

CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

810-659-0800

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MINUTES OF THE PLANNING COMMISSION MEETING

DATE: AUGUST 8, 2022

TIME: 7:00 P.M.

WEB ADDRESS <http://www.flushingtowship.com>

MEMBERS OF PLANNING COMMISSION

Chair – Vicki Bachakes

Ronald Voigt

Vice Chair -Christopher Czyzio

Craig Davis

Secretary - William Mills

Amy Bolin

Terry A. Peck, Board of Trustees Representative

Mandy Hemingway, Recording Secretary

PRESENT: Vicki Bachakes, Christopher Czyzio, William Mills, Ronald Voigt, Craig Davis, Amy Bolin and Terry Peck

ABSENT: None

OTHERS PRESENT: Twenty-eight (28) other individuals were present.

I. MEETING CALLED TO ORDER at 7:00 P.M. by Planning Commission Chairperson Bachakes with Roll Call and Pledge to the American Flag.

II. APPROVAL OF AGENDA:

COMMISSIONER PECK MOVED, supported by Commissioner Czyzio to approve the agenda as presented.

THE MOTION CARRIED UNANIMOUSLY.

III. APPROVAL OF PREVIOUS MINUTES:

COMMISSIONER PECK MOVED, supported by Commissioner Bolin to approve the minutes of the July 11, 2022 meeting.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Mills, Bolin, Bachakes, Czyzio, Davis, Peck and Voigt

NAYS: None

ABSENT: None

THE MOTION CARRIED UNANIMOUSLY.

IV. PUBLIC COMMENTS

OPEN FOR PUBLIC COMMENTS 7:02 P.M.

Four comments were made. At 7:02 after the first public comment, Commissioner Mills excused himself from the meeting due to a conflict of interest .

CLOSED FOR PUBLIC COMMENTS 7:07 P.M.

V. UNFINISHED BUSINESS

1. Discussion and possible motion regarding Zoning Ordinance Article 18, Special Use Permits Article: Section 20-1804 Requirements for Permitted Special Land Uses (OO) Commercial Solar Energy Collector System (b)(2) The total area of ground-mounted solar energy collections shall be included in calculations to determine lot coverage and shall not exceed a maximum lot coverage of 25 percent regardless of the residing zoning district.

At this time, Chairperson Bachakes deferred to Jason Ball of Rowe Engineering to discuss the suggested revisions as attached. The commissioners went page by page and discussed several changes. Referenced changes are highlighted and attached to these minutes.

After a lengthy discussion the following motion was made.

COMMISSIONER PECK MOVED, supported by Commissioner Voigt to move this item to Unfinished Business on the September 12, 2022 agenda.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Davis, Bachakes, Czyzio, Peck, Voigt and Bolin

NAYS: None

ABSENT: Mills

THE MOTION CARRIED.

Jason Ball from Rowe Engineering directed by the Planning Commission will construct an updated draft ordinance with the suggested revisions for the next regular scheduled Planning Commission meeting on September 12, 2022.

VI. NEW BUSINESS

None

VI. PUBLIC COMMENTS

OPEN FOR COMMENTS: 8:45 P.M.

No comments were made.

CLOSED FOR COMMENTS: 8:46 P.M.

At this time, Clerk Meinburg approached the Planning Commission to request a special meeting for an applicant. The special meeting will be held on Thursday, August 25, 2022 at 7:00 P.M.

VII. COMMISSION COMMENTS

Commissioner Bolin thanked Jason Ball from Rowe Engineering.

Commissioner Peck thanked the members of the Planning Commission for their research, hard work and input.

**VIII. NEXT REGULAR SCHEDULED MEETING IS MONDAY,
SEPTEMBER 12, 2022 AT 7:00 P.M.**

**THERE WILL BE A SPECIAL MEETING ON THURSDAY,
AUGUST 25, 2022 AT 7:00 P.M.**

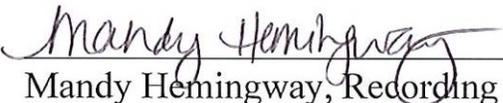
IX. ADJOURNMENT

With no further business, the meeting adjourned at 8:55 P.M.


VICKI BACHAKES, Chairperson


WILLIAM MILLS, Secretary

8-25-22
Date of Approval


Mandy Hemingway, Recording Secretary

Draft #1

Flushing Township
Solar Energy Zoning Ordinance Provisions
AMENDED MONTH, YEAR

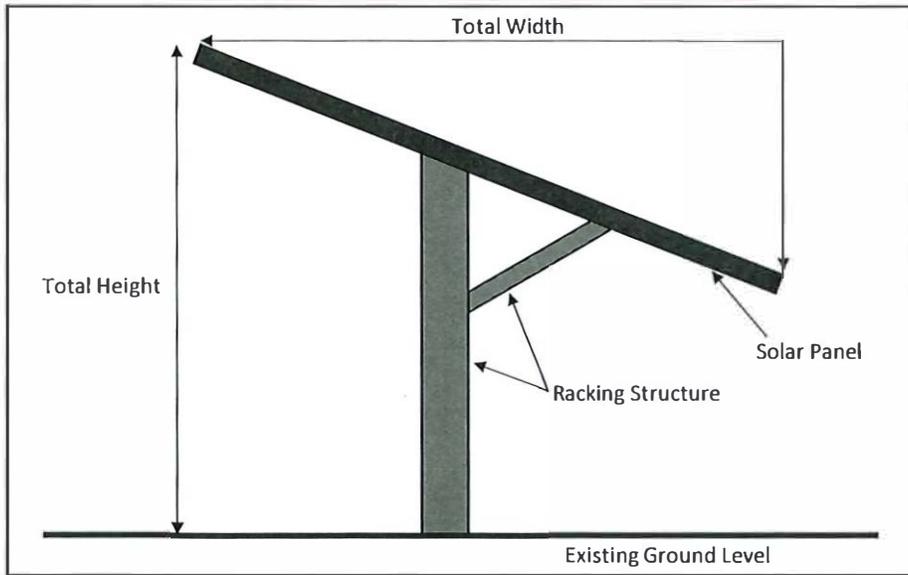
Article 2 DEFINITIONS

SOLAR ENERGY COLLECTOR: A device, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure's energy supply.

~~GROUND-MOUNTED-SOLAR ENERGY COLLECTOR, GROUND MOUNTED:~~ A solar energy collector that is not attached to and is separate from any building on the parcel of land on which the solar energy collector is located (Figure 1).

~~ROOF-MOUNTED-SOLAR ENERGY COLLECTOR, ROOF-MOUNTED:~~ A solar energy collector that is attached to a building's roof on the parcel of land including solar shingles.

Figure 1: Ground Mounted Solar Energy Collector Illustration



SOLAR ENERGY SYSTEM: One or more solar energy collectors or structural design features of a structure that relies upon sunshine as an energy source and is capable of collecting, distributing, and storing (if appropriate to the technology) the sun's radiant energy for a beneficial use.

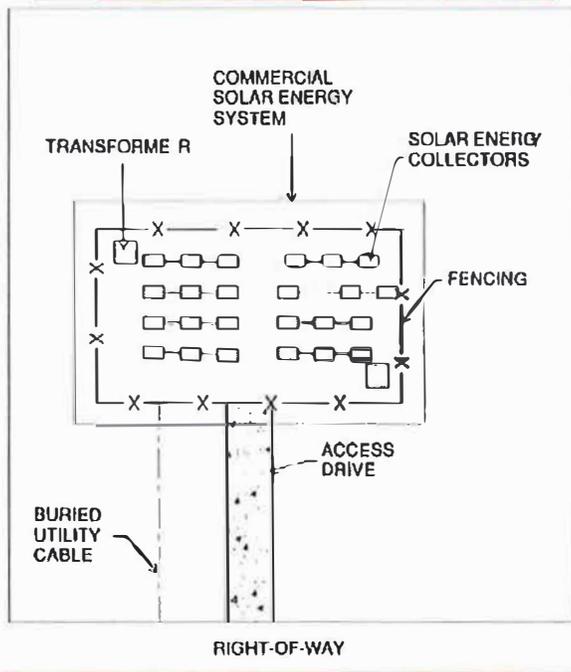
COMMERCIAL SOLAR ENERGY SYSTEM, COMMERCIAL: A utility-scale facility of ground-mounted solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity. Commonly referred to as solar farms. A commercial solar energy system includes the solar panels, roads, spacing for service, fencing, and any other structure, transformer, or devices of the like needed for solar production or operation of the system. See Figure 2.

Commented [JB1]: Do we want to include access roads outside of the fence in the calculation? This would be inconsistent with how lot coverage is defined.

Lot coverage means the part or percentage of the lot occupied by a building, including accessory buildings.

Commented [M2]: Give clarification to reference to roads (internal, perimeter)

Figure 2: Commercial Solar Energy System Illustration



GROUND MOUNTED SOLAR ENERGY COLLECTOR: A solar energy collector that is not attached to and is separate from any building on the parcel of land on which the solar energy collector is located (Figure 1).

Draft #1

ON-SITE SOLAR ENERGY SYSTEM, ON-SITE: A solar energy system designed to help meet the electrical needs within the limits of the area encompassed by the tract area or parcel of record on which the activity is conducted. An on-site solar energy system may include ground-mounted, roof-mounted solar energy collectors, or a combination of the two. The majority of the electricity generated by an on-site solar energy system must remain on the site, and not be utilized for wholesale or retail sale.

RACKING: Racking is any structure or building material used in the mounting of a solar panel (Figure 1).

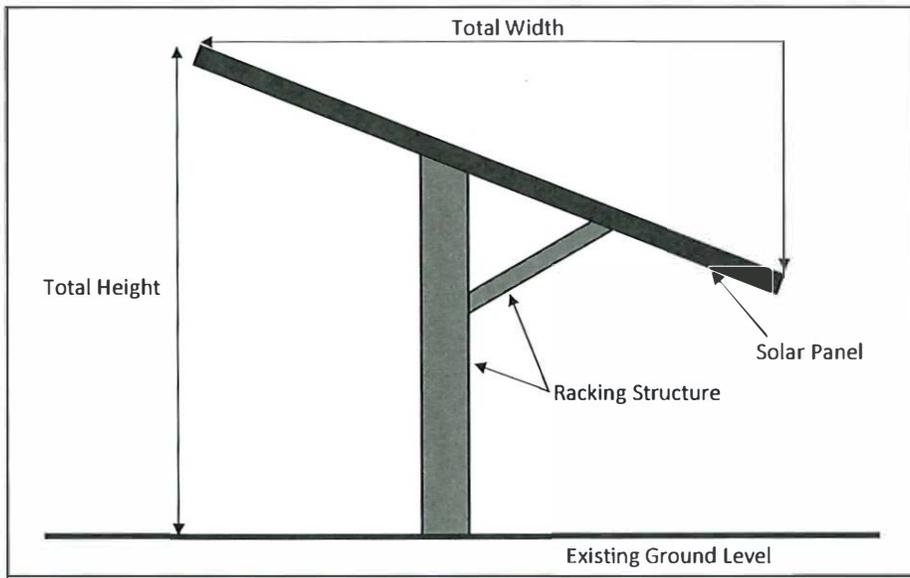


Figure 1

~~SOLAR COLLECTOR: A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure's energy supply.~~

~~SOLAR ENERGY: Radiant energy (direct, diffuse, and reflected) received from the sun.~~

~~SOLAR ENERGY SYSTEM: A solar collector or other device or structural design feature of a structure that relies upon sunshine as an energy source and is capable of collecting, distributing, and storing (if appropriate to the technology) the sun's radiant energy for a beneficial use.~~

Draft #1

SOLAR PANEL: A panel consisting of an array of solar cells used to generate electricity directly from sunlight.

~~SOLAR SHINGLES: A roofing product made by combining thin film solar technology (which converts sunlight to electricity) with a durable backing to provide a structural roof shingle comparable to traditional roofing shingles.~~

Article 4 SITE REGULATIONS

Section ~~20-419-420~~ On-Site Solar Energy System Regulation

(a) All Solar Energy Collectors

- (1) The installation of any solar panel (on-site or commercial) shall not negatively impact adjacent properties with additional or excessive storm-water runoff and/or drainage.
- (2) It shall be shown that all panels are adequately secured to the surface upon which they are mounted and that the mounting structure has the capability of supporting the panels.
- (3) All panels shall have tempered, non-reflective surfaces.
- (4) Solar energy ~~equipment collectors~~ shall be repaired, replaced, or removed within three months of becoming nonfunctional.
- (5) Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).
- (6) Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to the building inspector prior to installation. Building inspector approval is required.
- (7) Solar energy collectors and installation and uses shall comply with construction code, electrical code, and other state requirements.

(b) On-Site Roof-Mounted Solar Energy Collectors shall:

- (1) ~~Solar energy collectors shall be~~ such a weight to be safely supported by the building. Building inspector approval is required.
- (2) ~~Solar energy collectors shall be~~ considered part of the building and meet all the required building height and setback requirements.
- (3) ~~Solar energy collectors shall not~~ project more than 2 feet above highest point of roof or exceed maximum building height limitations allowed in that zoning district.
- (4) ~~Solar energy collectors shall not~~ be located within 3 feet of any peak, eave, or valley to maintain adequate accessibility.

(c) On-Site Ground-Mounted Solar Energy Collectors:

- (1) ~~Ground-mounted solar energy systems are~~ only permitted in the side and rear yards, unless permitted in front yard by issuance of a discretionary special use permit pursuant to Section 20-1804(A) of the Ordinance.
- (2) ~~Ground-mounted solar energy systems may~~ Shall not extend into the side-yard or rear setback when oriented at any designed tilt angle.
- (3) ~~Ground-mounted solar energy collectors s~~ Shall not exceed 12 feet in height measured from the ground at the base of such equipment. The height of the ground-mounted solar energy collector shall be measured from ground level to the highest point of the solar panel.
- (4) ~~There s~~ Shall be a minimum of 25 feet from all-natural features including water courses, wood lots, wetlands, and 100-year floodplains.
- (5) ~~The total area of ground-mounted solar energy collections s~~ Shall be included in calculations to determine lot coverage and shall not exceed the maximum lot coverage permitted in the relevant zoning district.
- (6) ~~Shall be considered an accessory use in For~~ the RU-1, RU-2, RU-4, RSA, C-1, C-2, C-3, M-1, and M-2 zoning districts, ~~ground-mounted solar energy collectors if requesting at the total area of ground mounted solar energy collectors and other elements of the on-site solar energy system account for fifteen (15%) percent or less lot coverage of 15 percent of total lot coverage.~~
- (6)(7) ~~_____ or less be considered an accessory use. A Shall require a~~ Discretionary Special Use Permit ~~may be considered if the total area of ground mounted solar energy collectors and other elements of the on-site solar energy system account for more than ground-mounted solar energy collectors requesting a lot coverage over fifteen (15%) percent of total lot coverage.~~
- (7)(8) ~~_____~~ Ground-mounted solar energy collectors and other elements of an on-site solar energy system shall meet the requirements of Sec-~~tion~~ tion 20-400 Accessory Structures.

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Article 7 DISTRICT REGULATIONS

Section 20-701 Zoning District Uses

ZONING DISTRICT USES									
SCHEDULE OF USES - (Uses Permitted by Right (P), Uses Permitted by Non-Discretionary Special Use Permits (NS), Uses Permitted by Discretionary Special Use Permit (DS), Accessory Uses and Buildings (A))									
TYPE OF USES	DISTRICTS								
	RSA	RU-1	RU-2	RU-4	C-1	C-2	C-3	M-1	M-2
ACCESSORY USES, STRUCTURES, AND BUILDINGS									
On-Site Roof-Mounted Solar Energy Collector	A	A	A	A	A	A	A	A	A
On-Site Ground-Mounted Solar Energy Collector (15 percent Lot Coverage or Less)	A	A	A	A	A	A	A	A	A
On-Site Ground-Mounted Solar Energy Collector (Over 15 percent of Lot Coverage)	DS	DS	DS	DS	DS	DS	DS	DS	DS
INDUSTRIAL AND RELATED USES									
Commercial Solar Energy Collector	DS							DS	DS

Article 18 SPECIAL USE PERMITS-ARTICLE

Section 20-1804 Requirements for Permitted Special Land Uses

(OO) Commercial Solar Energy Collector System

(a) The commercial solar energy collector system must meet all requirements in Section 20-41920 (a) all solar energy collectors and (b) roof-mounted solar energy collectors.

(a)(b) All commercial solar energy collector systems that are ground-mounted shall follow the following requirements:

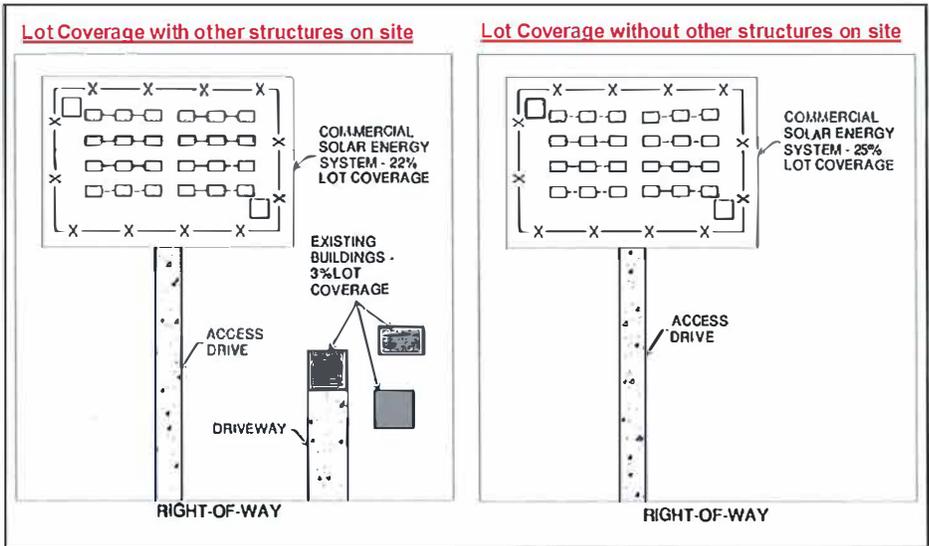
- (1) Ground-mounted solar energy collectors shall not exceed twelve (12) feet in height measured from the ground at the base of such equipment. The height of the ground-mounted solar energy collector shall be measured from ground level to the highest point of the solar panel.

~~The total area of ground-mounted solar energy collections shall be included in calculations to determine lot coverage and shall not exceed a maximum lot coverage of 25 percent regardless of the residing zoning district.~~

- (2) The total area of the commercial solar energy system shall be included in calculations to determine lot coverage and shall not exceed a maximum lot coverage of twenty-five (25%) percent regardless of the residing zoning district (See Figure 3).

Commented [M3]: Jason Ball was asked to research maximum acreage for the whole township.

Figure 3: Commercial Solar Energy Lot Coverage Illustration



~~(3)~~ (3) Commercial solar energy systems must be located on Required to be on lots larger than 2 acres.

(4) Visual Buffer Requirements:

(i) Residential Property: When Any a commercial solar energy collector system is adjacent to adjoining any residential development use, the system shall be set-back at least 100/200/500 feet from the property line and at least 200 feet from any dwelling unit. A landscaped visual buffer shall be provided within the setback area that obscures the commercial solar energy system from view.

Commented [M4]: At least 300 from the property line.

Commented [M5]: At least 500 from any dwelling unit.

(ii) Street Frontage: Commercial solar energy systems shall be set-back at least 60/100/200/500 feet from any road right-of-way. A landscaped visual buffer shall be provided within the setback area that obscures the commercial solar energy system from view.

Commented [M6]: At least 300 feet from any road right-of-way.

(iii) Visual Buffer: shall be provided with a buffer of at least 60 feet along the adjacent property line. A required landscaped visual such buffer shall be planted with evergreens and other suitable vegetation plantings that effectively screen the commercial solar energy system from view.

Commented [M7]: Add a reference to "Greenbelts" in Site Development Standards; develop a standard for berms.

(iv) Setback: Required set-back areas and visual buffers and shall not be used for no any other purposes.

Commented [M8]: Prior to placement of solar collectors and maintained; add definition for landscape berm, greenbelt

Commented [M9]: Except agricultural use

(i)-(v) A landscaped planting area of at least 60 feet shall also be provided along all street frontage. The Planning Commission may approve to substitute substitution of vegetation the above described greenbelt for an obscuring fence, wall, and other protective barriers as long as it meets requirements in Section 20-408.

(ii)(v) The planting of native ground covers that shall be maintained on site during the operation, until the site is decommissioned.

~~(4)~~ (6) The applicant shall provide verification that adequate infrastructure exists to transport the electricity generated by the commercial solar energy system into the larger grid system.

(5)

~~(9)~~ Power and communication lines running between banks of solar energy collectors may be placed above ground, provided the lines are placed no higher than the top of the solar panels. ~~(7) Power and communication lines running between the banks of the solar panels may be placed above ground, provided the lines are placed no higher than top of the solar panels.~~

Commented [JB10]: We should clarify what the intent is for this provision.

(6)

~~(5)~~ (8) Power and communication lines to electric substations or interconnections with buildings shall be buried underground.

~~(6)~~ (7) Exception for uThe requirement for underground power and communication lines may be waived in the following circumstances.:

(i) Where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.

~~(ii) (ii)~~ When required by the utility company.

~~(ii)~~

~~(ii) (iii)~~ Unless otherwise ~~When granted a waiver determined~~ by the Planning Commission during site plan review.

~~(iii)~~

~~(7) (10)~~ The installation of the ground-mounted solar energy collectors shall not disturb the existing topography.

Commented [M11]: Add that solar energy collector systems should be located at the least visibly intrusive location; centrally located on the property.

(c) Decommissioning:

- (1) Any commercial solar energy system that is not operated or found to be inoperable due to disrepair for a continuous period of six (6) months shall be considered abandoned. If it is found abandoned, the Planning Commission, upon notice by the Zoning Administrator, shall provide written notice to the applicant/owner/operator of a hearing before the Planning Commission to hear evidence that the solar farm should not be decommissioned.
- (2) If a commercial solar energy system is repaired, a Licensed Professional Engineer (hired at the expense of the owner or operator) shall certify its safety prior to the resumption of operation.
- (3) Within ~~ninety (90)~~ days of the hearing where the Planning Commission has determined that a commercial solar energy system is abandoned or inoperable, the owner/operator shall obtain a permit from the township, and any other necessary entities to remove all structures and equipment, consistent with the approved decommissioning plan.
- (4) Failure to obtain necessary permits within the ~~ninety (90)~~-day period provided in this subsection shall be grounds for the township to remove the commercial solar energy system at the Owner's expense, consistent with the decommissioning plan.
- (5) Decommissioning shall include removal of all equipment, including all materials above and below ground, and internal or perimeter access roads. The site shall be restored to a condition that reflects the character of the site prior to installation of the commercial solar energy system: including topography, vegetation, soils, drainage, and any unique environmental features.
- (6) The restoration shall include road repair and hazardous waste cleanup, if any, all re-grading, soil stabilization, and re-vegetation necessary to return the subject property to a stable condition consistent with conditions existing prior to establishment of the commercial solar energy system.
- (7) The restoration process shall comply with all state, county, or local erosion control, soil stabilization, and/or runoff requirements or ordinances and shall be

Commented [M12]: Change to commercial solar energy system

completed within one year. Extensions may be granted upon request to the Planning Commission prior to expiration of the one-year requirement for completed decommissioning.

(d) Decommissioning Plan:

(1) -Prior to site plan approval, a commercial solar energy system shall have a plan approved by the township for decommissioning the site that describes the expected duration of the project, how the improvements will be decommissioned, a Professional Engineer's estimated cost of decommissioning, and the financial resources necessary to accomplish decommissioning. The decommissioning plan shall address all applicable items in the previous subsection as well as the following,

(i) The financial resources for decommissioning shall be in the form of a bond or similar financial instrument with a replenishment obligation and shall be deposited by an agent acceptable to the township.

(ii) The financial resources for decommissioning shall be one hundred twenty-five (125%) percent of the estimated removal and restoration cost. The Planning Commission shall require independent verification of the adequacy of this amount from a Professional Engineer.

(iii) The Planning Commission/building official/zoning administrator shall annually review the amount deposited for removal, site restoration, and administration costs to ensure it is adequate for these purposes. If the Planning Commission determines that these amounts are not adequate, the township shall require the owner/operator to make additional deposits to increase the amount of the surety bond to cure such inadequacy.

Commented [M13]: Change to ALL

(iv) If decommissioning is not completed by the applicant within one year of the end of project life, inoperability, or abandonment, the township shall have access to the financial resources for decommissioning for the expressed purpose of completing decommissioning. Funds may be used for administrative fees and costs associated with decommissioning.

Commented [M14]: Add clarifying statement regarding completion of decommissioning within 1 year.

(v) The township is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.

(vi) The township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the right to seek reimbursement from the applicant or applicant's successor for decommissioning costs in excess of the amount provided for in the decommissioning plan and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.

Draft #1

~~decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 90 days. The plan shall include provisions for removal of all structures, foundations, electrical equipment and internal or perimeter access roads, restoration of soil and vegetation, and a plan ensuring financial resources will be available to fully decommission the site. The applicant shall submit a financial guarantee in the form of a bond in favor of Flushing Township equal to 125 percent of the costs to meet the requirements of the decommissioning plan. The type of guarantee is subject to the Planning Commission's approval.~~

Commented [M15]: Add requirement that if ownership changes, the township is notified; township has up to date contact information for the owner of the property and whoever is operating the site.

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