

**TYRONE TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING AGENDA
November 14, 2023 7:00 PM**

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

APPROVAL OF THE AGENDA:

APPROVAL OF THE MINUTES:

- 1) August 8, 2023
- 2) September 12, 2023
- 3) October 10, 2023

CALL TO THE PUBLIC:

NEW BUSINESS:

- 1) DMN Properties Minor change to site plan

OLD BUSINESS:

- 1) Utility-Scale Solar Facilities

CALL TO THE PUBLIC;

MISCELLANEOUS BUSINESS:

ADJOURNMENT:

APPROVAL OF MINUTES

- 1) August 8, 2023
- 2) September 12, 2023
- 3) October 10, 2023

TYRONE TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
August 8, 2023- 7:00 PM

PRESENT: Rich Erickson, Kurt Schulze, Kevin Ross, and Steve Krause, Garrett Ladd, and Jon Ward

ABSENT: Bill Wood

CALL TO ORDER: 7:00 pm

PLEDGE OF ALLEGIANCE:

APPROVAL OF THE AGENDA: Steve Krause made a motion to approve the agenda as presented. Kurt Schulze supported the motion. Motion carried by unanimous voice vote.

APPROVAL OF THE MINUTES: N/A

CALL TO THE PUBLIC:

Scott Dietrich (resident) made a comment regarding the placement of produce/farm stands within the Township. He indicated that there is a particular produce stand that is located too close to the road and may create a safety hazard.

Jannette Ropeta (resident) stated that she was recording the meeting because the Township video recording equipment does not always function properly. She stated that she would like an explanation as to why the last workshop meeting was cancelled. She stated that the Master Plan section of the Planning Commission website still indicated that the previous planning consultant was still involved. She requested that the website be updated to the current planning consultant. She stated that the draft Master Plan documents do not clearly show changes between the current draft and the existing Master Plan. She stated that the Master Plan revision process has been very disappointing. She questioned the content in the meeting packet regarding the utility scale solar topic and stated that she did not understand what was going to be discussed tonight. She stated that she cannot find a copy of the latest draft solar language. She requested that more information is provided in the future.

OLD BUSINESS:

1) Master Plan:

The Planning Commission briefly discussed the status of the draft Master Plan documents with the Planner and provided direction to make changes to the Master Plan website. The Planning Commission engaged with members of the public and discussed the draft Master Plan status and content. The Planning Commission discussed the Goals and Objectives, Future Land Use, and Transportation Analysis sections of the draft and suggested several minor revisions.

2) Utility-Scale Solar Facilities

The Planning Commission reviewed the latest draft solar overlay district maps with the Planner and provided input. The Planning Commission engaged with members of the public and discussed the draft overlay district maps. The Planning Commission discussed the potential to allow or prohibit on-site battery storage. They provided feedback to the Planner and indicated that discussion would continue at the next meeting.

NEW BUSINESS: N/A

CALL TO THE PUBLIC:

Gordon Tomaszewski (resident) stated that he has property he leases in Genessee County. He indicated that the owner of the property owns large properties in other areas. He stated that the property owner tried to bring in a utility-scale solar facility on land he owned but was ultimately denied by the municipality having jurisdiction. He suggested contacting Genessee Township to ask why the application was denied.

Scott Dietrich (resident) asked that the Planning Commission provide additional information on the type and size of batteries associated with utility-scale solar facilities. He stated that sight lines should be addressed to protect existing residents' views from future development.

Jeanette Ropeta (resident) asked where she could find a copy of the draft solar ordinance text. Ross Nicholson explained that the information is posted on the website. She stated that she was confused about what would be discussed tonight. She stated that there are communities who have turned down solar farms and she believes it is because they are more educated on the subject. She encourages the Planning Commission to reach out to other communities. She thanked the Planning Commission for the work they have been doing. She stated that she has major concerns regarding the environmental impact of solar farms. She noted negative aspects of the production and usage of solar panels. She asked the Planning Commission to take a stand and denounce utility scale solar facilities. She stated that she believes the Township should encourage community involvement in discussing the solar topic. She stated that the Township should not be afraid of potential lawsuits.

MISCELLANEOUS BUSINESS:

Jon Ward asked a question regarding the procedure for determining major and minor changes to approved site plans. Ross Nicholson provided clarification.

Next Workshop: 08/16/2023 at 6:00 pm.

ADJOURNMENT: 8:40 pm

**TYRONE TOWNSHIP PLANNING COMMISSION
REGULAR MEETING & PUBLIC HEARING MINUTES
September 12, 2023 7:00 p.m.**

PRESENT: Kurt Schulze, Rich Erickson, Steve Krause, Jon Ward

ABSENT: Kevin Ross, Garrett Ladd, and Bill Wood

OTHERS PRESENT: Karie Carter and Marian Krause

CALL TO ORDER: The meeting was called to order at 7:00 by Chairman Erickson.

PLEDGE OF ALLEGIANCE:

APPROVAL OF THE AGENDA: Chairman Rich Erickson entertained a motion to remove the August 8, 2023 minutes from the agenda, as they were unavailable at this time. Vice Chairman Kurt Schulze moved to accept the amended agenda. Commissioner Steve Krause supported. All ayes. Motion carried.

APPROVAL OF THE MINUTES:

1) 07/11/2023 Regular Meeting Minutes: Commissioner Steve Krause moved to approve. Vice-Chairman Kurt Schulze supported. All ayes, motion carried.

CALL TO THE PUBLIC: Comments were heard regarding the Hogan Road truck route.

OLD BUSINESS:

- 1. Master Plan.** The Planning Commission discussed edits that were suggested with Matteo Passalacqua. Vice Chairman Kurt Schulze discussed the time frame for the final draft to stay on track for the year.

At 7:30 pm, Vice Chairman Kurt Schulze moved to suspend the regular meeting and to move into the public hearing portion of the meeting. Commissioner Steve Krause supported. All ayes, motion carried.

NEW BUSINESS:

- 1. Key increase in accessory structure size.**

Chairman Richard Erickson read aloud the public notice:

A request by Leland and Julie Key for an increase in the permitted accessory building floor area up to a maximum of 1,200 square feet (1,200 sq. ft. requested), subject to compliance with the percent lot coverage and placement standards in Article 20, Schedule of Regulation and Section 21.02G of the Zoning Ordinance. The property is located at 6315 Shannon Glen Drive, Fenton, MI 48430, Parcel ID: 4704-32-100-018. Zoned R-1, Single-Family Residential.

Chairman Richard Erickson asked Mr. Key if he had anything he wished to add; Mr. Key did not.

CALL TO THE PUBLIC: No public comments were received.

Commissioner Steve Krause asked if there was any correspondence received; there was not. He then asked Mr. Key what the roof pitch was. Mr. Key said it was a 4/12 pitch. Vice Chairman Kurt Schulze asked what the proposed height of the accessory building would be. Mr. Key explained 10-foot walls with a 16-foot elevation. Vice Chairman Kurt Schulze then asked about the height of his existing home. Mr. Key said it is a 2-story home that is currently being built so it was approximately 30-foot. Vice Chairman Kurt Schulze asked Mr. Key if there would be a living area, water, and electricity. Mr. Key said it would be wide open space, with no water, and would match the architectural design of the house. Commissioner Steve Krause moved to close the public hearing. Vice Chairman Kurt Schulze supported. All ayes, motion carried.

The Planning Commission returned to Old Business #1, Master Plan. The Planning Commission continued the discussion regarding the Hogan Road truck route. Commissioner Jon Ward asked what the reason was that the truck route was adopted if the Planning Commission could not do anything about it. Chairman Richard Erickson said it was his understanding that truck routes were a board item and possibly a county item. The Planning Commission does not decide to eliminate truck routes. Vice Chairman Kurt Schulze said it needs to be determined who has the responsibility and ability to designate truck routes in the Township. Planner Matteo Passalaqua said he would need to coordinate with Ross Nicholson.

2. **Utility-Scale Solar Facilities.** The Planning Commission discussed text edits on the draft. They discussed which parcels are best suited within our community. Commissioner Jon Ward said it takes away from our rural character and possibly doesn't fit within our community. Vice Chairman Kurt Schulze said we already have a Solar Ordinance which allows them and we may be able to restrict it, but can it be eliminated? Planner Matteo Passalaqua said not with the precedent that it is already in the Zoning Ordinance nor can you restrict or eliminate Utility-Scale Solar Facilities where there is a need because the State has set benchmarks for the utilities to reach by a certain period of time. Chairman Rich Erickson said the newly developed ordinance is stronger and would provide protection to the Township, the issue is the overlay district and where it would potentially go in the Township. Chairman Rich Erickson asked Planner Matteo Passalaqua if he could provide an overlay along US-23 with the percentage of land coverage. Planner Matteo Passalaqua said with the overlay, he would run the numbers on the percentages. Chairman Rich Erickson said the language is good.

NEW BUSINESS: Increase in accessory structure.

Commissioner Steve Krause moved to approve. Vice Chairman Kurt Schulze supported. All ayes, motion carried.

CALL TO THE PUBLIC: No comments were received.

MISCELLANEOUS BUSINESS: September 20, 2023 Workshop

ADJOURNMENT: The meeting was adjourned at 8:14 by Chairman Erickson.

**TYRONE TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
October 10, 2023 7:00 p.m.**

This meeting was held at the Tyrone Township Hall

Present: Rich Erickson, Kurt Schulze, Jon Ward, Steve Krause, Bill Wood, Kevin Ross

Absent: Garrett Ladd

Also present: Marian Krause & Matteo Passalacqua

Chairman Rich Erickson called the meeting to order at 7:05 p.m. He said that he wanted to clarify how meetings were run for those who may be new to the meetings. He said to keep public comments to three minutes or less and that the comments should be addressed to the Planning Commission.

Chairman Rich Erickson explained that the Planning Commission is working on amending the current Solar Ordinance based on feedback from the County. He explained that once they've finalized their amendments, a public hearing will be scheduled. Once they have a finalized amended ordinance, it will go to the Township Board for approval or denial.

He explained that we already have an existing Solar Ordinance, which has been in place for some time. There is a moratorium at this moment which puts a freeze on any applications for this type of use. The Planning Commission has continued to make progress on the amendment at each meeting.

CALL TO THE PUBLIC: Several public comments were received.

OLD BUSINESS:

1) Master Plan:

Chairman Rich Erickson clarified that the Master Plan and Solar are two separate topics and that Solar is a Zoning Ordinance amendment. Planner Matteo Mr. Passalacqua of Carlisle Wortman summarized where they are in the Master Plan. He said there were changes to the truck route map and to sections 8 and 10 as well as some language edits. He said the Planning Commission could vote tonight to send the current draft to the Township Board for distribution approval. This is not the final draft; more edits can be made. Once it is sent out to surrounding communities, utility companies, etc., it starts a 63-day review period. Commissioner Steve Krause moved to approve that the current draft of the Master Plan be sent to the Township Board for review. Commissioner Kurt Schulze seconded. Roll call: Bill Wood, no; Steve Krause, yes; Kurt Schulz, yes; Kevin Ross, no; Jon Ward, yes; Rich Erickson, yes. Motion carried.

2) Solar (Utility Scale):

Chairman Rich Erickson gave a brief review, saying that the Planning Commission members have gone through the text of the ordinance and are currently working on the overlay district. Mr. Passalacqua summarized the overlay district of what Option 1 and Option 2

1 tables outline and added in there how the rest of the Township is zoned. The Planning
2 Commission discussed among themselves the number of parcels shown in both options and what is
3 currently permitted in our ordinance. Vice-Chairman Kurt Schulze asked what the State
4 requirements are. Mr. Passalacqua explained that the State has set benchmarks that the utilities are
5 now trying to meet. The Planning Commission discussed different possibilities for doing the
6 overlay districts in commercial and industrial use zones. The Planning Commission continued the
7 Solar Ordinance discussion between themselves and the Planner. They discussed making only the
8 industrial district the permitted district for Solar Farms with no solar overlay districts. Mr.
9 Passalacqua explained there would still be overlay districts, just that some industrial districts
10 would allow it and others would not. This would be based on the industrial districts based on the
11 Future Land Use map. Mr. Passalacqua will prepare a draft amendment and generate a map for
12 those districts. The current text regarding no on-site battery storage will remain. There was a
13 discussion about screening for Solar Farms. Any new Solar Farm developments will have to meet
14 the requirements of all outside agencies including the EPA, EGLE, etc. This was recommended by
15 Livingston County. The Planning Commission discussed whether there would be a tax benefit to the
16 Township for allowing Solar Farms. Some Townships are assessing them as improvements, but it
17 comes down to the discretion of the Township Tax Tribunals. The properties in the districts
18 proposed for Solar Farms that have REUs assigned to them will not have to pay and the Township
19 would lose the value of those REUs and would still have to pay for them. The Planning Commission
20 asked Mr. Passalacqua if there would be a way to charge the Solar Farm owners for the REUs. Mr.
21 Passalacqua explained that if we are going to designate a specific location where they are allowed to
22 have the Solar Farms, and those locations are planned for sewers, why should they pay for services
23 they won't use? The Planning Commission agreed it would be best to factor in getting the money for
24 the REUs. Mr. Passalacqua reiterated that this discussion of designating industrial districts for Solar
25 Farms and overlay districts is based on our Future Land Use map.

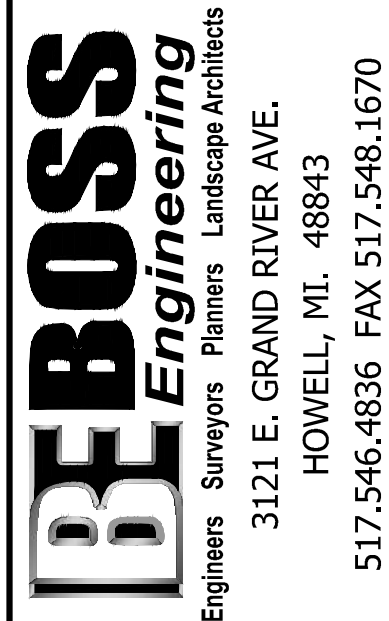
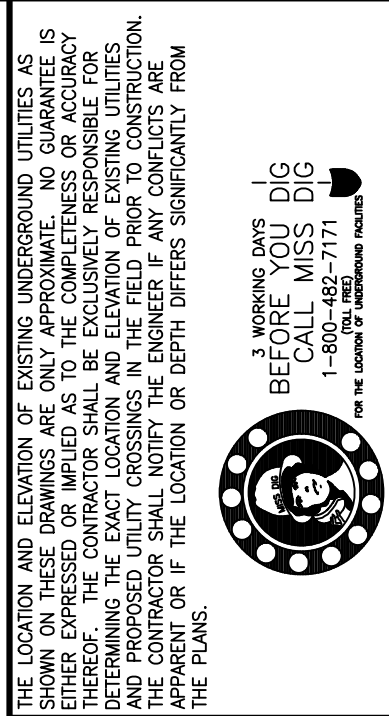
26
27 **CALL TO THE PUBLIC:** Several public comments were received.

28 **MISCELLANEOUS BUSINESS:** The next Planning Commission Workshop meeting is Wednesday,
29 October 18, 2023, at 6:00 p.m.

30 **ADJOURNMENT:** The meeting was adjourned at 8:58 p.m.
31
32

NEW BUSINESS #1

- 1) DMN Properties minor change to site plan



PROJECT	DMN PROPERTIES SHARED DRIVES
PREPARED FOR	DMN PROPERTIES 4440 SUNDOWN AVE SUITE HARTFORD, CT 06153 810-333-1268
TITLE	WEST DRIVE - CUL DE SAC

[illegible]



HARTLAND DEERFIELD FIRE AUTHORITY

HARTLAND AREA FIRE DEPT.

3205 Hartland Road
Hartland, MI. 48353-1825

Voice: (810) 632-7676
E-Mail: firemarshal@hartlandareafire.com

November 7, 2023

To: Tyrone Township

Re: Residential Development Adjacent to Shannon Glen

This review and the following comments are upon the Residential Development Adjacent to Shannon Glen Site Plan, dated 10/27/2023 and a project name of DMN Properties Shared Drives.

Regarding the cul-de-sac, the proposed plan is acceptable by Hartland Area Fire Department. It is recommended to post no parking signs in the cul-de-sac. Being the radius and the width is a bit shorter than normal, any vehicle parked in this area will make it impossible for a fire engine to turn around.

Jon Dehanke
Captain

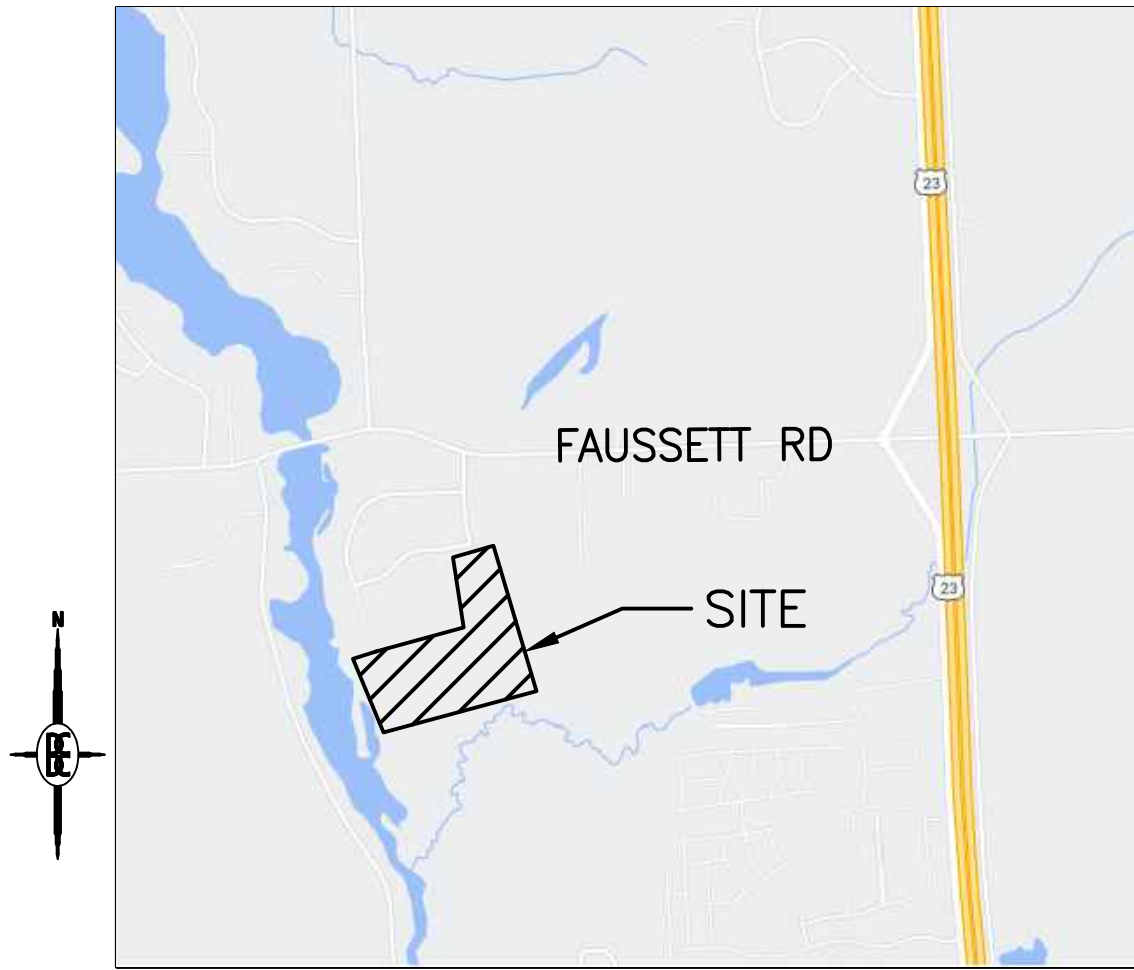
PROPERTY DESCRIPTION:

PARCEL #4704-32-100-010, PER WARRANTY DEED, DATED OCTOBER 28, 2020, AS RECORDED IN INSTRUMENT NO. 2020R-046927, LIVINGSTON COUNTY RECORDS:
Part of the Northeast 1/4 of Section 31 and Part of the Northwest 1/4 of Section 32, Town 4 North, Range 6 East, Tyrone Township, Livingston County, Michigan, more particularly described as follows: commencing at the Northwest corner of Section 32, said point also being the Northeast corner of Section 31; thence along the North line of Section 32, North 89 degrees 34 minutes 06 seconds East, 820.22 feet; thence North 00 degrees 25 minutes 54 seconds East 62.00 feet, thence along the centerline of Faussett Road (66 feet wide), South 80 degrees 39 minutes 36 seconds East 365.30 feet; thence along the North line of Section 32, North 89 degrees 34 minutes 06 seconds East, 119.07 feet (previously described as 119.10 feet); thence South 00 degrees 25 minutes 51 seconds East, 826.29 feet to the point of beginning of the parcel to be described; thence continuing South 00 degrees 25 minutes 51 seconds East, 1845.60 feet; thence South 89 degrees 52 minutes 12 seconds West, 1306.96 feet (previously described as 1306.98 feet), to the West 1/4 corner of Section 32, said point also being the East 1/4 corner of Section 31; thence along the East-West 1/4 line of said Section 31, South 89 degrees 52 minutes 12 seconds West, 212 feet, more or less to the water's edge of Lake Shannon; thence Northerly along the water's edge of Lake Shannon, 618 feet, more or less; thence continuing along the water's edge of Lake Shannon, Northerly, 177 feet, more or less, thence North 58 degrees 52 minutes 21 seconds East, 35 feet, more or less, to traverse point "C"; said point being North 51 degrees 14 minutes 32 seconds West, 169.05 feet from traverse point "C-1", said point also being North 23 degrees 28 minutes 30 seconds West, 818.85 feet (previously described as North 23 degrees 18 minutes 40 seconds West, 816.41 feet) from the East 1/4 corner of Section 31; thence continuing from traverse point "C", North 58 degrees 52 minutes 21 seconds East, 328.10 feet; thence along the cul-de-sac of Riverwalk Way along the following two (2) courses: 1) South 31 degrees 07 minutes 39 seconds East, 56.48 feet; 2) Southeasterly along an arc left, having a length of 103.64 feet, a radius of 75.00 feet, a central angle of 79 degrees 10 minutes 16 seconds, and a long chord which bears South 70 degrees 42 minutes 47 seconds East, 95.59 feet; thence continuing along the cul-de-sac the following two (2) courses: 1) Northerly along an arc left, having a length of 224.73 feet, a radius of 75.00 feet, a central angle of 171 degrees 40 minutes 53 seconds, and a long chord which bears North 16 degrees 08 minutes 21 seconds West, 149.61 feet; 2) Northwesterly along an arc right, having a length of 61.83 feet, a radius of 50.00 feet, a central angle of 70 degrees 51 minutes 09 seconds, and a long chord which bears North 66 degrees 33 minutes 13 seconds West, 57.97 feet; thence North 64 degrees 03 minutes 13 seconds East, 343.26 feet; thence due East, 130.00 feet; thence North 28 degrees 10 minutes 35 seconds East, 422.09 feet; thence North 00 degrees 25 minutes 54 seconds East, 247.84 feet; thence Easterly along an arc left, having a length of 151.46 feet, a radius of 1045.00 feet, a central angle of 08 degrees 18 minutes 15 seconds, and a long chord which bears North 82 degrees 30 minutes 54 seconds East, 151.33 feet; thence North 78 degrees 21 minutes 46 seconds East, 76.16 feet; thence Southerly along an arc right, having a length of 12.57 feet, a radius of 8.00 feet, a central angle of 90 degrees 00 minutes 00 seconds, and a long chord which bears South 56 degrees 38 minutes 14 seconds East, 11.31 feet; thence South 11 degrees 38 minutes 14 seconds East, 10.00 feet; thence North 78 degrees 21 minutes 46 seconds East, 90.00 feet; thence North 11 degrees 38 minutes 14 seconds West, 36.92 feet; thence South 89 degrees 34 minutes 06 seconds East 356.69 feet to the point of beginning.

CONSTRUCTION NOTES

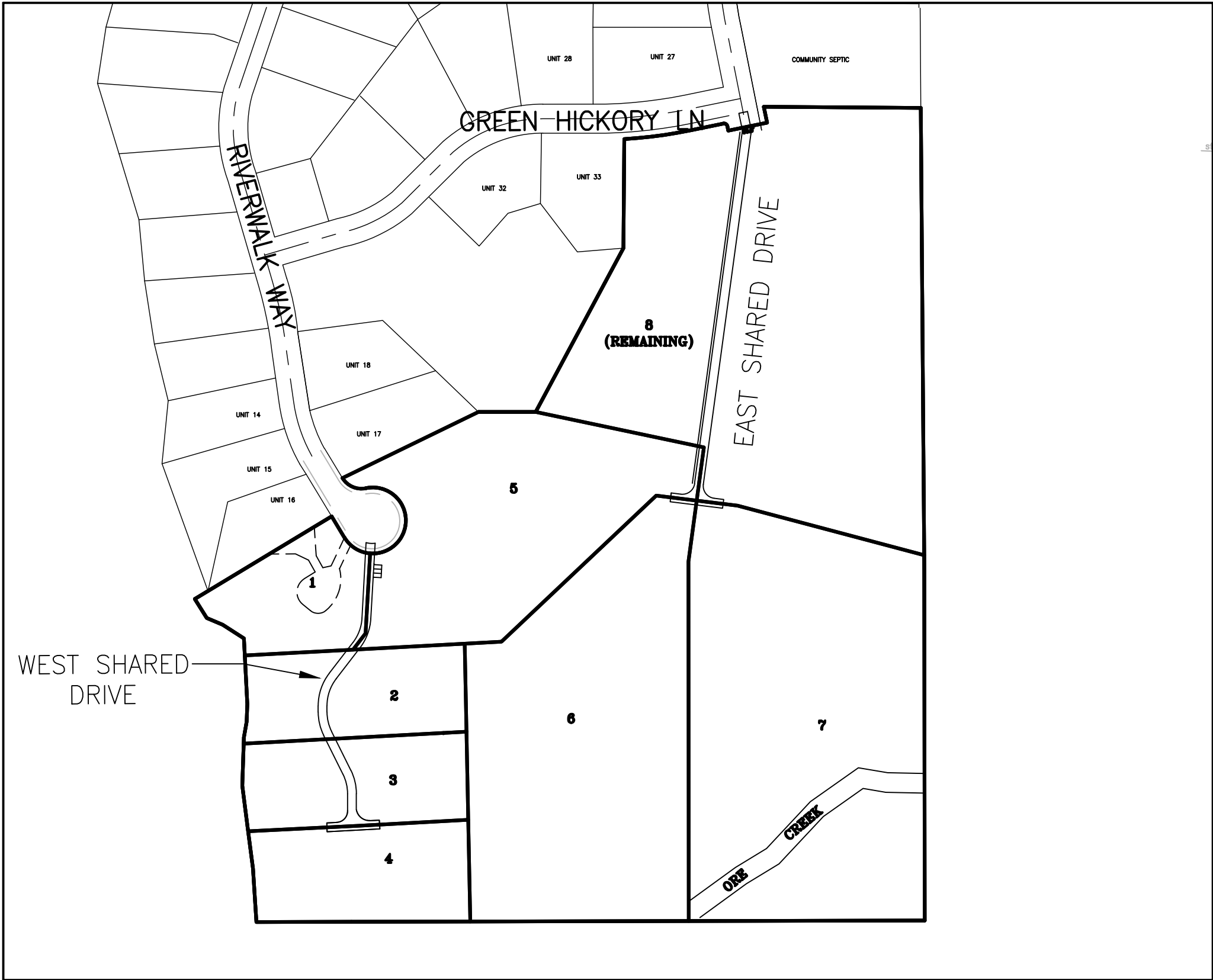
- THE CONTRACTOR SHALL COMPLY WITH THE FOLLOWING NOTES AND ANY WORK INVOLVED SHALL BE CONSIDERED INCIDENTAL TO THE CONTRACT.
1. THE CONTRACTOR SHALL HOLD HARMLESS THE DESIGN PROFESSIONAL, MUNICIPALITY, COUNTY, STATE AND ALL OF ITS SUB CONSULTANTS, PUBLIC AND PRIVATE UTILITY COMPANIES, AND LANDOWNERS FOR DAMAGES TO INDIVIDUALS AND PROPERTY, REAL OR OTHERWISE, DUE TO THE OPERATIONS OF THE CONTRACTOR AND/OR THEIR SUBCONTRACTORS.
 2. DO NOT SCALE THESE DRAWINGS AS IT IS A REPRODUCTION AND SUBJECT TO DISTORTION.
 3. A GRADING PERMIT FOR SOIL EROSION-SEDIMENTATION CONTROL SHALL BE OBTAINED FROM THE GOVERNING AGENCY PRIOR TO THE START OF CONSTRUCTION.
 4. IF DUST PROBLEM OCCURS DURING CONSTRUCTION, CONTROL WILL BE PROVIDED BY AN APPLICATION OF WATER, EITHER BY SPRINKLER OR TANK TRUCK.
 5. ALL CONSTRUCTION AND MATERIALS SHALL BE IN ACCORDANCE WITH LOCAL MUNICIPAL STANDARDS AND SPECIFICATIONS.
 6. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL REQUIRED TOWNSHIP, COUNTY, AND STATE OF MICHIGAN PERMITS.
 7. PAVED SURFACES, WALKWAYS, SIGNS, LIGHTING AND OTHER STRUCTURES SHALL BE MAINTAINED IN A SAFE, ATTRACTIVE CONDITION AS ORIGINALLY DESIGNED AND CONSTRUCTED.
 8. ALL BARRIER-FREE FEATURES SHALL BE CONSTRUCTED TO MEET ALL LOCAL, STATE AND A.D.A. REQUIREMENTS.
 9. ANY DISCREPANCY IN THIS PLAN AND ACTUAL FIELD CONDITIONS SHALL BE REPORTED TO THE DESIGN ENGINEER PRIOR TO THE START OF CONSTRUCTION. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION OF ALL SETBACKS, EASEMENTS AND DIMENSIONS SHOWN HEREON BEFORE BEGINNING CONSTRUCTION.
 10. THE CONTRACTOR SHALL CONTACT ALL OWNERS OF EASEMENTS, UTILITIES AND RIGHTS-OF-WAY, PUBLIC OR PRIVATE, PRIOR TO THE START OF CONSTRUCTION.
 11. THE CONTRACTOR SHALL COORDINATE WITH ALL OWNERS TO DETERMINE THE LOCATION OF EXISTING LANDSCAPING, IRRIGATION LINES & PRIVATE UTILITY LINES. THE CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE TO EXISTING LANDSCAPING, IRRIGATION LINES, AND PRIVATE UTILITY LINES.
 12. THE CONTRACTOR SHALL REMOVE ALL TRASH AND DEBRIS FROM THE SITE UPON COMPLETION OF THE PROJECT.
 13. THE CONTRACTOR SHALL MAINTAIN THE SITE IN A MANNER SO THAT WORKMEN AND PUBLIC SHALL BE PROTECTED FROM INJURY, AND ADJOINING PROPERTY PROTECTED FROM DAMAGE.
 14. THE CONTRACTOR SHALL KEEP THE AREA OUTSIDE THE "CONSTRUCTION LIMITS" BROOM CLEAN AT ALL TIMES.
 15. THE CONTRACTOR SHALL CALL MISS DIG A MINIMUM OF 72 HOURS PRIOR TO THE START OF CONSTRUCTION.
 16. ALL EXCAVATION UNDER OR WITHIN 3 FEET OF PUBLIC PAVEMENT, EXISTING OR PROPOSED SHALL BE BACKFILLED AND COMPACTED WITH SAND (MDOT CLASS II).
 17. ALL PAVEMENT REPLACEMENT AND OTHER WORKS COVERED BY THESE PLANS SHALL BE DONE IN ACCORDANCE WITH THE REQUIREMENTS OF THE TOWNSHIP, INCLUDING THE LATEST MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) SPECIFICATIONS FOR HIGHWAY CONSTRUCTION.
 18. THE CONTRACTOR IS RESPONSIBLE FOR ALL DAMAGE TO EXISTING UTILITIES.
 19. NO ADDITIONAL COMPENSATION WILL BE PAID TO THE CONTRACTOR FOR ANY DELAY OR INCONVENIENCE DUE TO THE MATERIAL SHORTAGES OR RESPONSIBLE DELAYS DUE TO THE OPERATIONS OF SUCH OTHER PARTIES DOING WORK INDICATED OR SHOWN ON THE PLANS OR IN THE SPECIFICATION OR FOR ANY REASONABLE DELAYS IN CONSTRUCTION DUE TO THE ENCOUNTERING OR EXISTING UTILITIES THAT MAY OR MAY NOT BE SHOWN ON THE PLANS.
 20. DURING THE CONSTRUCTION OPERATIONS, THE CONTRACTOR SHALL NOT PERFORM WORK BY PRIVATE AGREEMENT WITH PROPERTY OWNERS ADJACENT TO THE PROJECT.
 21. IF WORK EXTENDS BEYOND NOVEMBER 15, NO COMPENSATION WILL BE DUE TO THE CONTRACTOR FOR ANY WINTER PROTECTION MEASURES THAT MAY BE REQUIRED BY THE ENGINEER.
 22. NO TREES ARE TO BE REMOVED UNTIL MARKED IN THE FIELD BY THE ENGINEER.
 23. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO THE PROPERTY BEYOND THE CONSTRUCTION LIMITS INCLUDING BUT NOT LIMITED TO EXISTING FENCE, LAWN, TREES AND SHRUBBERY.
 24. ALL AREAS DISTURBED BY THE CONTRACTOR BEYOND THE NORMAL CONSTRUCTION LIMITS OF THE PROJECT SHALL BE SODDED OR SEEDDED AS SPECIFIED OR DIRECTED BY THE ENGINEER.
 25. ALL ROOTS, STUMPS AND OTHER OBJECTIONABLE MATERIALS SHALL BE REMOVED AND THE HOLE BACKFILLED WITH SUITABLE MATERIAL. WHERE GRADE CORRECTION IS REQUIRED, THE SUBGRADE SHALL BE CUT TO CONFORM TO THE CROSS-SECTION AS SHOWN IN THE PLANS.
 26. TRAFFIC SHALL BE MAINTAINED DURING CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL SIGNS AND TRAFFIC CONTROL DEVICES. FLAG PERSONS SHALL BE PROVIDED BY THE CONTRACTOR IF DETERMINED NECESSARY BY THE ENGINEER. ALL SIGNS SHALL CONFORM TO THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES AT NO COST TO THE TOWNSHIP. NO WORK SHALL BE DONE UNLESS THE APPROPRIATE TRAFFIC CONTROL DEVICES ARE IN PLACE.
 27. ALL DEMOLISHED MATERIALS AND SOIL SPOILS SHALL BE REMOVED FROM THE SITE AT NO ADDITIONAL COST, AND DISPOSED OF IN ACCORDANCE WITH LOCAL, STATE AND FEDERAL REGULATIONS.
 28. AFTER REMOVAL OF TOPSOIL, THE SUBGRADE SHALL BE COMPACTED TO 95% OF ITS UNIT WEIGHT.
 29. ALL GRADING IN THE PLANS SHALL BE DONE AS PART OF THIS CONTRACT. ALL DELETERIOUS MATERIAL SHALL BE REMOVED FROM THE SUBGRADE PRIOR TO COMPACTING.
 30. NO SEEDING SHALL BE DONE AFTER OCTOBER 15 WITHOUT APPROVAL OF THE ENGINEER.
 31. ANY EXISTING APPURTENANCES SUCH AS MANHOLES, GATE VALVES, ETC. SHALL BE ADJUSTED TO THE PROPOSED GRADE AND SHALL BE CONSIDERED INCIDENTAL TO THE CONTRACT.
 32. SOIL EROSION MEASURES SHALL BE MAINTAINED BY THE CONTRACTOR UNTIL VEGETATION HAS BEEN RE-ESTABLISHED.
 33. ALL PERMANENT SIGNS AND PAVEMENT MARKINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST REVISION OF THE MICHIGAN MUTCD MANUAL AND SHALL BE INCIDENTAL TO THE CONTRACT.

CONSTRUCTION PLANS
FOR
DMN PROPERTIES LLC
NE 1/4 SECTION 31 & W 1/4 SECTION 32
TYRONE TOWNSHIP, LIVINGSTON COUNTY, MI



LOCATION MAP

NO SCALE



OVERALL SITE MAP

NO SCALE

INDEMNIFICATION STATEMENT

THE CONTRACTOR SHALL HOLD HARMLESS THE DESIGN PROFESSIONAL, MUNICIPALITY, COUNTY, STATE AND ALL OF ITS SUB CONSULTANTS, PUBLIC AND PRIVATE UTILITY COMPANIES, AND LANDOWNERS FOR DAMAGES TO INDIVIDUALS AND PROPERTY, REAL OR OTHERWISE, DUE TO THE OPERATIONS OF THE CONTRACTOR AND/OR THEIR SUBCONTRACTORS.

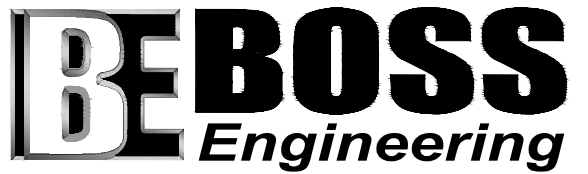
SHEET INDEX

SHEET NO.	DESCRIPTION
1	COVER SHEET
2	SHARED DRIVE SITE PLAN
3	EAST SHARED DRIVE PLAN
4	WEST SHARED DRIVE PLAN

PREPARED FOR:

DMN PROPERTIES LLC
4404 SUNNY LAKE DR
HARTLAND, MI 48353
CONTACT: DAVE BAIR
PHONE: 810-333-1268

PREPARED BY:

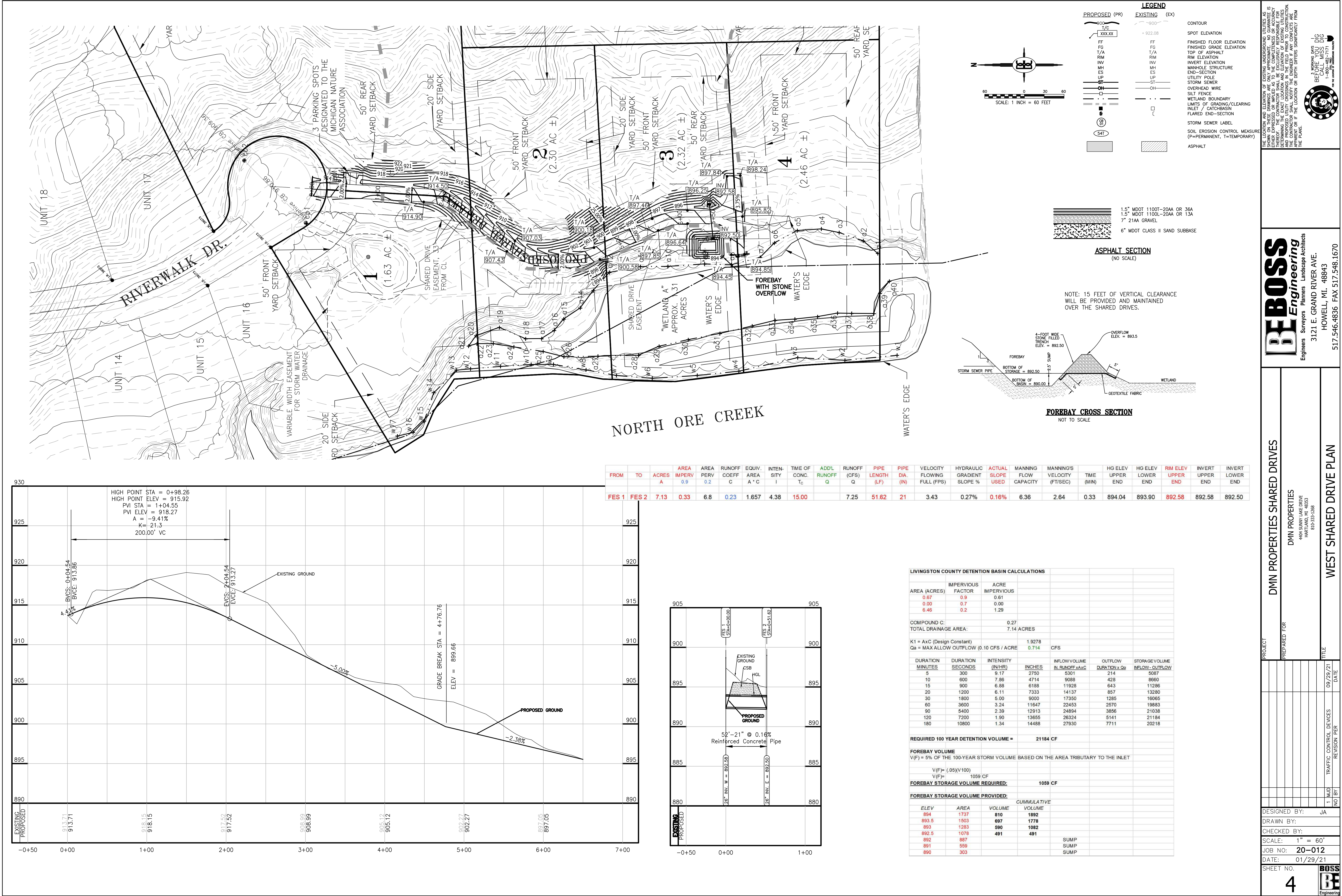


Engineers Surveyors Planners Landscape Architects

3121 E. GRAND RIVER AVE.

HOWELL, MI. 48843

517.546.4836 FAX 517.548.1670



OLD BUSINESS #1

- 1) Utility-Scale Solar Facilities

Proposed Amendments to Section 2 of the Tyrone Zoning Ordinance.

SECTION 2.02 SOLAR ENERGY GENERATION DEFINITIONS

ABANDONMENT: Any Utility-solar energy system or facility that is no longer producing power over a consecutive 12-month period of time.

DECOMMISSION: To remove and/or retire a Utility-scale solar energy system or facility from active service.

HEIGHT: The height of a Utility-scale solar energy system, measured vertically from the adjacent grade to its highest point at maximum tilt.

SOLAR ARRAY. A collection of solar panels, wired together to generate electricity from the sun.

UTILITY-SCALE SOLAR ENERGY FACILITIES. A facility where the principal design, purpose, or use is to provide energy to off-site uses or the wholesale or retail sale of generated electricity.~~system to produce electricity for sale back to, or use in, an electrical energy grid system and not primarily consumed on site.~~

UTILITY-SCALE SOLAR ENERGY SYSTEMS. A device, and/or components designed to collect and transform solar energy into electricity.

Proposed Amendments to Section 22.05 Part T of the Tyrone Zoning Ordinance.

A. Utility-scale Solar Energy Facilities.

~~Tyrone Township recognizes the positive environmental impact solar energy systems promise as an energy alternative to traditional sources. Concurrently, the Township has an obligation to ensure use of lands within its jurisdiction provide a net positive effect in terms of impact, support of the Township Master Plan, and availability of land resources. Utility-scale Solar Energy Facilities may only be permitted in Solar Overlay Districts, subject to the following conditions:~~

- 1. Regulations.** The following regulations are intended to ensure the interests of the landowner and the Township are achieved harmoniously with no negative effect to the long-term viability of the subject property or those surrounding it. In the overlay zoning districts where ~~they this are permitted or~~ special land use is permitteds, facilities for the capture, storage, and distribution of solar energy for commercial purposes are subject to the following standards:

- a. ~~Facility~~Lease-Unit Boundary.** The boundary around a parcel, multiple parcels, or portions thereof, leased or purchased for the purposes of operating a Utility-scale solar energy facility. The ~~Lease-Unit~~Facility Boundary may cross road rights-of-way, but required setbacks shall be provided and calculated on each side of any such road.

- ~~b. Location and Setbacks.~~ ~~The Utility-scale solar energy system shall not be located closer to the road than any portion of a principal building located on the same parcel.~~ The Utility-scale solar energy facility setback requirements are found in the table below. ~~For parcels abutting Old US-23, the minimum setback from Old US-23 shall be 50 feet.~~ All accessory equipment shall be subject to the same requirements. Setback requirements for all yards may be increased or decreased by the Planning Commission based upon impacts to existing or likely adjacent development.

District	Solar Overlay		
Adjacent Properties	<u>Residential Land Uses</u>	<u>Institutional Land Uses</u>	<u>All Other Land Uses</u>
Front Yard Setback	100ft	100ft	50ft
Side Yard Setback	100ft	100ft	50ft
Rear Yard Setback	100ft	100ft	50ft

In instances where the Utility-scale solar energy system is comprised of multiple parcels, these setbacks shall apply to the exterior perimeter of all adjoining parcels. Setback distance is measured from the property line to the closest point of the Utility-scale solar energy system at minimum tilt.

~~*In the FR district if the prevailing setbacks of structures on adjacent properties within 500 feet are greater than 50 feet the front yard setback must be increased to those average setbacks, but is not required to be greater than 150 feet. Setbacks shall be measured from the property line to the closest point at minimum tilt or from any Utility-scale solar energy system component or supporting structure. In instances where a proposed Utility scale solar energy facility abuts a residential zone and/or use, setbacks related to the abutting line shall be doubled.~~

~~The Intent of these districts can be located accordingly: Sec. 4, 13A & 16A~~

c.b. Height. The height of the Utility-scale solar energy system and any mounts, buildings, accessory structures, and related equipment must not exceed fifteen (15) feet when orientated at maximum tilt. Lightning rods may exceed fifteen (15) feet in height, but they must be limited to the height necessary to protect the Utility-scale solar energy system from lightning and clearly shown in site plan proposals.

d. Screening. Greenbelt screening is required around any Utility-scale solar energy facility system and around any equipment associated with the system to obscure, to the greatest extent possible, the Utility-scale solar energy system from ~~any adjacent residences~~ all adjacent properties. The greenbelt must consist of shrubbery, trees, or other non-invasive plant species that provide a visual screen. At least 50% of the plants must be evergreen trees that are at least six feet tall at the time of planting. Each owner, operator, or maintainer of any Utility-scale solar energy facility to which this ordinance applies shall utilize good husbandry techniques with respect to said vegetation, including but not limited to, proper pruning, proper fertilizer, 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 at the next appropriate planting time. Plants or grasses not part of the buffer area shall be maintained by the facility operator not to exceed a height of twelve (12) inches. Applicant agrees to submit an acceptable and reasonable long term landscape maintenance plan prior to final approval.

Fencing. The perimeter of a Utility-scale solar energy facility must be fenced per standards set forth in Section 21.13. Additional fencing or obscuring walls, as defined in Section 21A.10 may be required for screening in cases where the Planning Commission deems necessary.

e.c. Glare. Utility-scale solar energy systems must be placed and oriented such that concentrated solar radiation or glare does not project onto roadways and nearby properties. Applicants have the burden of proving any glare produced does not cause annoyance, discomfort, or loss in visual performance and visibility. An analysis by a qualified professional third-party, mutually agreeable by both the Township and applicant, shall be required to determine if glare from the Utility-scale solar energy system will be visible from nearby residents and roadways. The analysis shall consider the changing position of the sun throughout the day and year, and its influence on the Utility-scale solar energy system.

f.d. Natural Feature Preservation. The plan for installation of a Utility-scale solar energy facility shall include a tree survey and plan for cutting of trees greater than 6" DBA. No such trees shall be cut in any required setback other than those reasonably required for the installation of a drive to access the facility. Retention of natural grades, soils, and groundcover material is encouraged where feasible.

g.e. Environmental Impact Analysis: An analysis by a qualified professional third-party, mutually agreeable by both the Township and applicant, shall be required 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.

An 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 following:

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
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.).

Part 353 Sand Dunes Protection and Management (MCL 324.35301 et
seq.).

h.f. Drainage and Stormwater. Utility-scale solar energy facilities shall not increase stormwater runoff onto adjacent properties. The application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff shall be managed and demonstrating that runoff from the site shall not exceed the agricultural runoff rate or otherwise cause undue flood. Any necessary permits from outside agencies for off-site discharge shall be provided. It should also be demonstrated that maintenance procedures and products will not introduce chemicals or create detrimental impacts to the natural environment, groundwater, and wildlife. Detergents should be of a biodegradable variety, and frequency of anticipated cleaning should be described.

Stormwater Study: An analysis by a qualified professional third-party, mutually agreeable by both the Township and applicant, shall be required to account for the proposed layout of the Utility-scale solar energy facility and how the spacing, row separation, and slope affects stormwater infiltration, including calculations for a 100-year rain-event (storm). Percolation tests or site-specific soil information shall be provided to demonstrate infiltration on-site without the use of engineered solutions.

g. Lot Coverage. ~~Impervious surfaces required for the installation of Utility-scale solar energy systems shall be subject to the maximum lot coverage standards of the zoning district. The area of the Utility-scale solar energy facility and any associated accessory structures shall not exceed 75% of the square footage of the entire site within the facility boundary.~~ Impervious surfaces for the purpose of calculating lot coverage for Utility-scale solar energy systems include, but are not limited

to, mounting pads, footings, concrete or asphalt driveways and walkways, and accessory structures. ~~In the case of a Utility-scale solar energy facilities on a lease unit, maximum lot coverage standards shall apply for each parcel included within a lease unit.~~

Abandonment, Removal, Repowering and/or Maintenance. If a Utility-scale solar energy facility ceases to perform its intended function (generating electricity) for more than 12 consecutive months, the operator shall remove the collectors, mounts, and associated equipment and facilities no later than 90 days after the end of the 12-month period. Where the removal has not been lawfully completed as required above, and after at least 30 days' written notice, the Township may remove or secure the removal of the Utility-scale solar energy facility and/or system or portion thereof, with the Township's actual cost and reasonable administrative charges to be covered by the operator's security bond. Charges may include the procurement of a contractor with the expertise to oversee and execute the entire decommissioning and removal of all equipment and fixtures on the site. Any costs incurred by the Township above and beyond the value of the security bond will be the responsibility of the operator.

If due to abandonment and/or negligence to maintain, the Township shall have the right to enter the site for the reason of repowering the facility, in cases where repairs or replacements to the Utility-scale solar energy system components are necessary, in order to properly maintain the system. The Township's actual cost and reasonable administrative charges to be covered by the operator's security bond. Charges may include the procurement of a contractor with the expertise to oversee and execute the entire set of repairs and/or maintenance to restore the site to its original capacity. Any costs incurred by the Township above and beyond the value of the security bond will be the responsibility of the operator.

i.h. Decommissioning. The ground shall be restored to its original condition within 60 days of removal of structures. Acceptable ground covers include grasses, trees, crops, or other material demonstrated to be characteristic of the surrounding land. All above and below ground materials shall be removed when the Utility-scale solar energy facility and/or system is decommissioned. All installed landscaping and greenbelts shall be permitted to remain on the site as well as any reusable infrastructure as determined by the township. These can include service drives, utilities, etc.

j.i. Security. A letter of credit, cash deposit, or other security instrument found acceptable to the Tyrone Township Board. The owner(s) and/or operator of the Utility-scale solar energy facility shall post a security instrument in a form acceptable to the Township equal to one-hundred fifty (150) percent of the total estimated decommissioning and/or reclamation costs. The cost of decommissioning shall be re-reviewed and submitted to the Township annually to ensure adequate funds are allocated for decommissioning. The security instrument, defined herein, shall be appropriately adjusted to reflect the current decommissioning estimate.

- i. The applicant shall engage a certified professional engineer acceptable to the Township to estimate the total cost of decommissioning all structures in the facility in accordance with the requirements of this Ordinance, including reclamation to the original site conditions.
- ii. A security bond, if utilized, shall be posted and maintained with a bonding company licensed in the State of Michigan or a Federal or State-chartered lending institution acceptable to the Township.
- iii. Any bonding company or lending institution shall provide the Township with 90 days' notice of the expiration of the security bond. Lapse of a valid security bond is grounds for the actions defined in Subsection v., below.
- iv. In the event of sale or transfer of ownership and/or operation of the Utility-scale solar energy facility, the security instrument shall be maintained t h r o u g h o u t t h e entirety of the p r o c e s s .
- v. If at any time during the operation of the Utility-scale solar energy facility or prior to, during, or after the sale or transfer of ownership and/or operation of the facility the security instrument is not maintained, the Township may take any action permitted by law, revoke the special land use, order a cessation of operations, and order removal of the structure and reclamation of the site.
- vi. The security instrument shall be maintained until decommissioning and removal has been completed to the satisfaction of the Township.

k.j. Wildlife Impact Analysis: The Applicant shall provide an analysis by a qualified professional third-party, mutually agreeable by both the

Township and applicant, 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. 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. 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. 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 aboveground lines, transformers, or conductors should follow any Avian Power Line Interaction Committee (APLIC, <http://www.aplic.org/>) guidelines to prevent avian mortality.

l.k. Provision of Manufacturers' Safety Data Sheet(s): Applicant must submit manufacturer safety data sheets for all proposed equipment. If approval is granted, applicant must provide the Township with finalized manufacturer safety data sheets both to be kept on record at with the Township and on-site in a clearly marked waterproof container. Applicant must provide updated manufacturer data sheets whenever equipment is modified so that all records are up to date. Documentation shall include the type and quantity of all materials used in the operation of all equipment.

m.l. Fire Suppression Plan: Applicant must provide a plan describing the fire suppression process and procedure, as well as potential training for emergency personnel.

n.m. Anticipated Construction Schedule: Applicant must provide an anticipated construction schedule which highlights when potentially hazardous materials will be brought on-site and installed.

o.n. Permits: Applicant must coordinate with all applicable agencies for

~~required permitting including but not limited to the Livingston County Road Commission and/or Michigan Department of Transportation (MDOT), Livingston County Drain Commission, Environmental Protection Agency (EPA), Michigan Department of Environment, Great Lakes and Energy (EGLE), etc. for permission to connect access roads to existing County roads and from the Livingston County Drain Commission for any culverts or other drainage facilities.~~

p-o. Photographic Record: Applicant must submit a complete set of photos and video of the entire development area prior to construction. This will be used as historical documentation for the township to secure and refer to if/when decommissioning and redevelopment activities takes place.

2. Site Plan Approval and Supporting Materials. All applications for Utility-scale Solar Energy Facilities must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan. All site plans shall conform to the requirements of Article 23. In addition they shall display the following information:

- a. All lot lines and dimensions, including a legal description of each lot or parcel(s) comprising the Utility-scale Solar Energy Facility.
- b. Vicinity map showing the location of all surrounding land uses ~~within 1,000 feet of~~ along the proposed site's property lines.
- c. Location and height of all proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with a Utility-scale Solar Energy Facility.
- d. Horizontal and vertical to scale drawings (elevations) with dimensions that show the location of the proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above ground structures and utilities on the property.
- e. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Utility-scale Solar Energy Facility and within one hundred (100) feet of all ~~exterior~~ boundary property lines of the Utility-scale Solar Energy Facility. ~~(exterior means the physical property lines versus the lease unit boundary lines)~~
- f. Proposed setbacks from the Solar Array(s) to all existing and proposed structures within the Utility-scale Solar Energy Facility and from the facility boundary property lines of the Utility-scale solar energy facility.

- g.** Topography for the Solar Array(s) location and the relationship to the land elevations of all existing and proposed structures within the Utility- scale Solar Energy Facility at a minimum of two (2) foot contour intervals.
- h.** Access driveways within and to the Utility-scale Solar Energy Facility, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access driveways shall be subject to Livingston County Road Commission (LCRC) approval and shall be planned so as to minimize the use of lands for that purpose.
- i.** Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance or repair of the Utility-scale Solar Energy Facility. In no instance shall barbwire be used.
- j.** A written description of the maintenance program to be used for the Solar Array(s) and other components of the Utility-scale Solar Energy Facility, including decommissioning and removal. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Utility-scale Solar Energy Facility is decommissioned. Description should include the average useful life of all primary Utility-scale solar energy system equipment and components being proposed.
- k.** Planned lightning protection measures.
- l.** A plan for reviewing and reasonably resolving complaints from the public or other property owners concerning the construction and operation of the Utility-scale Solar Energy Facility, which is subject to the Township's review and approval.
- m.** A plan for managing any hazardous waste, which is subject to the Township's review and approval.
- n.** A transportation plan for construction and operation phases, including any applicable agreements with the Livingston County Road Commission and Michigan Department of Transportation, which is subject to the Township's review and approval.
- o.** 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

Utility-scale Solar Energy Facility and/or System, which is subject to the Township's review and approval.

- p. Additional detail(s) and information as required by the Tyrone Township Zoning Ordinance, or as required by the Planning Commission and/or Township Board.

~~q. **Batteries and Accessory Equipment.** When solar storage batteries are included as part of the solar energy system, they must be placed in a secure container or enclosure when in use, and when no longer used shall be disposed of in accordance with applicable laws and regulations.~~

~~r.q.~~