

**TYRONE TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING AGENDA
March 12, 2024, 7:00 PM**

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

APPROVAL OF THE AGENDA:

APPROVAL OF THE MINUTES: February 13, 2024, Regular Meeting and Public Hearing Minutes

CALL TO THE PUBLIC:

OLD BUSINESS:

- 1) Master Plan**
- 2) Utility-Scale Solar Facilities**

NEW BUSINESS: None

CALL TO THE PUBLIC:

MISCELLANEOUS BUSINESS: Next Workshop scheduled for March 20, 2024

ADJOURNMENT:

**TYRONE TOWNSHIP PLANNING COMMISSION
REGULAR MEETING AND PUBLIC HEARING MINUTES
February 13, 2024 7:00 p.m.**

PRESENT: Steve Krause, Kurt Schulze, Jon Ward, Bill Wood, Garrett Ladd and Kevin Ross

ABSENT: Rich Erickson

OTHERS PRESENT: Karie Carter and Matteo Passalacqua (CWA)

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

PLEDGE OF ALLEGIANCE:

APPROVAL OF THE AGENDA:

Chairman Steve Krause moved to approve the agenda as presented. Commissioner Kevin Ross seconded. The motion carried.

APPROVAL OF THE MINUTES:

1) 12/12/2023 Regular Meeting Minutes: Approved as presented.

2) 01/09/2024 Regular Meeting Minutes: Approved as presented.

CALL TO THE PUBLIC: Several public comments were received.

NEW BUSINESS:

1) Master Plan Public Hearing

Chairman Steve Krause moved to open the Public Hearing; Commissioner Ross seconded. Chairman Krause read aloud the public notice:

Please take notice that the Tyrone Planning Commission will hold a public hearing to consider a proposed Master Plan. The hearing will be held during its regular meeting on February 13, 2024, at 7:00 pm at the Tyrone Township Hall located at 8420 Runyan Lake Road, Fenton.

Chairman Krause opened the public comment portion of the public hearing. He asked that anyone speaking give their name and address for the record. He also asked that those who wish to be identified on record sign the guest sheet with their name and address. Several public comments were received:

The first public comment was from a resident who gave only his first name (Chris) and did not sign the guest sheet. He said he didn't want to be doxed, so he wouldn't give his address. He

43 said if we have his information on record, we know who he is. His concerns with the Master Plan
44 were that groundwater was not addressed. He said the residents had to push the Planning
45 Commission to build an ordinance for solar industrial plants that pollute the groundwater. He
46 also had an issue with section 11.13, under the Future Land Use there are no plans for creating
47 parks, trails, or recreation of any kind for the township. He asked why they wouldn't want to
48 help the health of the aging population by providing some access to these types of things. He said
49 that in section 12 of the Master Plan, they talk about education, but there are no activities to
50 actively facilitate educating the residents. It says there is mention of a once-a-year annual place
51 where they hold a meeting where people can come and learn about the Master Plan and people
52 can ask questions. He said the residents ask a lot of questions, but the board never answers them.
53 He asked if they were going to actually have an interaction with the public because that's rare.
54 He suggested the Planning Commission do more to educate the residents, maybe with video
55 clips. He suggested educating the public rather than just making something available to read. He
56 suggested that section 12.6, "Implementing Strategies" lists parks and improvements be
57 removed. We have no parks in the plan, so that should be removed. He said we should spend
58 the COVID money we received. He said it's nice to have nice roads, but we need healthy people.
59 We need people to come here to bike on trails.

60
61 Scott Dietrich of 13505 White Lake Road spoke next. He said that our biggest problem is
62 enforcement. Some people we enforce; some people we don't. There have been situations going
63 on for over a year... he said, "I guess it's who you know". He said it looks bad. The Township
64 doesn't enforce everyone equally. He said we have a supervisor who's looking for donations and
65 sponsors for his fishing tournaments. He said when he sees someone who's not adhering to the
66 rules, it makes him wonder. "Is money being passed under the table"? he asked. He said it
67 doesn't look good. He said some people are "harassed like hell when they want to do
68 something". He said everybody should be treated fairly and equally. He said the Township needs
69 to get enforcement worked out.

70
71 Another resident who refused to identify herself except for her first name (Jeanette) and did not
72 sign the guest sheet spoke next. She added to what the previous resident said about the
73 Supervisor asking for donations and sponsors. She said there was a post asking for money and
74 asking people to private message him and "we'll see what we can do for each other". She said
75 that many of the residents don't know what's going on and wondered why no one explained what
76 the Master Plan is. She said it would have been nice to have a small introduction. She said in the
77 2012 Master Plan it said we will protect historic resources. She told the audience "That part has
78 been removed from the new Master Plan". She said the comment in the new Master Plan draft
79 that states the Township Board worked with the Tyrone Township Historical Society to move the
80 Historical Townhouse to its new location is inaccurate and should be removed. She said that line
81 is completely inaccurate. She said that statement is a complete distortion and should be
82 removed. She said that's called changing history. She asked who suggested that statement be
83 included. She said there are plenty of videos showing the Supervisor's complete disdain for the
84 building and his refusal to work with the community. She suggested the following statement go
85 into the Master Plan: "The Historical Townhouse was allowed to go into horrible disrepair under

86 the Supervisor's watch. He sold the Historical Townhouse right under people's feet during the
87 COVID shutdown. A couple of years previous to that, it was supposed to go to a non-profit if
88 not being used by the Township, but he waited for that to expire and then put it up for sale. The
89 rest of us found out about the sale and immediately began looking for ways to get it back.
90 Thankfully, the man the Supervisor sold it to decided it needed to go back to its rightful owners.
91 It is now in its new rightful home because of the Historical Society and in spite of the
92 Supervisor". She asked again that they remove that sentence from the Master Plan because
93 "that's not what happened". She said the Supervisor refused to work with the community. She
94 said she didn't think the draft should be sent to the board for approval. She wanted more
95 visioning sessions, advertising, etc. She wants us to get the word out to people using all the free
96 tools we have.

97
98 Sara Dollman-Jersey of 9354 Foley Crossing spoke next. She said there was a lot of discussion
99 about a parks and recreation plan at the visioning sessions and she thinks is probably separate
100 from what they're doing now. She asked that they advocate for this to keep the door open for
101 funding. She said she knows there are a lot of things that come with parks and rec and trails such
102 as maintenance, liability, and potential expenses to the Township. She said she's not suggesting
103 they jump into the deep end and put the Township in financial jeopardy, but she would like to
104 see an open door to exploring possibilities for how we can provide that for the residents. It was a
105 common thread at the visioning sessions. She said she understood where Jeanette was coming
106 from regarding the back story of the Historic Townhouse. She said they did eventually get to a
107 point where they had to work with the Board otherwise the building would not be sitting there
108 now. She said that as the President of the Historical Society, they have worked so hard to take
109 the burden off the Township as much as possible. She is grateful for where they are now. She
110 would like to see preservation in the Master Plan in some form. She said it needs to be part of
111 our community's vision for the future. Historical preservation is something she is compassionate
112 about. She said they've raised a lot of money in the past years from residents and it matters to
113 them, too.

114
115 Dean Haase of 10015 Walnut Shores Drive spoke next. He said that for the last five years,
116 they've been talking about green energy and yet there's not a single word in the Master Plan
117 draft that identifies, addresses, or has anything to do with green energy. He wants to know why.
118 He asked how they could put together a Master Plan for a community and not address that issue.
119 He said he'd be embarrassed to be on the Board right now. He asked why they can't address an
120 issue that's going to impact this community the way it's going to. He said he thinks it should be
121 sent back and they need to sit down with the community and understand what they want and
122 need and then re-address this at a later date.

123
124 The next public comment was from Steve Hasbrouck of 8038 Faussett Road. His first comment
125 was that there is no table of contents. He said he didn't like the future land use titles being
126 changed. He said they'd have to rewrite the entire Zoning Ordinance to fit the new verbiage from
127 the Master Plan. He said that proposed sanitary service areas need to be added to the new Master
128 Plan; it was in the old one. He said part of the trouble is they should have gone through the

current Master Plan and made corrections and updated it; but instead, they decided to jump in with nothing and start from scratch.

Chairman Krause closed the public comment portion of the public hearing and brought it to the Planning Commissioners and Planner for comments. He asked Planner Matteo Passalacqua to give a brief review of where they're at in the Master Plan. He said he wants to keep this moving along because they have been working on this for two years.

Chairman Krause asked if we'd received any comments from local municipalities. Mr. Passalacqua and Ms. Carter stated they had not received any comments. Mr. Passalacqua explained that the next step in the process is to send it to the Livingston County Planning Commission for their review. The next statutory step is to send it to the Township Board for final approval. It was discussed that a Table of Contents would be in the Master Plan once the drafting process is complete. They leave it blank because all the changes during the process can mess up the page numbers. It was discussed that they'd send the draft to Livingston County. They would handle any necessary changes administratively; there would be no need for another meeting. Chairman Krause asked that Mr. Passalacqua ensure the Master Plan posted on our website is the same one we are sending the county (once the changes have been made). Vice-Chairman Schulze explained that because they basically wrote the new Master Plan from scratch, there are a number of ordinances that will have to be adjusted in order to facilitate the implementation of the Master Plan. We have been working on that for at least three years, to try to get all of the ordinances in sync. The next project is the ordinances. The Master Plan has to come first before getting the ordinances done.

Commissioner Jon Ward addressed the parks and recreation comments. He pointed out that under "Goals and Objectives" 10.7 Community Facilities and Public Service, objective 2 talks about parks and recreation. This is in addition to the Master Plan. Vice-Chairman Shulze said Tyrone Township is the only Township in Livingston County that does not have a park. The issue is how they would fund a park. He said there was COVID money but there are also grants that are available. We don't want to have a referendum for a tax increase to support parks and recreation at this time. He said they need to put together a plan on what they want to do, and then determine the methodology to fund it. Commissioner Ward said the first step in getting grants is to have a parks and recreation plan. Mr. Passalacqua will provide the Planning Commission with some copies of park and recreation plans.

Commission Ward asked Mr. Passalacqua to explain how they use the land designations in the Future Land Use Map compared to the Zoning Ordinance. He said they're not using the exact same terms for a reason. One is a zoning term; one is a Future Land Use term. Mr. Passalacqua explained that they shouldn't mirror each other because the Future Land Use is the statement on what direction you want to take your Zoning Ordinance. They are their own designations and don't come with restrictions and regulations. They come with parameters depicted by lot size and lot use; they're meant to be general. They're not meant to reflect the current zoning. They're what we use as we enter into a zoning update or rewrite to reflect this is the type of land use we

want in these places. Vice-Chairman Schulze said none of us knows what's going to happen 10 years from now. Unfortunately, when the 2012 plan was put together, no one knew about COVID and all of its ramifications. Some of what we put in the 2012 plan addressed strip malls and food centers and that's probably not going to happen. It's always easy to look back and say what we should have done in 2012, but nobody understands for sure what's going to happen 10 years from now. We don't want to make it so that some of the things that we set up for objectives can't happen. We will maintain the rural nature of the Township as well as manage the process of development; that's what the Master Plan is for. Mr. Passalacqua explained that the Master Plan is very frequently referenced when it comes to development reviews and new construction reviews. Is the Master Plan in a position to support certain things coming down the pipeline (whether we approve it or not)? It's got enough detail to allow you to make those decisions but it's not so prescriptive that you don't have flexibility. Vice-Chairman Schulze said we need to be proactive rather than reactive.

Chairman Krause moved to send the Master Plan draft with the minor changes (including formatting and Table of Contents) to the Livingston County Planning Department for their comments. When they get their comments back, they will review them before making a recommendation to the Township Board. Vice-Chairman Schulze supported the motion. The motion carried by unanimous voice vote.

Vice-Chairman Schulze moved to close the public hearing and move back into the regular meeting. Chairman Krause seconded. The public hearing was closed, and they returned to Old Business Number One.

Old Business #1:

1) Utility-Scale Solar

Mr. Passalacqua gave a summary of where they were on the Utility-Scale Solar Ordinance. They will continue to work with the attorney on it. There is nothing new for the Planning Commission to review at this meeting; there will be in March. Chairman Krause asked Mr. Passalacqua to also work on a battery storage ordinance as well as a wind ordinance. They discussed adopting a Compatible Renewable Energy Ordinance (CREO). As long as the Planning Commission is moving forward in the process, they're good with the moratorium. The moratorium is set to expire in April.

CALL TO THE PUBLIC: Several public comments were received.

Commissioner Ward explained that a solar overlay district doesn't mean a solar farm would be placed in those locations. They would have to meet all the regulations and the owner of the property would have to agree to it. We are trying to retain local control. Chairman Krause explained that there is no way someone can just come onto your property and place a solar farm. They are doing the best they can with the set of circumstances they have to work with. He also

215 explained that in past meetings, they allowed a back-and-forth conversation with the residents,
216 and it got out of control. They were directed by the Board to put a stop to that.

217
218 **MISCELLANEOUS BUSINESS:** The March Workshop meeting was canceled due to the
219 Presidential Primary early voting taking place in the boardroom for that entire week.

220
221 **ADJOURNMENT:** The meeting was adjourned at 8:14 pm by Chairman Krause.

222

DRAFT



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

TO: Tyrone Township Planning Commission

FROM: Matteo Passalacqua, Associate Planner

DATE: March 7, 2024

RE: Utility-scale BESS Zoning Ordinance Draft / Solar Overlay Draft Edits

Tyrone Township Planning Commissioners,

BESS Zoning Ordinance

Attached is the initial draft of the Utility-scale battery energy storage system (BESS) zoning ordinance. We used the existing solar overlay draft ordinance as a template as we felt there were many applicable items that would carryover when considering BESS proposals. Below are the items we would like to discuss at the next meeting. The information contained in this memo will help inform the conversation.

1. What Setbacks, Lot Coverage and Geography should be considered?
2. Should a Tier System for smaller residential or commercial systems be considered?

Benjamin R. Carlisle, *President* John L. Enos, *Vice President*
David Scurto, *Principal* Sally M. Elmiger, *Principal* R. Donald Wortman, *Principal*
Paul Montagno, *Principal*, Megan Masson-Minock, *Principal*, Douglas J. Lewan, *Principal*, Laura Kreps, *Principal*
Richard K. Carlisle, *Past President/Senior Principal*

Utility-scale BESS facilities need the least amount of land of the three forms of renewable energy to function. The image shown below is General Electric facility in Australia. It depicts a 100mwh BESS facility. It is estimated that these facilities require two (2) to fifteen (15) acres. This information will help inform the entire ordinance draft but have a great influence on setbacks, geographic placement and lot coverage.



Source: Recharge News, GE Reservoir storage system in Australia.

BESS products come in varying degrees of sizes and capacities that scale from powering a single home to powering an entire community. Should a tier system be developed for capacity nameplates below the State thresholds? Some communities allow the lowest tier system to be permitted administratively. These systems would be for residential or light commercial use and be placed indoors or outside similar in size to a fuel generator. The tier above that would be anything larger than residential or light commercial use but below state thresholds.

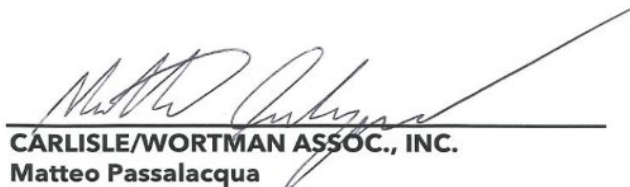


Source: LG, Home Systems

Solar Overlay

Provided for this evening's review is the Solar Overlay Ordinance Draft with edits and comments from Foster Swift Collins & Smith PC. Two additional edits from CWA are incorporated into the draft. They are the removal of "crops" as acceptable landcover under the decommissioning section and the addition of ownership change language at the end of the regulations section.

Thank you for your consideration and we look forward to discussing at the next meeting.



CARLISLE/WORTMAN ASSOC., INC.
Matteo Passalacqua
Community Planner

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.

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.

Utility-scale Solar Energy Facilities may only be permitted [as a special land use](#) 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 this special land use is permitted, facilities for the capture, storage, and distribution of solar energy for commercial purposes are subject to the following standards:
 - a. Facility 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 Facility Boundary may cross road rights-of-way, but required setbacks shall be provided and calculated on each side of any such road.
 - b. Setbacks.** The Utility-scale solar energy facility setback requirements are found in the table below. 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		
	Residential Land Uses	Place of Worship or Public Institutional Land Uses	All Other Land Uses
Adjacent Properties			
Front Yard Setback (adjacent to right-of-way)	300ft from nearest dwelling unit or 100ft from property line whichever is greater	100ft from property line	50ft from property line
Side Yard Setback	300ft from nearest dwelling unit or 100ft from property line whichever is greater	100ft from property line	50ft from property line
Rear Yard Setback	300ft from nearest dwelling unit or 100ft from property line whichever is greater	100ft from property line	50ft from property line

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. All setback distances are measured from the property line, or nearest point of a dwelling unit, to the closest point of the Utility-scale solar energy system. Should the nearest component of the Utility-scale solar energy system be a solar or photovoltaic array, the measurement shall be taken from the array at minimum tilt.

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 the entire facility boundary perimeter of a Utility-scale solar energy facility to obscure, to the greatest extent possible, the Utility-scale solar energy system from all adjacent properties. Greenbelt standards set forth in Section 21A.04 Part C3 shall be applied to all Utility-scale solar energy facilities. 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 facility boundary 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. All fencing must comply with the latest version of the National Electrical Code.

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^[LG1]. 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. 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.

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. The restoration will include returning all soil within the facility to its original environmental state of which record must be taken prior to the commencement of construction. 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. Surety. 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 ~~for~~ reclamation costs. The cost of decommissioning shall be re-reviewed and submitted to the Township annually [LG2] 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 throughout the entirety of the process.
- 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.i. Wildlife Impact Analysis: The applicant shall provide an analysis by a qualified professional third-party, mutually agreeable by both the Township and applicant [LG3], 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 Response: All electrical equipment associated with and necessary for the operations of the facility shall comply with all local and state codes. All design and installation work shall comply with all applicable provisions of the National Electrical Code (NEC).

The applicant shall provide training before, approximately halfway through and after construction for all emergency service departments serving the Township. Including all other requirements for permits, all three trainings must have been completed to receive final permits.

Trainings upon the completion and during the operation of the Utility scale solar energy facility will be conducted upon the request of all emergency service departments but not exceed four (4) trainings per any given twelve (12) month period.

The applicant shall provide a set of procedures and protocols for managing risk or fire and for responding in the event of an emergency at the facility. It will be the burden of the applicant to ensure said procedures and protocols provided to the various emergency service departments is the most up to date version.

Special equipment that may be required to ensure the safety of fire and rescue personnel when responding to an emergency at the facility shall be provided at no cost to the Township prior to commencement of construction of the facility. The authority to determine whether, and what type of, special equipment is needed shall be with the fire and/or rescue department(s) serving the Township.

The applicant shall provide for and maintain reasonable means of access for emergency services. Lock boxes and keys shall be provided at locked entrances for emergency personnel access. If any adjoining properties are damaged as a result of ingress/egress to the facility, the applicant shall remedy all damages in full.

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.

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 take place.

r.p. Herbicides: Best practices when using herbicides (non-harmful to the environment) or other hazardous chemicals to control weeds, grass and other unwanted vegetation shall be used.

r.g. Batteries, Energy Storage Equipment and Accessory Equipment

associated with Utility scale solar energy facilities or systems: All batteries, energy storage equipment and accessory equipment associated with or co-located upon, Utility scale solar energy facilities or systems are prohibited due to environmental hazard and emergency response concerns.

s.r. **Panel Type:** The solar and/or photovoltaic panels shall not contain harmful chemicals such as cadmium or amorphous silicon. Prior to construction, the applicant shall provide written panel specifications to include composition, toxicological information, and the physical and chemical properties of all panels used at the facility. Only biodegradable cleansers and water shall be used to clean panels.

s. **Noise:** The Utility scale solar energy facility may not generate a maximum sound in excess of 55 average hourly decibels as modeled at the exterior facility boundary. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.

t. **Ownership Changes:** If the owner of the Utility-scale solar energy facility changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning responsibilities. A new owner or operator of the Utility-scale solar energy facility shall notify the Township of such change in ownership or operator within 30 days of the ownership change. A new owner or operator must provide such notification to the Township in writing. The special use permit and all other local approvals for the Utility-scale solar energy facility may be determined by the Township Board at a public meeting to be void if a new owner or operator fails to provide written notification to the Township in the required timeframe, unless the new owner or operator provides a reasonable explanation for any delay. Reinstatement of a void special use permit will be subject to the same review and approval processes for new applications under this Ordinance.

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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 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 facility boundary property lines of the Utility-scale solar energy facility. Use of above-ground lines shall be kept to a minimum.
- 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.** A security plan shall be submitted with the special land use application and site plan application for a Utility-scale solar energy facility. The security plan shall:

 - Show all points of secured access as well as the means for limiting access to authorized personnel only.
 - Along with other signage requirements in this ordinance, install and maintain warning signage on all dangerous equipment and facility entrances.
 - Provide a schedule outlining the implementation and maintenance of site security as well as routine inspections to ensure site security infrastructure is intact and operating as intended.
- q.** Applicant shall provide proof showing all panels used at the facility are manufactured in the United States of America.
- r.** Additional detail(s) and information as required by the Tyrone

Township Zoning Ordinance, or as required by the Planning Commission and/or Township Board.

B. Utility-Scale Solar Energy Facilities under PA 233.

On or after November 29, 2024, if PA 233 of 2023 is in effect, then the following provisions apply to Utility-Scale Solar Energy Facilities with a nameplate capacity of 50 megawatts or more. To the extent these provisions conflict with the provisions in Section A above, these provisions control as to such Utility-Scale Solar Energy Facilities. This subsection does not apply if PA 233 of 2023 does not take effect and does not apply to Utility-Scale Solar Energy Facilities with a nameplate capacity of less than 50 megawatts.

a. *Setbacks.* Utility-Scale Solar Energy Facilities must comply with the following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

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

b. *Fencing.* Fencing for the Utility-Scale Solar Energy System must comply with the latest version of the National Electric Code as November 29, 2024, or as subsequently amended.

c. *Height.* Solar panel components must not exceed a maximum height of 25 feet above ground when the arrays are at full tilt.

d. *Noise.* The Utility-Scale Solar 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.

e. *Lighting.* The Utility-Scale Solar Energy System must implement dark sky-friendly lighting solutions.

f. *Environmental Regulations.* The Utility-Scale Solar Energy System must comply with applicable state or 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 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 to by the local unit and the applicant.

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Proposed Amendments to Section 2 of the Tyrone Zoning Ordinance.

SECTION 2.03 BATTERY ENERGY STORAGE SYSTEM DEFINITIONS

ABANDONMENT: Any Utility-scale battery energy storage system or facility that is no longer storing any power over a consecutive 12-month period of time.

BATTERY ENERGY STORAGE SYSTEM (BESS). One or more component, assembled together, capable of storing energy in order to supply electrical energy at a future time.

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

HEIGHT: The height of a Utility-scale battery energy storage system, measured vertically from the adjacent grade to the system's highest point or the structure which partially or completely encompasses the system.

NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL): A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

UTILITY-SCALE BESS FACILITIES. A facility where the principal design, or use is to collect and store energy for the purpose of providing said energy at a later date and time.

Proposed Addition to Section 22.05 of the Tyrone Zoning Ordinance, Titled “Utility-scale Battery Energy Storage Systems”.

A. Utility-scale BESS Facilities.

Utility-scale BESS Facilities may only be permitted in the **BESS Overlay District(s)**, 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 this special land use is permitted, facilities for the storage and distribution of electrical energy for commercial purposes are subject to the following standards:
 - a. Facility Boundary.** The boundary around a parcel, multiple parcels, or portions thereof, leased or purchased for the purposes of operating a Utility-scale BESS facility. The Facility Boundary may cross road rights-of-way, but required setbacks shall be provided and calculated on each side of any such road.
 - b. Setbacks.** The Utility-scale BESS facility setback requirements are found in the table below. 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	Overlay		
	Residential Land Uses	Place of Worship or Public Institutional Land Uses	All Other Land Uses
Adjacent Properties			
Front Yard Setback (adjacent to right-of-way)	300ft from nearest dwelling unit or 75ft from property line whichever is greater	75ft from property line	50ft from property line
Side Yard Setback	300ft from nearest dwelling unit or 100ft from property line whichever is greater	100ft from property line	100ft from property line
Rear Yard Setback	300ft from nearest dwelling unit or 100ft from property line whichever is greater	100ft from property line	100ft from property line

In instances where the Utility-scale BESS is comprised of multiple parcels, these setbacks shall apply to the exterior perimeter of all adjoining parcels. All setback distances are measured from the property line, or nearest point of a dwelling unit, to the closest point of the Utility-scale BESS.

For Utility-scale BESS facilities with multiple structures, setbacks between each structure shall be a minimum of twenty (20) feet measured from the nearest point of each structure.

The Utility-scale BESS shall not have a significant adverse impact on the natural features or neighborhood character of the surrounding area and shall be located to maximize its distance and visibility from adjacent properties and roadways.

e.b. Height. The height of the Utility-scale BESS and any mounts, buildings, accessory structures, and related equipment must not exceed sixteen (16) feet measured from the ground at the base of the system to its highest point.

d. Screening. Greenbelt screening is required around the entire facility boundary perimeter of a Utility-scale BESS facility to obscure, to the greatest extent possible, the Utility-scale BESS from all adjacent

properties. Greenbelt standards set forth in Section 21A.04 Part C3 shall be applied to all Utility-scale BESS facilities. Each owner, operator, or maintainer of any Utility-scale BESS 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 facility boundary perimeter of a Utility-scale BESS 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. All fencing must comply with the latest version of the National Electrical Code.

e.c. Natural Feature Preservation. The plan for installation of a Utility-scale BESS 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.

f.d. 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.).

g-e. Drainage and Stormwater. Utility-scale BESS 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 BESS facility and how the proposed facility or site improvements placement 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.

Lot Coverage. The area of the Utility-scale BESS facility and any associated accessory structures shall not exceed 40% of the square footage of the entire site within the facility boundary. Impervious surfaces for the purpose of calculating lot coverage for Utility-scale BESS systems include, but are not limited to, mounting pads, footings, concrete or asphalt driveways and walkways, and accessory structures.

Abandonment, Removal, Repowering and/or Maintenance. If a Utility-scale BESS facility ceases to perform its intended function (storing

and/or distributing electricity) for more than 12 consecutive months, the operator shall remove all 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 BESS facility 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 restoring the facility, in cases where repairs or replacements to the Utility-scale BESS 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.

h.f. Decommissioning. The ground shall be restored to its original condition within 60 days of removal of structures. The restoration will include returning all soil within the facility to its original environmental state of which record must be taken prior to the commencement of construction. Acceptable ground covers include grasses, trees, or other material demonstrated to be characteristic of the surrounding land. All above and below ground materials shall be removed when the Utility-scale BESS facility 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.

i.g. Surety. 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 BESS 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 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 BESS facility, the security instrument shall be maintained throughout the entirety of the process.
- v. If at any time during the operation of the Utility-scale BESS 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.

j.h. 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.

k.i. 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.

k.j. Fire Response: All electrical equipment associated with and necessary for the operations of the facility shall comply with all local and state codes. All design and installation work shall comply with all applicable provisions of the National Electrical Code (NEC).

The applicant shall provide training before, approximately halfway through and after construction for all emergency service departments serving the Township. Including all other requirements for permits, all three trainings must have been completed to receive final permits. Trainings upon the completion and during the operation of the Utility scale BESS facility will be conducted upon the request of all emergency service departments but not exceed four (4) trainings per any given twelve (12) month period.

The applicant shall provide a set of procedures and protocols for managing risk or fire and for responding in the event of an emergency at the facility. It will be the burden of the applicant to ensure said procedures and protocols provided to the various emergency service

departments is the most up to date version.

Special equipment that may be required to ensure the safety of fire and rescue personnel when responding to an emergency at the facility shall be provided at no cost to the Township prior to commencement of construction of the facility. The authority to determine whether, and what type of, special equipment is needed shall be with the fire and/or rescue department(s) serving the Township.

The applicant shall provide for and maintain reasonable means of access for emergency services. Lock boxes and keys shall be provided at locked entrances for emergency personnel access. If any adjoining properties are damaged as a result of ingress/egress to the facility, the applicant shall remedy all damages in full.

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

n.l. 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.

o.m. 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 take place.

p.n. Herbicides: Best practices when using herbicides (non-harmful to the environment) or other hazardous chemicals to control weeds, grass and other unwanted vegetation shall be used.

q.o. Noise: The Utility BESS energy facility may not generate a maximum sound in excess of 55 average hourly decibels as modeled at the exterior facility boundary. Decibel modeling shall use the A- weighted scale as designed by the American National Standards Institute.

p. System Certification: Battery energy storage systems and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for battery energy storage systems and Equipment) or approved equivalent, with subcomponents meeting each of the following standards as applicable:

UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications),

UL 1642 (Standard for Lithium Batteries),

UL 1741 or UL 62109 (Inverters and Power Converters),

Certified under the applicable electrical, building, and fire prevention codes as required.

Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 (or approved equivalent) and applicable codes, regulations and safety standards may be used to meet system certification requirements.

- g. Code Compliance:** All Utility-scale BESS, and all other buildings or structures that (1) contain or are otherwise associated with a Utility-scale BESS and (2) subject to the Building Code shall be designed, erected, and installed in accordance with all applicable provisions of the Building Code, all applicable state and federal regulations, and industry standards as referenced in the Building Code and the Saline Township Zoning Ordinance.

Utility-scale BESS, and the installation and use thereof, shall comply with the Building Code, Fire Code, and other applicable Township, County, and State codes. Installation of a Utility -scale BESS shall not commence until all necessary permits have been obtained.

- r. Ground-Mounted Systems:** Utility-scale BESS shall be permanently and safely attached to the ground. The Township may require an additional certification by a professional engineer or other qualified person prior to installation.

- s. Site Lighting:** All exterior lighting shall conform with the regulations set forth in Section 21.37

- t. Ownership Changes:** If the owner of the Utility-scale BESS facility changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning responsibilities. A new owner or operator of the Utility-scale BESS facility shall notify the Township of such change in ownership or operator within 30 days of the ownership change. A new owner or operator must provide such notification to the Township in writing. The special use

permit and all other local approvals for the Utility-scale BESS facility may be determined by the Township Board at a public meeting to be void if a new owner or operator fails to provide written notification to the Township in the required timeframe, unless the new owner or operator provides a reasonable explanation for any delay. Reinstatement of a void special use permit will be subject to the same review and approval processes for new applications under this Ordinance.

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- 2. Site Plan Approval and Supporting Materials.** All applications for Utility-scale BESS 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 BESS facility.
 - b. Vicinity map showing the location of all surrounding land uses along the proposed site's property lines.
 - c. Location and height of all proposed buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with a Utility-scale BESS facility.
 - d. Horizontal and vertical to scale drawings (elevations) with dimensions that show the location of the proposed BESS, 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 BESS facility and within one hundred (100) feet of all facility boundary property lines of the Utility-scale BESS facility. Use of above-ground lines shall be kept to a minimum.
 - f. Proposed setbacks from the BESS to all existing and proposed structures within the Utility-scale BESS facility and from the facility boundary property lines of the Utility-scale BESS.
 - g. Topography for the Utility-scale BESS location and the relationship to the land elevations of all existing and proposed structures within the Utility-scale BESS facility at a minimum of two (2) foot contour intervals.

- h.** Access driveways within and to the Utility-scale BESS 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 BESS facility. In no instance shall barbwire be used.
- j.** A written description of the maintenance program to be used for the BESS components of the Utility-scale BESS 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 BESS facility is decommissioned. Description should include the average useful life of all primary Utility-scale BESS 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 BESS 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 BESS and/or facility, which is subject to the Township's review and approval.
- p.** A security plan shall be submitted with the special land use application and site plan application for a Utility-scale BESS facility. The security plan shall:

 - Show all points of secured access as well as the means for limiting

access to authorized personnel only.

- Along with other signage requirements in this ordinance, install and maintain warning signage on all dangerous equipment and facility entrances.
- Provide a schedule outlining the implementation and maintenance of site security as well as routine inspections to ensure site security infrastructure is intact and operating as intended.

g. Applicant shall provide proof showing all primary components of the Utility-scale BESS used at the facility are manufactured in the United States of America.

r. Details on the hourly fire-resistance ratings of assemblies enclosing the Utility-scale BESS.

s. Details on fire suppression, smoke or fire detection, thermal management, ventilation, exhaust and deflagration venting systems, if provided.

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