. Photometric plan meeting the requirements of Section 12.03.07.
- e. Plan(s) showing the location of proposed Utility Solar Energy System or Facility including panels, equipment, transformers, inverters, fencing, underground and overhead wiring (including the depth of underground wiring), new drainage facilities (if any), access drives (including width), substations and accessory structures, along with a note indicating where any trees measuring over 2.5 feet in diameter within six inches of grade are to be removed.
- f. Plan for ground cover establishment and management.
- g. Plan for providing wildlife corridor that provides access for wildlife to navigate through the project.
- h. Security plan detailing measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance, or repair of the Utility Solar Energy System or Facility.
- i. Application Fee. Review fees shall be submitted for a Special Use application and Site Plan Review application. If requested by the Planning Commission, the applicant shall provide an escrow fee to the Township in the amount specified by the Zoning Administrator to cover the costs associated with but not limited to independent review by experts.

(33) Site Requirements.

- a. The site shall be at least twenty (20) acres.
- b. The site may consist of a single participating property or multiple participating properties.
- c. The site and all fenced compounds shall have access described below.
  - i. There shall be direct access from a public road or an access easement with a maximum length of one thousand (1,000) feet and a width of at least thirty-three (33) feet.



- ii. Access drives shall be paved with a permanent, durable and dustless surface and shall be graded and drained to dispose stormwater without negatively impacting adjacent property. The Township Board, following a recommendation of the Planning Commission and the Township Engineer, may approve a gravel surface for low intensity use drives, upon a finding that neighboring properties and the environment will not be negatively impacted and that the surface is sufficient to support fire apparatus and provide access at all times of the year.
  
- d. Utility Solar Energy Systems (including all solar panels, components, equipment and related accessory structures) must be set back at least one hundred (100) feet from the property line of any Non-Participating Property at the time of application. If a single Utility Solar Energy System is located on more than one lot, or if the adjacent parcel is owned by the same owner as the property on which the Utility Solar Energy System is located, then the Planning Commission may eliminate the lot-line setbacks of this subsection for the lot lines shared by those lots. All property in the setback areas, shall be maintained as defined in a maintenance setback plan acceptable to the Township.
  
- e. Utility Solar Energy Systems must be set back at least one hundred (100) feet from the edge of any road or rail right-of-way, wetland, shoreline, river, wellhead protection area or drain easement. The Planning Commission may increase this setback requirement up to 200 feet if the Planning Commission determines that such a setback is necessary to protect the public health, safety, and welfare.
  
- f. Utility Solar Energy Systems must be set back at least five hundred (500) feet from non-participating residential dwellings, churches or religious institutions, schools, family or group child day-care homes, bed and breakfast establishments, residential facilities, and any other residence or inhabited structure.
  
- g. The height of the Utility Solar Energy System and any mounts, buildings, accessory structures, and related equipment must not exceed sixteen (16) feet when oriented at maximum tilt. Lightning rods shall not exceed 20 feet in height and shall not be any greater than necessary to protect the Utility Solar Energy System from lightning.
  
- h. The ground mounting of panels must be by screw or a similar system that does not require a footing, concrete, or other



permanent mounting, to minimize soil compaction. No pounding of panel posts is permitted.

- i. Permits. All required county, state, and federal permits must be obtained before commencement of construction of the Utility Solar Energy System.

(34) Buffer and Screening Requirements. Greenbelt screening is required around any Utility Solar Energy System and around any equipment associated with the system to obscure, to the greatest extent possible. There shall be a landscape buffer at least fifty (50) feet wide along the exterior of the fenced compound with plantings required as described below.

- a. Where adjacent to a residential use or zoning district, the buffer shall include an eight (8) foot tall landscaped berm upon which the required landscaping will be placed.
- b. An evergreen buffer shall contain two rows of staggered evergreen trees planted not less than twelve (12) feet apart trunk to trunk, and the two rows shall be ten (10) ft apart. The buffer shall also include native shrubs planted with spacing of not more than six (6) feet apart on center. The Township may consider an alternative landscape buffer as a part of the special land use approval provided the alternative provides adequate screening.
- c. Evergreen plantings shall be least eight (8) feet tall at time of planting, measured from the top of the root ball to the base of the leader (not including the height of the leader) and must be a species that can reasonably be expected to reach a height of ten (10) feet within three (3) growing seasons.
- d. Native shrub plantings shall be a least two (2) feet tall at the time of planting measured from the top of the root ball to the top of the shrub.
- e. The trees may be trimmed but must maintain a height of at least eighteen (18) feet.
- f. The overall landscape plan shall not contain more than 33% of any one plant species. The use of trees native to the area, and mixture of trees from the same species association, is encouraged.
- g. Good arboricultural techniques shall be followed with respect to vegetation, including but not limited to, proper pruning, proper fertilizing, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in



foliage. Dead or diseased vegetation shall be removed and must be replanted in a manner consistent with this Section at the next appropriate planting time.

The Planning Commission may waive or reduce the above requirements if equivalent screening is provided by existing or planned parks, parkways, recreation areas, or by existing woodlands on the lot, and topographic or other natural conditions.

- (35) Appearance. The exterior surface of the Utility Solar Energy System must be generally neutral in color and substantially non-reflective of light.
- (36) Performance Standards:
  - a. Utility Solar Energy Systems or Facilities shall be designed, constructed, operated, and maintained in compliance with all applicable provisions of local, state, and federal laws and regulations.
  - b. PV Array Components: PV array components shall be approved by the Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electronic Testing Laboratories (ELL), or other similar certification organization if the similar certification organization is acceptable to the Township.
  - c. Fencing: If regulations require fencing, the Utility Solar Energy System or Facility compounds may be completely surrounded by a fence designed to prevent unauthorized access.
    - i. The fence shall be at least seven (7) feet tall without barbed wire and posts shall extend at least thirty-six (36) inches into the ground.
    - ii. Gate posts and corner posts shall have a concrete foundation.
    - iii. The fence shall be a woven agricultural-style fence or other design as approved by the Planning Commission.
    - iv. Gates shall be provided at all access points, unless otherwise permitted or approved. Gates for vehicular access shall be approved by the Fire Authority.
    - v. Gates shall be the same height and constructed of the same material as the fencing. Access, such as knox box, shall be provided for emergency responders.



- vi. The Township may require or allow a fence design to allow for the passage of wildlife upon a finding that adequate access control and visual screening will be preserved.
  - vii. Alternate fencing may be approved by the Township upon a finding that the alternative provides adequate access control and visual screening.
- d. Safety:
- i. All collection system wiring shall comply with all applicable safety and stray voltage standards.
  - ii. All electrical connection systems and lines from the Utility Solar Energy System or Facility to the electrical grid connection shall be located and maintained a minimum of six (6) feet underground within and adjacent to the site.
  - iii. All access gates and doors to Utility Solar Energy System or Facility compounds and electrical equipment shall be lockable and kept secured at all times when service personnel are not present.
  - iv. The applicant or owner shall be responsible for maintenance of the access roads.
  - v. The manufacturers or installer's identification and appropriate warning signs shall be posted on or near solar panels in a clearly visible manner.
  - vi. Fire suppression plans and Safety Data Sheets shall be kept on-site and be accessible for emergency responders.
  - vii. The applicant will provide an unredacted copy of the manufacturer's safety manual for each component of the Utility Solar Energy System without distribution restraints to be kept at the Township Hall or other locations deemed necessary by Planning Commission or local first responders. The Manual should include standard details for an industrial site such as materials, chemicals, fire, access, safe distances during system or facility failure, processes in emergencies, etc.
  - viii. The Township shall have the right upon issuing any Solar Energy System or Facility special use permit to inspect the premises on which each system is located at



any reasonable time. The Township may hire a consultant to assist with any such inspections at a reasonable cost to be charged to the operator of the Solar Energy System or Facility.

- ix. Advertising or non-project related graphics shall be prohibited. This exclusion does not apply to signs required by this Ordinance.
  - x. Signs shall be posted at entrances to Utility Solar Energy System or Facility compounds containing emergency contact information, operator contact information, and complaint resolution information. The Township may require additional signs with this information on the fence surrounding the compound. These signs shall be maintained and the information shall be kept current.
  - xi. The Utility Solar Energy System or Facility owner, operator, and property owner shall be responsible, jointly and severally, for mitigating erosion, flooding, and all other environmental impacts resulting from the Utility Solar Energy System or Facility.
  - xii. The Utility Solar Energy System or Facility owner, operator, and property owner shall be responsible, jointly and severally, for making repairs to any public roads, drains, and infrastructure damaged by the construction of, use of, or damage to, a Utility Solar Energy System or Facility. Any solar panel damaged beyond repair or use must be removed from the project site within five days and must be disposed of off-site in accordance with any state or federal requirements.
  - xiii. Utility Solar Energy Systems or Facilities shall not have any on-site battery storage systems for the sale of stored energy.
  - xiv. Plants or grasses not part of the buffer area shall be maintained not to exceed a height of twelve (12) inches. The Township may approve a taller height upon a finding that it will not result in a nuisance.
- e. Wildlife Impact:
- i. The applicant shall have a third-party qualified professional, acceptable to the Township, conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take



- appropriate measures to minimize, eliminate, or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- ii. Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.
  - iii. At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, or general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law. The applicant shall follow all pre-construction and post-construction recommendations of the United States Fish and Wildlife Service.
  - iv. The analysis shall indicate whether a post-construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted. Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above-ground lines, transformers, or conductors should follow any Avian Power Line Interaction Committee (APLIC, <http://www.aplic.org/>) guidelines to prevent avian mortality.
- f. Environmental Impact:
- i. The applicant shall have a third-party qualified professional, acceptable to the Township, conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to, wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate, or mitigate adverse impacts identified in the analysis.



- ii. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. The applicant shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq.) including but not limited to Part 31 Water Resources Protection (MCL 324.3101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.), Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), Part 303 Wetlands (MCL 324.30301 et seq.), Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.), Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.).
- g. Spacing. Utility Solar Energy Systems or Facilities shall be at least two thousand five hundred (2,500) feet from any adjacent, existing Utility Solar Energy System or Facility.
- h. Noise. The noise generated by a utility-scale solar energy system must not exceed the following limits:
  - i. Forty (40) Dba Lmax, as measured at the lot line of the project property.
  - ii. Thirty-Five (35) Dba Lmax, as measured at the lot line of the project property, between the hours of 9:00 p.m. and 7:00 a.m.
  - iii. In addition to the above limitations, a sound barrier of a solid decorative masonry wall or evergreen tree berm, with trees spaced not less than 10 feet apart, must be constructed to reduce noise levels surrounding all inverters. The berm must be no more than ten (10) feet from all inverters, must be at least as tall as all inverters but not more than three (3) feet taller than the height of all inverters.
  - iv. The noise level by a Utility Solar Energy Facility must be inspected every three (3) years, at the operator's expense, by an auditory expert to ensure compliance with these noise requirements. Copies of the inspection reports shall be provided to the Township.
- i. Groundcover. Utility Solar Energy Facilities shall include the installation of at least one (1) of the following types of dual use perennial ground cover vegetation to promote ecological



benefits. The perennial ground cover vegetation shall be maintained for the duration of operation until the site is decommissioned.

- i. Pollinator habitat with a score of at least seventy-six (76) on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites ([www.pollinators.msu.edu](http://www.pollinators.msu.edu));
- ii. Conservation cover focused on restoring native plants, grasses, or prairie with the aim of protecting specific species, such as bird habitat, or providing specific ecosystem services, such as carbon sequestration or improving soil health;
- iii. Incorporation of rotational livestock grazing and forage production as part of an overall vegetative maintenance plan; or
- iv. Raising crops for food, fiber, or fuel and generating electricity within the site to maximize land use.
- v. The Township may approve or require alternative ground cover upon finding it is not feasible to provide groundcover as defined above.
- vi. All groundcover must be native plants with substantial root system to support soil. Turf grass is not permitted as ground cover.
- vii. Invasive species and noxious weeds are not permitted and must be removed in a timely manner.
- j. Lighting. Lighting shall be limited to inverter or substation locations only and shall comply with 14.04(E) Lighting.
- k. Emergency Action Plan; Emergency Training. Before the Utility Solar Energy System or Facility is operational, it must provide the necessary training, equipment, or agreements specified in the application to Township or other emergency personnel.
- l. General Liability Insurance; Bonding Requirements; Escrow Requirements.
  - i. Utility Solar Energy Systems or Facilities shall have and maintain general liability insurance of at least ten million (\$10,000,000.00) dollars. The Township may require a higher amount for larger projects and may allow for a



lesser amount for smaller projects upon a finding that the alternate amount is more consistent with the likely risk.

- ii. In addition, In order to assure the funds will be available to perform all road repairs required under this ordinance, the Applicant will be required to post financial security acceptable to the Township, in the form of: a) a surety bond from a surety listed as acceptable on the Federal Surety Bond circular 570 of the U.S. Department of Treasury; or b) an acceptable letter of credit; or c) an escrow account established in a financial institution licensed in the State of Michigan. The amount of the security shall be a minimum of one million two hundred fifty thousand dollars (\$1,250,000), but this amount may be increased if the third-party consultant determines the amount needed for road repairs is greater than this amount. The bond (or other security) shall only be released (in whole or part) when the Township Board, in consultation with LCRC and the third-party inspector, determines that all required road work has been completed and approved by LCRC and/or MDOT.
- iii. General Maintenance Bond. The Township shall require a General Maintenance Bond to guarantee all aspects of this Ordinance are met at all times during the construction and operation of the Utility Solar Energy System. At the time of the Special Use application, the Applicant shall submit two third-party contractor bids for construction of all fencing, landscaping, and drainage improvements associated with the Utility Solar Energy System, and the bond shall be the higher of the two bids. The Township may use the bond to repair any landscaping, fencing, drainage infrastructure (including drainage tiles), and/or to correct any ongoing violation of this Ordinance, in the event that the facility fails to adequately maintain the required site improvements, or fails to make operational changes to correct an operational violation.
- iv. The Applicant shall be required, as a condition of the operation, to fund an escrow account for investigation of complaints for, but not limited to glare, stray voltage, noise, and signal interference in the amount of \$15,000.00 to be used at the discretion of the Township Board to pay for third party investigative services, the provider of which shall be chosen by the Township. Such funds shall be deposited with the Township Treasurer, or with a third-party fiduciary, at the discretion of the



Township. When the escrow account balance is below \$5,000.00 the Township shall notify the Applicant and the Applicant shall replenish the account to the amount of \$15,000.00 within 45 days.

- m. Repowering or Modifications. Any modifications of an approved site plan that are made after the initial date of approval, including an expansion of project, shall be resubmitted to the Township Planning Commission for review at an additional fee based upon current fee schedule. Any changes of the approved site plan, subject to this Ordinance as it exists at time of application, will require a new site plan application and review, including reconfiguration of arrays, updating current technology, and Solar Energy Facility infrastructure.
- n. The Applicant must submit an attestation that the Applicant will indemnify and hold the Township harmless from any costs or liability arising from the approval, installation, construction, use, maintenance, repair, or removal of the Utility Solar Energy System.
- o. Prior to the start of construction, any existing drain tile must be inspected by robotic camera and the imagery submitted to the township for baseline documentation on tile condition. Any damage shall be repaired, and a report submitted to the landowner and Township. While the facility is in operation, the owner or operator must reinspect the drain tiles every three years by robotic camera for any damage and must repair any damage within 60 days of discovery. The owner or operator must report the inspection, along with any damage and repair, to the Township within 90 days after each three-year deadline. The Township reserves the right to have the Building Inspector or other agent present at the time of repair. Solar panel support structures and/or foundations shall be constructed to preserve any drainage field tile or system.
- p. Transfer or Sale: In the event of a transfer or sale of the Facility, the new owner or operator must notify the Township within 30 days of the transfer or sale, and the Zoning Administrator shall administratively amend the permit to name the new owner or operator. Upon transfer or sale, the cash bond shall be transferred to the new owner or operator and shall be maintained at all times, the estimated costs of decommissioning shall be resubmitted, and the security bond adjusted to account for the new estimate.

- (37) Abandonment and Decommissioning: Following the operational life of the project, the Applicant shall perform decommissioning and removal



of the Utility Solar Energy System or Facility and all its components and restore the site to its original conditions.

- a. The decommissioning plan shall be written to provide security to the Township for one hundred twenty-five percent (125%) 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. The decommissioning security shall be paid in cash to the Township. Once value of decommissioning is determined, it shall be updated on a periodic basis of not less than every three (3) years and additional security may be required on the basis of the average inflation rate of the preceding three (3) years.
- b. All abandonment and decommissioning work must be done when soil is dry or frozen to prevent compaction.
- c. Solar energy systems that are not operated for a continuous period of twelve (12) months shall be considered abandoned and shall be subject to removal proceedings.
- d. Solar energy systems that are damaged shall be replaced or removed within seven (7) days.
- e. The ground must be restored to its original topography within three hundred sixty-five (365) days of abandonment or decommissioning. An extension may be granted if a good faith effort has been demonstrated and any delay is not the result of actions or inaction of the operator. An alternative topography can be approved by the Township as part of the original site plan review or later as part of decommissioning.
- f. If land balancing is required, all top soil will be saved and spread evenly over balanced area.
- g. An annual report shall be provided to the Zoning Administrator showing continuity of operation and shall notify the Zoning Administrator if use is to cease, prior to decommissioning, or abandonment.
- h. Continuing Obligations: Failure to keep any required financial security in full force and effect at all times while a Utility Solar Energy System or Facility exists or is in place shall constitute a material and significant violation of the Special Land Use, Special Use Permit, and this Ordinance, and will subject the Utility Solar Energy System or Facility Applicant, owner, and



operator, jointly and severally, 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.

- i. The Applicant shall be responsible for the payment of all attorney fees and other costs incurred by the Township in the event that the structure is not voluntarily removed and the Township has to enforce removal.
- (38) Complaint Resolution. Utility Solar Energy Systems or Facilities shall provide a complaint resolution process, as described below.
- a. The site shall have signs posted with contact information to collect complaints related to the Utility Solar Energy System or Facility.
  - b. A log shall be kept by the owner or operator of all complaints received and shall be available to Township officials for review, per Township request.
  - c. The operator or its agent shall respond to complainants within ten (10) business days and shall provide notification to the Zoning Administrator.
  - d. Any resolution shall include lawful and reasonable solutions consistent with the Zoning Ordinance, which shall also be provided to the Zoning Administrator.
  - e. The operator or its assigns reserve the right to adjudicate any claims, including residential claims, in a court of competent jurisdiction. An annual report shall be submitted to the Zoning Administrator and the Township Board that details all complaints received, the status of complaint resolution, and actions taken to mitigate complaints. (as amended 08/21/23)

**11.06.07 Utility-Scale Solar Energy Systems under PA 233 only.**

(a) **Intent and Purpose:** The following provisions apply to Utility-Scale \_\_\_\_\_ Solar \_\_\_\_\_ Energy Systems as defined above and shall be allowed in the \_\_\_\_\_ Industrial \_\_\_\_\_ (IND) and Planned Industrial Parks (PID) zoning districts by \_\_\_\_\_ special use permit. To the extent the following provisions conflict with the provisions in subsection 11.06.02, 11.06.03, 11.06.04, 11.06.05 and 11.06.06 above, these provisions shall apply. All provisions above that do not conflict with the subsection remain in full force and effect and shall be applicable to all Utility-Scale Solar Energy Systems regardless of nameplate capacity. The following provisions do not apply if PA 233 of



2023 is repealed, enjoined, or otherwise not in effect, and do not apply to Utility-Scale Solar Energy Systems:

- (b) **Location.** Where System Allowed: Utility-Scale Solar Energy Systems shall be permitted in Industrial (IND) and Planned Industrial Parks (PID) on 20-acres or more with special land use approval by Township Board in accordance with Article 19 and site plan approval by the Planning Commission and Township Board in accordance with Article 18.
- (c) **Application.** To Construct an Utility-Scale Wind Energy System, an electric provider or IPP that proposes to obtain a certificate from the Michigan Public Service Commission to construct an energy facility within the Township shall follow the following application process:
  - (1) At least 60 days before the public meeting provided for in MCL 460.1223, an electric provider or IPP shall offer in writing to meet with the Township Supervisor, or the Supervisor's designee, to discuss the site plan. The offer to meet should be delivered by email. The Supervisor or Supervisor's designee must respond within 30 days from the offer to meet.
  - (2) Within 30 days following the meeting described in paragraph 11.06.07 (c)(1), the Township Supervisor shall notify the electric provider or IPP planning to construct energy facility that the Township has a compatible renewable energy ordinance. If all affected local units with zoning jurisdiction provide similar timely notice to the electric provider or IPP, then the electric provider or IPP shall file for approval of a permit with the Township.
  - (3) To file for approval of a permit the electric provider or IPP must submit a complete application to the Township Clerk. The application form to be used shall be adopted by resolution of the Township Board. The application shall contain the items set forth in MCL 460.1225(1), except for (1)(j) and (s).
  - (4) The application may also require other information to determine compliance with this Compatible Renewable Energy Ordinance. By resolution, the Township may establish an application fee and escrow policy to cover the Township's reasonable costs of review and processing of the application, including but not limited to staff, attorney, engineer,



planning, environmental, or other professional costs.

(d) **Application Review:** The application shall be processed as a special land use subject to the provisions of this Article. The Township board following a recommendation from the Planning Commission shall approve or deny the application within 120 days after receiving a complete application. This deadline may be extended by up to 120 days if jointly agreed upon by the Township Board and the applicant. If the application is approved the following standards apply:

(1) **Setback:** Setback distances measured from the nearest edge of the perimeter fencing of the facility:

Setback Description	Setback Distance
Occupied community buildings and dwelling on nonparticipating properties	300 feet from the nearest point on the outer wall
Public road right-of-way	50 feet measured from nearest edge of a public road right-of-way
Nonparticipating properties	50 feet measured from the nearest shared property line

(2) **Fencing:** The solar energy facility shall comply with the latest version of the National Electric Code as of November 29, 2024 or any applicable successor standard approved by the Michigan Public Service Commission as provided in MCL 460.1226(8)(a)(ii).

(3) **Height:** Solar panel components do not exceed a maximum height of 25 feet above ground when the arrays are at full tilt.

(4) **Noise:** The solar energy facility does not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.

(5) **Lighting:** The solar energy facility will implement dark sky-friendly lighting solutions.

(6) **Environmental Regulations.** The solar energy facility will comply with any more stringent requirements adopted by the Michigan Public Service Commission as provided in MCL 460.1226(8)(a)(~~vii~~).



- (7) **Host Community Agreement.** The applicant shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the Utility-Scale

Solar Energy System owner must pay the Township \$2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed by to by the local unit and the applicant.

11.07 **Utility-Scale Battery Energy Storage Systems under PA 233 only.**

**Section 11.07.01 General**

- (a) **Intent and purpose:** The regulations of this Section are intended to conform with PA 233 of 2024.

- (b) **Definitions:**

- (1) **Battery Energy Storage System, Small Off-Site:** A Battery Energy Storage System that is a principal use (or co-located with a second principal use) and that is designed and built to connect into the distribution or transmission grid with a nameplate capacity less than 50 megawatts.

- (2) **Battery Energy Storage System, Large Off-Site:** A Battery Energy Storage System (BESS) that is a principal use (or co-located with a second principal use) and that is designed and built to connect to the transmission grid with a nameplate capacity of 50 megawatts or more.

- (3) **Non-Participating Property:** Any property that is adjacent to a participating property, but is not part of the battery storage project.

- (4) **Participating Property:** A Utility-Scale Battery Energy Storage System host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the system owner (or affiliate) regardless of whether any part of a system is constructed on the property.

- (c) **Applicability:** The following provisions apply to Utility-Scale Battery Energy Storage Systems as defined. The following provisions do not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect, and do not apply to Utility-Scale Solar Energy Systems:

- (d) **Locations.** Utility-Scale Battery Energy Storage Systems shall be permitted in Industrial (IND) and Planned Industrial Parks (PID) 20-acres or more with special



land use approval by Township Board in accordance with Article 19 and site plan approval by the Planning Commission and Township Board in accordance with Article 18.

(e) **Application.** To Construct an Utility-Scale Battery Energy Storage System, An electric provider or IPP that proposes to obtain a certificate from the Michigan Public Service Commission to construct an energy facility within the Township shall follow the following application process:

- (1) At least 60 days before the public meeting provided for in MCL 460.1223, an electric provider or IPP shall offer in writing to meet with the Township Supervisor, or the Supervisor's designee, to discuss the site plan. The offer to meet must be delivered by email and certified mail must also be sent to the Township Board in care of the Township Clerk in this manner. The Supervisor or Supervisor's designee must respond within 30 days from the offer to meet.
- (2) Within 30 days following the meeting described in paragraph 11.07.01 (e)(1) the Township Supervisor shall notify the electric provider or IPP planning to construct the Utility-Scale Battery Energy Storage System facility that the Township has a compatible renewable energy ordinance. If all affected local units with zoning jurisdiction provide similar timely notice to the electric provider or IPP, then the electric provider or IPP shall file for approval of a permit with the Township.
- (3) To file for approval of a permit the electric provider or IPP must submit a complete application to the Township Clerk. The application form to be used shall be adopted by resolution of the Township Board. The application shall contain the items set forth in MCL 460.1225(1), except for (l)(j) and (s). The application may also require other information to determine compliance with this Compatible Renewable Energy Ordinance. By resolution, the Township may establish an application fee and escrow policy to cover the Township's reasonable costs of review and processing of the application, including but not limited to staff, attorney, engineer, planning, environmental, or other professional costs.

**11.07.02 Application Review:** The application shall be processed as a special land use subject to the provisions of this Article 19. The Township board following a recommendation from the Planning Commission shall approve or deny the application within 120 days after receiving a complete application. This deadline may be extended by up to 120 days if jointly agreed upon by the Township



Board and the applicant. In consideration of the application the the Zoning Administrator must approve the application and issue a permit for the requested construction if it complies with the following standards:

- (a) **Setback:** Setback distances measured from the nearest edge of the perimeter fencing of the facility:

<b>Setback Description</b>	<b>Setback Distance</b>
Occupied community buildings and dwelling on nonparticipating properties	300 feet from the nearest point on the outer wall
Nonparticipating parties	50 feet measured from nearest edge of a public road right-of-way
Public road right-of-way	50 feet measured from the nearest shared property line

- (b) **NFPA Standard:** Utility-Scale Battery Energy Storage facility must comply with the version of NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems” in effect on November 29, 2024 or any applicable successor standard adopted by the Michigan Public Service Commission as provided for in MCL 460.1226(8)(c)(ii).
- (c) **Fencing:** The Utility-Scale Battery Energy Storage Facility shall comply with the latest version of the National Electric Code as of November 29, 2024 or any applicable successor standard approved by the Michigan Public Service Commission as provided in MCL 460.1226(8)(a)(ii).
- (d) **Noise:** The Utility-Scale Battery Energy Storage Facility shall not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
- (e) **Lighting:** The Utility-Scale Battery Energy Storage Facility will implement dark sky-friendly lighting solutions.
- (f) **Environmental Regulations:** The Utility-Scale Battery Energy Storage System must comply with applicable state of federal environmental regulations.
- (g) **Host Community Agreement:** The applicant shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the Utility-Scale Battery Energy Storage System owner must pay the Township \$2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed by to by the local unit and the applicant.



DRAFT









2911 Dorr Road  
Brighton, MI 48116  
810.227.5225  
810.227.3420 fax  
genoa.org

## MEMORANDUM

**TO:** Honorable Board of Trustees  
**FROM:** Amy Ruthig, Planning Director  
**DATE:** January 1, 2025  
**RE:** Ordinance no. Z-25-02  
410 S. Hughes, 4711-03-300-011

Please find attached a proposed rezoning ordinance for parcel 4711-03-300-011, 410 S. Hughes Road located on the west side of S. Hughes Road, south of Golf Club Road. The rezoning consists of approximately 9.76 acres. The proposed rezoning is from the Public & Recreational Facilities (PRF) to Suburban Residential (SR). The SR zoning would allow for demo and reconstruction of a single-family home.

Subject  
property



This rezoning was recommended for approval by the Township Planning Commission on November 13<sup>th</sup>, 2024 and the Livingston County Planning Commission on December 18, 2024.

As required pursuant to the Charter Township Act (Act 359 of 1947) the Board is being asked to introduce and conduct the first reading on the proposed rezoning ordinance. Staff is requesting the second reading and consideration for adoption be set for the Tuesday, January 21, 2025 regularly scheduled meeting. A draft publication as required by law is also attached.

As such please consider the following action:

### SUPERVISOR

Kevin Spicher

### CLERK

Janene Deaton

### TREASURER

Robin L. Hunt

### TRUSTEES

Rick Soucy

Bill Reiber

Candie Hovarter

Todd Walker

### MANAGER

Kelly VanMarter



***Please note the ordinance requires adoption by a majority of the membership on roll call vote.***

Moved by \_\_\_\_\_, supported by \_\_\_\_\_ to introduce proposed Ordinance Number Z-25-02 and to set the meeting date to consider adoption before the Township Board on Tuesday January 21, 2025 for the purpose of considering the proposed Zoning Map Amendment.

If you should have any questions, please feel free to contact me.

Best Regards,

A handwritten signature in blue ink that reads "Amy Ruthig". The signature is written in a cursive style and is placed on a light blue rectangular background.

Amy Ruthig  
Planning Director



**ORDINANCE NO. Z-25-02**

**AN ORDINANCE TO AMEND THE ZONING MAP OF THE CHARTER TOWNSHIP OF GENOA BY REZONING PARCEL 4711-03-300-011 FROM PUBLIC & RECREATIONAL FACILITIES (PRF) TO SUBURBAN RESIDENTIAL (SR)**

**THE CHARTER TOWNSHIP OF GENOA HEREBY ORDAINS** that the Zoning Map, as incorporated by reference in the Charter Township of Genoa’s Zoning Ordinance, is hereby amended as follows:

Real property consisting of approximately 9.76 acres for parcel ID number 4711-03-300-011, 410 S. Hughes Road, located on the west side of Hughes Road, south of Golf Club Road particularly described as follows:

SEC 3/4 T2N R5E COMM W1/4 COR SEC 3, TH E 573 FT, TH S 8\*E 437.23 FT TO POB, TH S 8\*E 166.44 FT, TH S33\*E 186.6 FT, TH S54\*W 813.91 FT, TH N41\*W 288.5 FT, TH N30\*W 110.16 FT, TH N36\*W 79.64 FT, TH N60\*W 83.44 FT, TH N51\*E 196.32 FT, TH N71\*E 784.46 FT TO POB. CONT. 9.5 AC M/L COMB. 10/85 FROM

shall be rezoned from the Public & Recreational Facilities (PRF) to Suburban Residential (SR). The Township Planning Commission and Township Board, in strict compliance with the Township Zoning Ordinance and with Act 110 of the Public Acts of 2006, as amended, reclassified the Property as Suburban Residential (SR) upon finding that such classification properly achieved the purposes of Section 22.04 of the Township’s Zoning Ordinance (as amended).

**Repealor:** All ordinances or parts of Ordinances in conflict herewith are repealed.

**Severability** Should any section, subsection, paragraph, sentence, clause, or word of this Ordinance be held invalid for any reason, such decisions shall not affect the validity of the remaining portions of the Ordinance.

**Savings:** This amendatory ordinance shall not affect violations of the Zoning Ordinance or any other ordinance existing prior to the effective date of this Ordinance and such violation shall be governed and shall continue to be separate punishable to the full extent of the law under the provisions of such ordinance at the time the violation was committed.

**Effective Date:** This map amendment was adopted by the Genoa Charter Township Board of Trustees at the regular meeting held \_\_\_\_\_ and ordered to be given publication in the manner required by law. This ordinance shall be effective seven days after publication.

On the motion to adopt the Ordinance the following vote was recorded:

**Yeas:**

**Nays:**

**Absent:**

I hereby approve the adoption of the foregoing Ordinance this \_\_\_ day of January, 2025.

\_\_\_\_\_  
Janene Deaton  
Township Clerk

\_\_\_\_\_  
Kevin Spicher  
Township Supervisor

Township Board First Reading: January 6, 2025  
Date of Publication of Ordinance: Proposed January 10, 2025  
Township Board Second Reading and Adoption: Proposed January 21, 2025  
Date of Publication of Ordinance Adoption: Proposed January 26, 2025  
Effective Date: Proposed February 3, 2025



**BOARD OF TRUSTEES  
GENOA CHARTER TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN  
NOTICE OF PROPOSED ZONING MAP AMENDMENT  
JANUARY 21, 2025 (TUESDAY)**

Pursuant to Michigan Public Act 359 of 1947, (the Charter Township Act), notice is hereby given that the Genoa Charter Township Board will be considering an ordinance to amend the zoning map of the Charter Township of Genoa at 6:30 p.m. on **TUESDAY JANUARY 21, 2025**. The parcel proposed for rezoning consists of approximately 9.76 acre of land at 410 S. Hughes located on the west side of Hughes Road, south of Golf Club Road. The rezoning is for parcel# 4711-03-300-011. The proposed rezoning is from Public & Recreational Facilities (PRF) to Suburban Residential (SR) to allow for the construction of a new home.

The complete text of the proposed zoning map amendment is available for public inspection at the Township Hall located at 2911 Dorr Road, Brighton, Michigan 48116, Monday through Friday from 9:00a.m. to 5:00p.m.

Genoa Charter Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities at the meeting/hearing upon seven (7) days' notice to the Township. Individuals with disabilities requiring auxiliary aids or services should contact the Township in writing or by calling at (810) 227-5225.

Amy Ruthig, Planning Director  
(Press/Argus 1-10-25)

DRAFT





2911 Dorr Road  
Brighton, MI 48116  
810.227.5225  
810.227.3420 fax  
genoa.org

## MEMORANDUM

**TO:** Honorable Board of Trustees  
**FROM:** Kelly VanMarter, Township Manager  
**DATE:** December 31, 2024  
**RE:** Principles of Governance

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The Michigan Townships Association (MTA) encourages every Township Board to deliberate on and adopt the enclosed Principles of Governance. The objective of the Principles of Governance is to improve the efficiency and effectiveness of Township boards by creating a high degree of trust among board members and between the board and those whom they are elected to serve. Township boards earn trust by demonstrating their commitment to effectively solving problems and conducting their business in a manner consistent with their community's expectations and values and then faithfully delivering on those commitments.

The Principles of Governance embody the value of efficient, effective, economical, ethical and accountable local government and can guide board members toward consistent actions that reflect well on the township and on themselves. The MTA strongly believes that a township board that publicly adopts and adheres to these Principles will enjoy strong public support and be better positioned to achieve great things on behalf of its residents. As a part of the Board's commitment to fostering efficient and effective township government that earns the public's trust, the Board is invited to affirm and practice the enclosed Principles of Governance. By signing this certificate, board members denote their pledges to adhere to the Principles.

Sincerely,

Kelly VanMarter

**SUPERVISOR**

Kevin Spicher

**CLERK**

Janene Deaton

**TREASURER**

Robin L. Hunt

**TRUSTEES**

Rick Soucy

Bill Reiber

Candie Hovarter

Todd Walker

**MANAGER**

Kelly VanMarter



# Genoa Charter Township

## Principles of Governance

To maintain the high standards and traditions of Michigan Townships, we embrace these principles of governance to guide our stewardship, deliberations, constituent services, and commitment to safeguarding our community's health, safety, and general welfare.

We pledge to:

- Insist on the highest standards of ethical conduct by all who act on behalf of this Township;
- Bring credit, honor, and dignity to our public offices through collegial board deliberations and through diligent, appropriate responses to constituent concerns;
- Actively pursue education and knowledge, and embrace best practices;
- Treat all persons with dignity, respect, and impartiality; without prejudice or discrimination;
- Practice openness and transparency in our decisions and actions;
- Cooperate in all reasonable ways with other government entities and consider the impact our decisions may have outside our Township's borders;
- Communicate to the public Township issues, challenges, and successes, and welcome the active involvement of stakeholders to further the Township's well-being;
- Strive for compliance with state and federal statutory requirements;
- Recuse a board member from participating in any decision where there was personal financial gain either expected or implied;
- Further the understanding of the obligations and responsibilities of American citizenship, democratic government, and freedom.

These principles we pledge to our citizens, our State, and our Country on this 6<sup>th</sup> day of January 2025.

---

Kevin Spicher, Supervisor

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Robin Hunt, Treasurer

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Janene Deaton, Clerk

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Rick Soucy, Trustee

---

Candie Hovarter, Trustee

---

Todd Walker, Trustee

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Bill Reiber, Trustee