

**ROSS TOWNSHIP  
PLANNING COMMISSION MEETING  
MEETING MINUTES  
August 26, 2024**

**CALL TO ORDER/PLEDGE**

Vice Chairperson Snyder called the Special Meeting of the Ross Township Planning Commission to order at 6 p.m. at the Ross Township Hall. All rose to recite the Pledge of Allegiance.

**ROLL CALL**

Present: Vice Chairperson Sherri Snyder  
Michael Bekes  
Mark Markillie  
Michael Moore  
Steve Maslin

Absent: Chairperson Pamela Sager  
Jeff Price

Also Present: Bert Gale, AGS - Township Zoning Administrator  
Catherine Kaufman – Township Attorney

**APPROVAL OF AGENDA**

Moore motioned to approve the agenda as written and Maslin supported. The motion was unanimously approved.

**APPROVAL OF PRIOR MEETING MINUTES:**

Vice Chairperson Snyder led the members through the July 22, 2024 draft Planning Commission meeting minutes and the August 1<sup>st</sup> 2024 draft Special Planning Commission meeting minutes. Moore motioned to approve the July 22<sup>nd</sup> meeting minutes as written and Bekes supported. The minutes were unanimously approved. Markillie motioned to approve the August 1<sup>st</sup> special meeting minutes as written and Maslin supported. The minutes were unanimously approved.

**NEW BUSINESS:**

No new business was on the agenda.

**UNFINISHED BUSINESS - Continue discussion regarding renewable solar energy and battery storage regulation:**

Attorney Kaufman stated Attorney Thall had just finished the second draft ordinance on both solar energy and battery storage earlier this day. Kaufman brought paper copies to the committee members for the review. The changes made in the new version from the original draft ordinances previously reviewed at the August 1, 2024 meeting had 'Track Changes' in place to help guide the commission members to better understand where updates were entered.

The commission agreed to review only the changes to the draft ordinances at the meeting. Board Liaison to the Planning Commission and minutes writer Bekes reiterates the commission only reviewed the changes to the original draft at this meeting, not the entire second draft. Therefore, only the agreed upon changes to the original draft or comments on the proposed changes are captured in this set of minutes.

The changes to the Solar Ordinance included:

**SECTION I - AMENDMENT TO SECTION 2.2 OF THE ROSS TOWNSHIP ZONING ORDINANCE**

Section 2.2 of the Ross Township Zoning Ordinance is hereby amended to strike the definition of solar farm and to add new definitions as follows:

**Dual Use:** A solar energy system that employs one or more of the following land management and conservation practices throughout the project site.

**Pollinator Habitat:** Solar sites designed to meet a score of 76 or more on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites.

**Conservation Cover:** Solar sites designed in consultation with conservation organizations that focus on restoring native plants, grasses, and prairie with the aim of protecting specific species (e.g., bird habitat) or providing specific ecosystem services (e.g., carbon sequestration, soil health).

**Forage:** Solar sites that incorporate rotational livestock grazing and forage production as part of an overall vegetative maintenance plan.

**Agrivoltaics:** Solar sites that combine raising crops for food, fiber, or fuel, and generating electricity within the project area to maximize land use.

**Ground-Mounted Solar Energy System:** A solar energy system mounted on support posts, like a rack or pole, that are attached to or rest on the ground.

**Invasive Plant:** Non-native (or alien) to the ecosystem under consideration and whose introduction causes or is likely to cause economic or environmental harm or harm to human health.

**Kilowatt (KW):** A unit of electrical power equal to one thousand (1,000) watts.

**Maximum Tilt:** The maximum angle of a solar array (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.

**Megawatt (MW):** A unit of electrical power equal to one million (1,000,000) watts.

**Minimum Tilt:** The minimal angle of a solar array (i.e., most horizontal position) for capturing solar radiation as compared to the horizon line.

**Nameplate Capacity:** means the designed full-load sustained generating output of a solar energy system. Nameplate capacity shall be determined by reference to the sustained output of a solar energy system even if components of the system are located on different lots, whether contiguous or noncontiguous.

**Non-Participating Lot(s):** One or more lots for which there is not a signed lease or easement for development of a principal-use SES associated with the applicant project.

**Participating Lot(s):** One or more lots under a signed lease or easement for development of a principal-use SES associated with the applicant project.

**Photovoltaic (PV) System:** A semiconductor material that generates electricity from sunlight.

**Principal-Use Solar Energy System:** A ground-mounted solar energy system that captures and converts solar energy into electricity, for the purpose of sale or for use in locations other than solely the solar energy system property, and with a nameplate capacity of 50 megawatts or more. A principal-use solar energy system may be located on more than 1 parcel of property, including noncontiguous parcels, but shares a single point of interconnection to the grid. Principal-use solar energy systems with a nameplate capacity of less than 50 megawatts are not permitted.

**Repowering:** Reconfiguring, renovating, or replacing an SES to maintain or increase the power rating of the SES within the existing project footprint.

**Solar Array:** A photovoltaic panel or collection of panels and/or collectors in a solar energy system that collects solar radiation.

**Wildlife-Friendly Fencing:** A fencing system with openings that allow wildlife to traverse over or through a fenced area.

**SECTION V - AMENDMENT TO ARTICLE 20 – STANDARDS REQUIRED OF SPECIAL LAND USES**

Article 20, Standards Required of Special Land Uses, of the Ross Township Zoning Ordinance is hereby amended to strike the provisions related to Solar Farms and add the following special land use: ***No other changes in this section were made from the original draft ordinance.***

Feedback from the committee identified the draft ordinance had two Section V's and the duplication will be addressed by Attorney Thall prior to the Public Hearing.

**ADDITION OF ITEM 36 PRINCIPAL-USE SOLAR ENERGY SYSTEMS:**

Upon a question from the commission, Kaufman confirmed the material in Item 36 closely mimics State requirements. Kaufman also opined that Attorney Thall subtracted approximately 2000 acres of Gull Lake

from the Township's total acreage (36 square miles) to assess that 5% of the land acreage is approximately 1000 acres.

A Principal-Use Solar Energy System is a special exception use in the "AG", R-R, and I-R zoning districts specifically and is not permitted in any other zoning districts. For the protection of the residential and agricultural uses in the Township, the aggregate amount of land to be used by all principal-use solar energy systems allowed within the Township shall be no more than 1,000 acres. An individual principal-use solar energy system shall meet all the following specific requirements in addition to the general special land use and site plan review criteria:

**Application:** All Principal-Use Solar Energy System applications also require site plan review. In addition to the application general requirements for special land use and site plan review the following must also be included:

The complete name, address, and telephone number of the applicant.

The planned date for the start of construction and the expected duration of construction.

A description of the energy facility, including a site plan as described in Section 224 of the Clean and Renewable Energy Waste Reduction Act, 2008 PA 295, MCL 460.1224. The following items must be shown on the site plan:

- A map of all properties upon which any component of a facility or ancillary feature would be located, and all properties within one thousand (1,000) feet. This should indicate the location of all existing structures and shall identify such structures as occupied or vacant.
- Lot lines and required setbacks shown and dimensioned including horizontal and vertical elevation drawings that show the location and height of the Solar Energy System on the land and dimensions of the Solar Energy System
- Size and location of existing and proposed water utilities, including any proposed connections to public, or private community sewer or water supply systems.
- A map of any existing overhead and underground major facilities for electric, gas, telecommunications transmission within the facility and surrounding area
- The location and size of all surface water drainage facilities, including source, volume expected, route, and course to final destination.
- A map depicting the proposed facilities, adjacent properties, all structures within participating and adjacent properties, property lines, and the projected sound isolines along with the modeled sound isolines including the statutory limit
- A description of the expected use of the energy facility.
- Expected public benefits of the proposed energy facility.
- The expected direct impacts of the proposed energy facility on the environment and natural resources and how the applicant intends to address and mitigate these impacts.
- Information on the effects of the proposed energy facility on public health and safety.
- A description of the portion of the community where the energy facility will be located.
- A statement and reasonable evidence that the proposed energy facility will not commence commercial operation until it complies with applicable state and federal environmental laws,

including, but not limited to, the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101 to 324.90106.

- Evidence of consultation, before submission of the application, with the Department of Environment, Great Lakes, and Energy and other relevant state and federal agencies before submitting the application, including, but not limited to, the Department of Natural Resources and the Department of Agriculture and Rural Development.
- The Soil and Economic Survey Report under Section 60303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.60303, for the county where the proposed energy facility will be located.
- Interconnection queue information for the applicable regional transmission organization.
- If the proposed site of the energy facility is undeveloped land, a description of feasible alternative developed locations, including, but not limited to, vacant industrial property and brownfields, and an explanation of why they were not chosen.
- If the energy facility is reasonably expected to have an impact on television signals, microwave signals, agricultural global position systems, military defense radar, radio reception, or weather and doppler radio, a plan to minimize and mitigate that impact. Information in the plan concerning military defense radar is exempt from disclosure under the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be disclosed by the commission or the electric provider or independent power producer except pursuant to court order.

A stormwater assessment and a plan to minimize, mitigate, and repair any drainage impacts at the expense of the applicant. The applicant shall make reasonable efforts to consult with the county drain commissioner before submitting the application and shall include evidence of those efforts in its application.

A fire response plan and an emergency response plan including:

- Evidence of consultation or a good faith effort to consult with local fire department representatives to ensure that the FRP is in alignment with acceptable operating procedures, capabilities, resources, etc. If consultation with local fire department representatives is not possible, provide evidence of consultation or a good faith effort to consult with the State Fire Marshal or other local emergency manager.
- A description of all on-site equipment and systems to be provided to prevent or handle fire emergencies.
- A description of all contingency plans to be implemented in response to the occurrence of a fire emergency.
- A commitment to review and update the FRP with fire departments, first responders, and county emergency managers at least once every three (3) years.
- An analysis of whether plans to be implemented in response to a fire emergency can be fulfilled by existing local emergency response capacity. The analysis should include identification of any specific equipment or training deficiencies in local emergency response capacity and recommendations for measures to mitigate deficiencies.
- Other information the applicants finds relevant.

The emergency response plan (ERP) shall include:

- Evidence of consultation or a good faith effort to consult with local first responders and county emergency managers to ensure that the ERP is in alignment with acceptable operating procedures, capabilities, resources, etc.
- An identification of contingencies that would constitute a safety or security emergency (fire emergencies are to be addressed in a separate fire response plan);
- Emergency response measures by contingency;
- Evacuation control measures by contingency;
- Community notification procedures by contingency;
- An identification of potential approach and departure routes to and from the facility site for police, fire, ambulance, and other emergency vehicles;
- A commitment to review and update the ERP with fire departments, first responders, and county emergency managers at least once every three (3) years;
- An analysis of whether plans to be implemented in response to an emergency can be fulfilled by existing local emergency response capacity, and identification of any specific equipment or training deficiencies in local emergency response capacity; and
- Other information the applicants finds relevant.

A report detailing the sound modeling results along with mitigation plans to ensure that sound emitted from the facilities will remain below the statutory limit throughout the operational life of the facilities.

Any other information regarding compliance with the requirements herein.

**Screening/Landscaping:** A Principal-Use Solar Energy System shall follow the screening and/or landscaping standards for the zoning district of the project site. Any required screening and landscaping shall be placed outside the perimeter fencing.

Discussion of the commissioners concluded the best way to address Screening and Landscaping was to eliminate the requirements outlined in the original draft and instead insert the following paragraph:

- The Planning Commission shall require reasonable measures to minimize visual impacts by preserving existing natural vegetation, requiring new vegetative screening or other appropriate measures. The Planning Commission shall determine such visual screening measures as may be required, if any, on a site specific basis pursuant to the standards for special land use approval as specified in Articles 19 and 20 and/or the standards for site plan approval as specified in Article 21 of this Ordinance, as most applicable to the circumstances. In making this determination the Planning Commission is specifically authorized to consider whether additional visual screening measures are appropriate where a system is proposed to be located on property adjacent to a residential use and/or a residential district zoning classification. All screening/landscaping shall be properly maintained throughout the life of the project including replacement of any dead landscaping within six months.

**Land Clearing:** Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the system and to ensure sufficient all-season access to the solar resource given the topography of the land. Topsoil disturbed during site preparation (grading) on the property shall be retained on site.

**Environmental Impact:** The Planning Commission shall review potential impacts on wildlife, water, and other environmental factors present on the site and may impose additional requirements to preserve and protect endangered species or prevent negative impacts to adjacent parcels including but not limited to requirements of EGLE and/or US Fish and Wildlife Service. All surface water runoff shall be effectively managed on-site.

**Wiring:** Principal-Use Solar Energy System wiring (including communication lines) shall be buried underground where practicable. Any above-ground wiring within the footprint of the Principal-Use Solar Energy System shall not exceed the height of the solar array at maximum tilt, as restricted by this ordinance.

**Lighting:** Principal-Use Solar Energy System lighting shall be limited to inverter locations only. Light fixtures shall have downlit shielding and be placed to keep light on-site and glare away from adjacent properties, bodies of water, and adjacent roadways. Flashing or intermittent lights are prohibited.

The commission members requested additional language be included in Lighting that states construction shall be installed in accordance with all regulations and building/electrical codes.

**Glare:** All solar energy system location/tilt components shall be designed, maintained and operated to avoid glare and reflection of sunlight and other artificial lighting throughout the day/night which may affect adjacent properties, navigation by air, water, and roadway so as not to create a hazard. Solar energy system designs shall comply with all Federal Aviation Administration siting requirements.

**Public Safety:** The ERP and FRP shall provide reasonable protection of the public health, welfare and safety including but not limited to an emergency shutdown procedure and, safety plans to include electrical, fire, smoke, and hazardous materials release, emergency response protocols and identification of typical hazards related to, electrical, fire, smoke and hazardous materials pertinent to the facility. Upon request, all Principal-Use Solar Energy System facilities shall provide first responder training at the site

**Decommissioning:** A decommissioning plan is required at the time of application and shall be in recordable form.

The decommission plan shall include:

- The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g., access drive, fencing), or restored for viable reuse of the property consistent with the zoning district. Pursuant to this requirement, the decommissioning plan shall be required to include that any structures up to forty-eight (48) inches below-grade shall be removed for disposal.
- The projected decommissioning costs shall reflect the actual cost of decommissioning the project. Salvage value shall not be included in the cost to decommission the project.
- The method of ensuring that funds will be available for site decommissioning and stabilization (in the form of surety bond or cash deposit).

The commission members requested additional language to the decommissioning section by Attorney Thall prior to the Public Hearing. Those changes include language of a requirement of a decommissioning

agreement acceptable to the Township Attorney and notification requirements on a sale of the project in advance of a sale for time to ensure bonds stay in force throughout the project life.

A review of the amount of the surety bond, based on inflation, and current removal costs shall be completed every 4 years, for the life of the project, and approved by the Planning Commission.

Review of the Battery Energy Storage System Ordinance followed the same format as the review of the amendment to the Solar Ordinance whereas the commission only reviewed and opined on the changes made from the first draft reviewed at the August 1, 2024 Planning Commission meeting. The changes covered included:

**SECTION II - ADD A NEW SECTION 18.10, TITLED "OFF-SITE BATTERY ENERGY STORAGE SYSTEM REGULATIONS"**

A new Section 16.11, entitled "Off-Site Battery Energy Storage Systems" is hereby added to the Township Zoning Ordinance to read as follows:

**Section 18.10 Off-Site Battery Energy Storage Systems.**

The following requirements shall apply to all off-site battery energy storage systems:

Battery Energy Storage Systems, Small Off-Site shall be allowed as a special land use in the following zoning districts:

- Agricultural
- Industrial
- Rural Residential when co-located with a Principal Use Solar Energy System Special Land Use

Battery Energy Storage Systems, Large Off-Site shall be allowed as a special land use in the following zoning districts:

- Agricultural
- Industrial
- Rural Residential when co-located with a Principal Use Solar Energy System Special Land Use

The following minimum setbacks shall be required. Setbacks are measured from the nearest facility structure to the nearest point on the associated item:

- 100 feet from any property line of a non-participating property
- 300 feet from the nearest point on the outer wall of a dwelling on nonparticipating property
- 50 feet measured from the nearest edge of a public road right-of-way.

Sound. The system may not generate a maximum sound in excess of 55 average hourly decibels as measured at the property line of an adjacent non-participating property. Decibel modeling shall use the A- weighted scale designed by the American National Standards Institute. The Planning Commission may require the applicant to provide a sound study as part of the special land use review process

The Planning Commission shall require reasonable measures to minimize visual impacts by preserving



existing natural vegetation, requiring new vegetative screening or other appropriate measures. The Planning Commission shall determine such visual screening measures as may be required, if any, on a site specific basis pursuant to the standards for special land use approval as specified in Articles 19 and 20 and/or the standards for site plan approval as specified in Article 21 of this Ordinance, as most applicable to the circumstances. In making this determination the Planning Commission is specifically authorized to consider whether additional visual screening measures are appropriate where a system is proposed to be located on property adjacent to a residential use and/or a residential district zoning classification. All screening/landscaping shall be properly maintained throughout the life of the project including replacement of any dead landscaping within six months.

All surface water runoff created by construction and operation of the project shall be effectively managed on-site.

**Public Safety:** The Emergency Response Plan and Fire Response Plan shall be provide reasonable protection of the public health, welfare and safety including but not limited to an emergency shutdown procedure and, in place and shall provide the local fire department site safety plans to include electrical, fire, smoke, and hazardous materials release, emergency response protocols and identification of typical hazards related to, electrical, fire, smoke and hazardous materials pertinent to the facility. Upon request, all systems shall provide first responder training at the site.

The commission agreed to have the language in Decommissioning and Removal mirror the language in the Solar Ordinance draft previously reviewed and including the recommended changes outlined in said section as follows:

A decommissioning plan is required at the time of application and shall be in recordable form.

The decommission plan shall include:

- The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g., access drive, fencing), or restored for viable reuse of the property consistent with the zoning district. Pursuant to this requirement, the decommissioning plan shall be required to include that any structures up to forty-eight (48) inches below-grade shall be removed for disposal.
- The projected decommissioning costs shall reflect the actual cost of decommissioning the project. Salvage value shall not be included in the cost to decommission the project.
- The method of ensuring that funds will be available for site decommissioning and stabilization (in the form of surety bond or cash deposit).

A review of the amount of the surety bond, based on inflation, and current removal costs shall be completed every 4 years, for the life of the project, and approved by the Planning Commission. A Principal-Use Solar Energy System owner may at any time:

- Proceed with the decommissioning plan approved by the Planning Commission, and remove the system as indicated in the most recent approved plan; or
- Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

Decommissioning of a Principal-Use Solar Energy System must commence when the soil is dry to prevent soil compaction and must be complete within 18 months after abandonment. A SES that has not produced electrical energy for 12 consecutive months shall prompt an abandonment hearing.

- Restoration shall include bringing soil and topography of the land to their pre-development composition to ensure permitted uses upon restoration. Soil tests shall be required as part of the decommissioning plan both before development and prior to the decommissioning.

Special Land Use Permit and Site Plan Application Requirements. Applications for special land use permit approval shall comply with Articles 19 and 20 of this Ordinance. A formal application for site plan approval for this land use shall comply with Section 19.2 of this Ordinance. An incomplete application will not be accepted. Each such application shall also be subject to the following additional submission requirements:

- The complete name, address, and telephone number of the applicant.
- The planned date for the start of construction and the expected duration of construction.

A description of the system, including a site plan as described in Section 224 of the Clean and Renewable Energy Waste Reduction Act, 2008 PA 295, MCL 460.1224. The following items must be shown on the site plan:

- A map of all properties upon which any component of a facility or ancillary feature would be located, and all properties within one thousand (1,000) feet. This should indicate the location of all existing structures and shall identify such structures as occupied or vacant.
- Lot lines and required setbacks shown and dimensioned including horizontal and vertical elevation drawings that show the location and height of the Battery Energy Storage System on the land and dimensions of the Battery Energy Storage System.
- Size and location of existing and proposed water utilities, including any proposed connections to public, or private community sewer or water supply systems.
- A map of any existing overhead and underground major facilities for electric, gas, telecommunications transmission within the facility and surrounding area
- The location and size of all surface water drainage facilities, including source, volume expected, route, and course to final destination.
- A map depicting the proposed facilities, adjacent properties, all structures within participating and adjacent properties, property lines, and the projected sound isolines along with the modeled sound isolines including the statutory limit.

A description of the expected use of the system.

Expected public benefits of the proposed system.

The expected direct impacts of the proposed system on the environment and natural resources and how the applicant intends to address and mitigate these impacts.

Information on the effects of the proposed system on public health and safety.

A description of the portion of the community where the system will be located.

A statement and reasonable evidence that the proposed system will not commence commercial operation until it complies with applicable state and federal environmental laws, including, but not limited to, the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101 to 324.90106.

Evidence of consultation, before submission of the application, with the Department of Environment, Great Lakes, and Energy and other relevant state and federal agencies before submitting the application, including, but not limited to, the Department of Natural Resources and the Department of Agriculture and Rural Development.

The Soil and Economic Survey Report under Section 60303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.60303, for the county where the proposed system will be located.

Interconnection queue information for the applicable regional transmission organization.

If the proposed site of the system is undeveloped land, a description of feasible alternative developed locations, including, but not limited to, vacant industrial property and brownfields, and an explanation of why they were not chosen.

If the system is reasonably expected to have an impact on television signals, microwave signals, agricultural global position systems, military defense radar, radio reception, or weather and doppler radio, a plan to minimize and mitigate that impact. Information in the plan concerning military defense radar is exempt from disclosure under the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be disclosed by the commission or the electric provider or independent power producer except pursuant to court order.

A stormwater assessment and a plan to minimize, mitigate, and repair any drainage impacts at the expense of the applicant. The applicant shall make reasonable efforts to consult with the county drain commissioner before submitting the application and shall include evidence of those efforts in its application.

A fire response plan and an emergency response plan.

The fire response plan (FRP) shall include:

- Evidence of consultation or a good faith effort to consult with local fire department representatives to ensure that the FRP is in alignment with acceptable operating procedures, capabilities, resources, etc. If consultation with local fire department representatives is not possible, provide evidence of consultation or a good faith effort to consult with the State Fire Marshal or other local emergency manager.
- A description of all on-site equipment and systems to be provided to prevent or handle fire emergencies.
- A description of all contingency plans to be implemented in response to the occurrence of a fire emergency.
- A commitment to review and update the FRP with fire departments, first responders, and county emergency managers at least once every three (3) years.
- An analysis of whether plans to be implemented in response to a fire emergency can be fulfilled by existing local emergency response capacity. The analysis should include identification of any specific equipment or training deficiencies in local emergency response capacity and recommendations for measures to mitigate deficiencies.

- Other information the applicants finds relevant.

The emergency response plan (ERP) shall include:

- Evidence of consultation or a good faith effort to consult with local first responders and county emergency managers to ensure that the ERP is in alignment with acceptable operating procedures, capabilities, resources, etc.
- An identification of contingencies that would constitute a safety or security emergency (fire emergencies are to be addressed in a separate fire response plan);
- Emergency response measures by contingency;
- Evacuation control measures by contingency;
- Community notification procedures by contingency;
- An identification of potential approach and departure routes to and from the facility site for police, fire, ambulance, and other emergency vehicles;
- A commitment to review and update the ERP with fire departments, first responders, and county emergency managers at least once every three (3) years;
- An analysis of whether plans to be implemented in response to an emergency can be fulfilled by existing local emergency response capacity, and identification of any specific equipment or training deficiencies in local emergency response capacity; and
- Other information the applicants finds relevant.

A report detailing the sound modeling results along with mitigation plans to ensure that sound emitted from the system will remain below the statutory limit throughout the operational life of the system.

Any other information regarding compliance with the requirements herein.

Waiver. Because of the ever-changing technical capabilities of battery storage infrastructure and of new technology in general, the Township Planning Commission shall have the authority to review and consider alternatives in both the dimensional and physical requirements contained in this ordinance as part of the special land use review process, and other requirements.

Building Permit. Adding 'prior to issuance of a Building Permit, an approved FRP and ERP must be submitted'.

#### **SECTION XI - AMEND SECTION 5.3 CONCERNING THE RURAL RESIDENTIAL DISTRICT**

Section 5.5 of the Township Zoning Ordinance is amended to add the following use as a special land use in the Rural Residential Zoning District:

- Battery Energy Storage System, Large Off-Site when co-located with a Principal Use Solar Energy System Special Land Use.
- Battery Energy Storage System, Small Off-Site when co-located with a Principal Use Solar Energy System Special Land Use.

Attorney Kaufman opined that legislation on PA 233 OF 2023 is very fluid and the current versions of the Ross Township Ordinance drafts the commission is working with include the latest information from discussions with the State, discussions with the Michigan Township Association (MTA), activity from other Townships her attorney firm is working with and others. She wanted the Planning Commission members to understand as information evolves around implementation of the law, ordinances that are constructed today may need fine tuning as early as three to six months out.

Bekes recommended a Planning Commission Special Meeting on September 16<sup>th</sup> for both an expedited review originally scheduled for September 11<sup>th</sup> but not noticed timely and a public hearing on the Solar and Battery Storage workable ordinances. Vice Chair Snyder asked those present if that date was open on their respective calendars and upon responses, it was determined a quorum would be present. A Planning Commission Special Meeting will be noticed and conducted at 6 pm on September 16<sup>th</sup> at the Township Hall for the two items.

#### **REPORT: Township Board**

Bekes shared a Township board meeting occurred on August 20<sup>th</sup> and he reported a new purchasing policy was adopted, moving the Township's credit card accounts to a new bank was approved, a new schedule of fees for applicants requiring Planning Commission or Zoning Board of Appeals reviews were approved and a decision by the board to loan the Township's speed reading trailers to the Village of Augusta when requested.

#### **REPORT: ZBA**

Bekes shared a ZBA meeting occurred on August 7<sup>th</sup> and a front yard setback variance was granted on a property abutting Stoney Lake.

#### **PUBLIC COMMENT**

Connie Lavender shared concerns about solar farms in regard to viewshed, noise, neighbor health, fire safety, hail damage, maintenance issues at 30 degrees below zero, impact to grounds, phone interference and replicate soil upon decommissioning.

#### **Members, Consultants, Advisors**

~~Commissioner Markillie stated concern that this Workable Ordinances could attract developers whereas Ross Township is not an attractive location for solar infrastructure. The maintaining of the rural character is part of the Master Plan and he does not want solar farms to deface Ross Township as he would rather want to keep it beautiful.~~

Commissioner Markillie stated he feels Ross Township is not an ideal location for Commercial Solar Farm development due to the percentage of township land covered by lakes, wetlands, forests, and rolling landscapes. He also feels the location of power distribution lines do not correlate with areas conducive to solar farm development. Because of these reasons, he feels there are other locations in Southwest Michigan that are better suited for solar development.

He stated concern that a workable ordinance could attract otherwise not interested developers by providing a simpler process than offered by the state. He fears once the supporting infrastructure for

commercial solar farms is established, there will be an incentive for solar farm sprawl in that area and developers will be able to by-pass the workable ordinance 5% maximum by applying to the state for permits.

Markillie stated allowing commercial solar farm sprawl would go against the Ross Master Plan goals of conserving farmland, preserving Township open space, and keeping the township's rural character. He feels the minimal benefits a workable plan would offer are outweighed by the risk it could have of attracting developers to an area that would otherwise not be ideal for solar farm development.

Attorney Kaufman told the Planning Commission members of an upcoming seminar hosted by their firm at the Michigan Maritime Museum on September 18, 2024. The seminar will cover topics including proposed legislation, renewable energy, ordinance enforcement and includes time for an 'ask the Attorney' session. All members of the Planning Commission were invited.

#### **ADJOURNMENT**

Moore moved to adjourn the meeting and Maslin supported. The motion was unanimously approved.

Respectfully submitted,

Michael Bekes

Board Liaison to the Planning Commission and Acting Recording Secretary