

TOWNSHIP OF BARTON
COUNTY OF NEWAYGO, MICHIGAN

October 8, 2024

At a regular meeting of the Township Board of the Township of Barton, held in the Township Hall,

Reed City, Michigan, on the 8th day of October 2024, at 7:00 p.m.

PRESENT: Sandy Anderson, Tom Kooler, Kyle Luce, David Joyce, Tom Wright
ABSENT: [Signature]

The following ordinance was offered by Dave Lamp and supported by Kyle Luce

ORDINANCE NO. 2024-10

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE TOWNSHIP OF BARTON

Part A - The Zoning Ordinance of the Township of Barton is hereby amended by the amendment of Section 11.08 as follows:

Amendment (1)

ARTICLE 11 SPECIAL LAND USES

11.08 List of Special Land Uses

36 - RENEWABLE ENERGY

Before beginning construction of an energy facility, an ELECTRIC PROVIDER or INDEPENDENT POWER PRODUCER shall submit a zoning application containing all of the following:

1. The complete name, address, and telephone number of the applicant.
2. The planned date for the start of construction and the expected duration of construction.
3. A description of the energy facility, including a site plan containing:
 - (a) The location and a description of the energy facility.

- (b) A description of the anticipated effects of the energy facility on the environment, natural resources, and solid waste disposal capacity, which may include records of consultation with relevant state, tribal, and federal agencies.
- (c) Additional information required by the Planning Commission that directly relates to the site plan.
- 4. A description of the expected use of the energy facility.
- 5. Expected public benefits of the proposed energy facility.
- 6. The expected direct impacts of the proposed energy facility on the environment and natural resources and how the applicant intends to address and mitigate these impacts.
- 7. Information on the effects of the proposed energy facility on public health and safety.
- 8. A description of the portion of the community where the energy facility will be located.
- 9. A statement and reasonable evidence that the proposed energy facility will not commence commercial operation until it complies with applicable state and federal environmental laws.
- 10. Evidence of consultation with the Department of Environment, Great Lakes, and Energy and other relevant state and federal agencies before submitting the application, including, but not limited to, the Department of Natural Resources and the Department of Agriculture and Rural Development.
- 11. The Soil and Economic Survey Report under section 60303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.60303, for the specific location where the proposed energy facility will be located.
- 12. Interconnection queue information for the applicable regional transmission organization.
- 13. If the proposed site of the energy facility is undeveloped land, a description of feasible alternative developed locations, including, but not limited to, vacant industrial property and brownfields, and an explanation of why they were not chosen.
- 14. If the energy facility is expected to have an impact on television signals, microwave signals, agricultural global position systems, military defense radar, radio reception, or weather and doppler radio, a plan to minimize and mitigate that impact.

15. A stormwater assessment and a plan to minimize, mitigate, and repair any drainage impacts at the expense of the ELECTRIC PROVIDER or INDEPENDENT POWER PRODUCER. The applicant shall make reasonable efforts to consult with the Newygo County Drain Commissioner before submitting the application and shall include evidence of those efforts in its application.

16. A fire response plan and an emergency response plan.

17. A decommissioning plan that is consistent with agreements reached between the applicant and other landowners of participating properties and that ensures the return of all participating properties to a useful condition similar to that which existed before construction, including removal of above-surface facilities and infrastructure that have no ongoing purpose. The decommissioning plan shall include, but is not limited to, financial assurance in the form of a bond, a parent company guarantee, or an irrevocable letter of credit, but excluding cash. The amount of the financial assurance shall not be less than the estimated cost of decommissioning the energy facility, after deducting salvage value, as calculated by a third party with expertise in decommissioning, hired by the applicant. However, the financial assurance may be posted in increments as follows:

a) At least 25% by the start of full commercial operation.

b) At least 50% by the start of the fifth year of commercial operation.

c) 100% by the start of the tenth year of commercial operation.

d) Other information determined by the Planning Commission to be instrumental.

An energy facility is assumed to not present an unreasonable threat to public health and safety if it will comply with the following standards, as applicable:

(a) For a solar energy facility, all of the following:

(i) The following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

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

(ii) Fencing for the solar energy facility complies with the latest version of the National Electric Code.

- (iii) Each wind tower is 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.
- (iiii) Each wind tower blade tip 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.
- (iv) The wind 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.

<u>Setback Description</u>	<u>Setback Distance</u>
Occupied community buildings and residences 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 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

- (b) For a wind energy facility, all of the following:
- (i) The following minimum setback distances, measured from the center of the base of the wind tower:
 - (iii) Solar panel components do not exceed a maximum height of 25 feet above ground when the arrays are at full tilt.
 - (iv) 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.
 - (v) The solar energy facility will implement dark sky-friendly lighting solutions.

- (iv) The applicant shall provide evidence that they have considered and addressed impacts to the environment and natural resources, including, but not limited to, sensitive habitats and waterways, wetlands and floodplains, wildlife corridors, parks, historic and cultural sites, and threatened or endangered species, and that the
- (iii) The energy storage facility shall implement dark sky-friendly lighting solutions.
- (ii) The 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 property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.

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

- (i) The following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

(c) For an energy storage facility, all of the following:

- (vi) The wind energy facility meets any standards concerning radar interference, lighting, subject to subparagraph (v), or other relevant issues as determined by the planning commission.
- e) Any other relevant information requested by the Planning Commission.
- d) The technical or economic reason a light-mitigating technology is not feasible.
- c) A description of the light-mitigating technologies submitted to the Federal Aviation Administration.
- b) The proposed length of the exemption.
- a) The purpose of the exemption.
- (v) The wind energy facility is 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 commission 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 Planning Commission.
 - (vi) The wind energy facility meets any standards concerning radar interference, lighting, subject to subparagraph (v), or other relevant issues as determined by the planning commission.

proposed energy facility will not unreasonably diminish farmland, including, but not limited to, prime farmland and, to the extent that evidence of such farmland is available in the evidentiary record, farmland dedicated to the cultivation of specialty crops, and that the proposed energy facility does not present an unreasonable threat to public health or safety. In meeting this requirement, the applicant shall refer to Figure 3 Agricultural Land Use and Soils and Figure 4 Surface Waters and Wetlands of the Township Master Plan dated August 2023.

The Planning Commission shall approve or deny the application within 120 days after receiving the application. The applicant and township may jointly agree to extend this deadline by up to an additional 120 days.

Construction of the proposed energy facility must begin within 5 years after the date the permit is granted and any challenges to the grant of the permit are concluded. The township may extend this timeline at the request of the ELECTRIC PROVIDER or INDEPENDENT POWER PRODUCER without requiring a new application. The township shall not revoke a permit issued except for material noncompliance with the permit by the ELECTRIC PROVIDER or INDEPENDENT POWER PRODUCER.

Nothing in this section shall be construed to limit remedies available to an applicant to appeal a denial by the township under any other law of this State.

Part B - This amendment shall include any revisions necessary to maintain alphanumeric formatting.

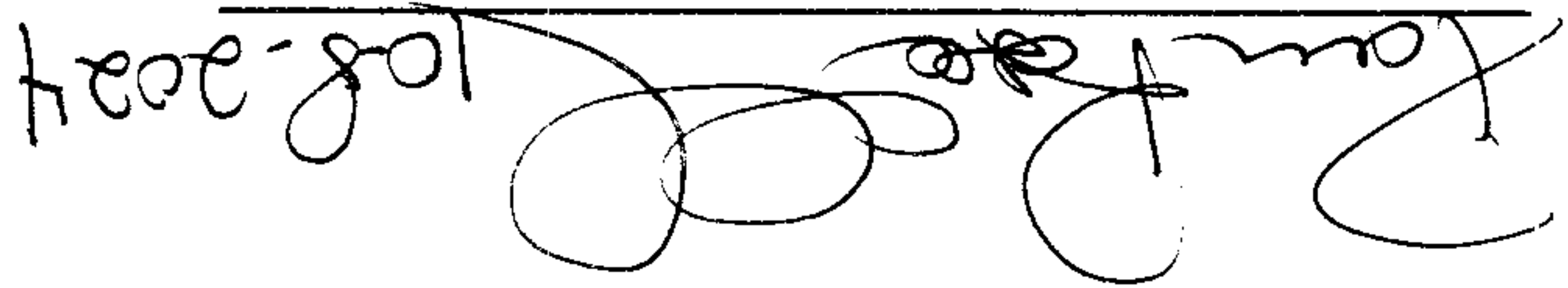
Part C - This Ordinance shall become effective seven days after its publication or seven days after the publication of a summary of its provisions in a local newspaper of general circulation.

AYES: All in favor

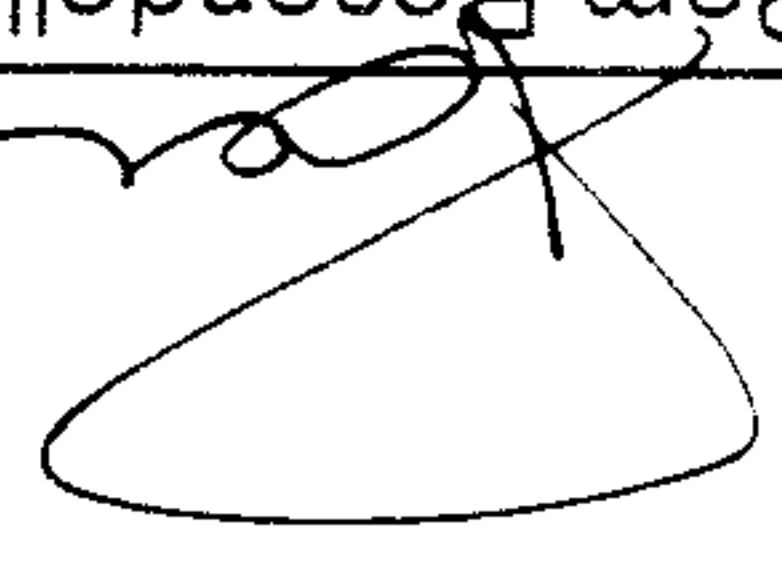
NAYS: 

ABSTAIN:

ORDINANCE DECLARED ADOPTED.


Pam Rosendall, Clerk
Township of Barton

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Township of Barton at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.


Pam Rosendall, Clerk
Township of Barton

Cat Setl 2024

Adoption Date: 10-8-2024
Publication Date: 10-17-2024
Effective Date: 10-17-2024

