

CLINTON COUNTY BOARD OF COMMISSIONERS

ORDINANCE NO. OR-126-17

(PC-13-17 LA)

**AMENDMENT/SUPPLEMENT TO OR-01-05 CLINTON COUNTY
ZONING ORDINANCE**

At a regular meeting of the Board of Commissioners of Clinton County, Michigan, held at the County offices located at 100 E. State Street, St. Johns, Michigan on the 30th of May, 2017, at 9:00 a.m., the following Ordinance was offered:

WHEREAS, the Michigan Zoning Enabling Act, 2006 PA 110, as amended, authorizes the Clinton County Board of Commissioners ("Board") to adopt, amend and supplement a zoning ordinance regulating the public health, safety and general welfare of persons and property; and

WHEREAS, the Clinton County Planning Commission ("Planning Commission") duly noticed and held a public hearing on May 11, 2017 to consider an amendment ("Ordinance Amendment") to the Clinton County Zoning Ordinance; and

WHEREAS, on May 11, 2017, the Planning Commission recommended adoption of the Ordinance Amendment for the reasons stated at the meeting; and

WHEREAS, the Planning Commission transmitted a summary of the comments received at the public hearing and its recommended Ordinance Amendment to the Board; and

WHEREAS, the Board has determined that the Ordinance Amendment would promote and enhance the overall welfare and quality of life in Clinton County; and

WHEREAS, the Board has determined that enacting said Ordinance Amendment is in the best interests of the public health, safety and welfare of the County's residents.

THEREFORE, be it resolved by the Board of Commissioners of Clinton County, Michigan, as follows:

1. Ordinance No. OR-126-17, Amendment to Clinton County Zoning Ordinance, as amended, attached as Exhibit A, is hereby adopted.
2. The Ordinance Amendment, attached as Exhibit A, shall be filed with the County Clerk.
3. A notice of Ordinance adoption shall be published in a newspaper of general circulation in the County within fifteen (15) days after adoption.
4. Any and all ordinances that are in conflict with this Resolution are hereby repealed.

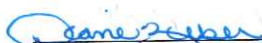
ADOPTED:

YEAS: Seven (7)

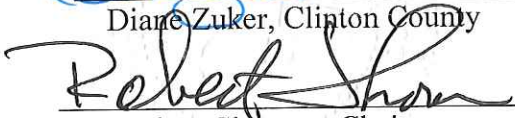
NAYS: Zero (0)

STATE OF MICHIGAN)
)
COUNTY OF CLINTON)

I, Diane Zuker, Clerk of the County of Clinton, do hereby certify that the above and foregoing is a true and complete copy of certain proceedings taken by the Clinton County Board of Commissioners at a regular meeting held on the 30th day of May, 2017.



Diane Zuker, Clinton County



Robert Showers, Chairperson
Clinton County Board of Commissioners

EXHIBIT A
(ATTACHED TO ORDINANCE No. OR-126-17)
(May 2, 2017)

Article 2, Section 203, Definitions

Solar Farms: A utility-scale commercial facility that converts sunlight into electricity, whether by photovoltaics, concentrating solar thermal devices or any other various experimental solar technologies for the primary purpose of wholesale or retail sales of generated electricity off-site.

Solar Farms do not include small scale solar panels or technologies installed at individual residential or commercial locations (e.g. roof or ground mounted panels) that are used exclusively for private purposes and not utilized for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid. These installations are permitted as "Accessory Structures or Uses" under Section 501.

Article 4, Section 415, Agricultural and Open Space Preservation District, A-1

A-1, Special Land Uses

9) Solar Farms, subject to Section 1343

Article 4, Section 416, General Agriculture District, A-2

A-2, Special Land Uses

28) Solar Farms, subject to Section 1343

Article 4, Section 417, Agricultural/Residential Transition District, A-3

A-3, Special Land Uses

17) Solar Farms, subject to Section 1343

Article 4, Section 418, Rural Residential District, RR

RR, Special Land Uses

12) Solar Farms, subject to Section 1343

Article 4, Section 423, Local Commercial District, C-1

C-1, Special Land Uses

12) Solar Farms, subject to Section 1343

Article 4, Section 424, General Commercial District, C-2

C-2, Special Land Uses

26) Solar Farms, subject to Section 1343

Article 4, Section 425, Highway Service Commercial District, C-3

C-3, Special Land Uses

15) Solar Farms, subject to Section 1343

Article 4, Section 426, Mineral Resource Extraction District, MR

MR, Special Land Uses

- 5) Solar Farms, subject to Section 1343, provided that such facility will not impede or prohibit either the development of the minerals or the post-mining development.

Article 4, Section 427, Research/Office District, RO

RO, Special Land Uses

- 5) Solar Farms, subject to Section 1343

Article 4, Section 428, Light Industrial, I-1

I-1, Special Land Uses

- 26) Solar Farms, subject to Section 1343

Article 4, Section 429, General Industrial, I-2

I-2, Special Land Uses

- 8) Solar Farms, subject to Section 1343

Article 13: Special Land Uses

Section 1343 Solar Farms

- A. Intent and Purpose: To allow and promote the use of solar energy within the County as a clean alternative energy source and to provide associated placement, land development, installation and construction regulations for solar farm facilities subject to reasonable conditions that will protect the public health, safety and welfare. These regulations establish minimum requirements for solar farm facilities, while promoting a renewable energy source in a safe, effective and efficient manner.
- B. Minimum Lot Size: There is no minimum lot size. Each solar farm is permitted as a special land use which review will consider its compatibility with the surrounding area.
- C. Height Restrictions: All photovoltaic panels and support structures located in a solar farm shall be restricted to a maximum height of sixteen (16) feet when oriented at a maximum tilt.
- D. Setbacks: All photovoltaic solar panels and support structures associated with such facilities (excluding perimeter fencing) shall be setback a minimum of twenty (20) feet from a side or rear property line and a minimum of fifty (50) feet from any road right-of-way. All facilities shall also be setback at least to the limit of any established County drain right-of-way or easement unless special provisions are formally agreed to with the Drain Commissioner so as not to impede/obstruct access along the County drain.
- E. Maximum Lot Coverage: Maximum lot coverage restrictions shall not apply to photovoltaic solar panels. Any other regulated structures on the parcel are subject to the maximum lot coverage restrictions of the underlying zoning district.

- F. Safety/Access: A security fence (height and material to be proposed and reviewed/approved through the special land use permit process) shall be placed around the perimeter of the solar farm and electrical equipment. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.
- G. Noise: No solar farm facilities shall exceed sixty (60) dBA as measured at the property line.
- H. Glare: Solar farm facilities shall be located or placed so that concentrated solar glare shall not be directed toward or onto nearby properties or roadways at any time of the day.
- I. Landscaping: The special land use application for a solar farm shall include a proposed landscaping and screening/buffering plan prepared by a licensed landscape architect. This plan will be reviewed through the special land use approval process to assure that the proposed facility is appropriately landscaped in relation to adjacent land uses and road right-of-ways. The use of berms and evergreen plantings along property lines adjacent to residential land uses is strongly encouraged. Trees shall be a minimum of four (4) feet tall at time of planting and shall remain in good condition for the life of the solar farm.
- J. Local, State and Federal Permits: Solar farm facilities shall be required to obtain all necessary permits and licensing from the underlying Township, Clinton County, State of Michigan and U.S. Government as applicable prior to construction and shall maintain any necessary approvals as required by the respective jurisdictions or agencies.
- K. Electrical Interconnections: All electrical interconnections or distribution lines shall comply with all applicable codes and standard commercial large-scale utility requirements. Use of above ground transmission lines are prohibited within the site.
- L. Additional Special Use Criteria: In addition to the special land use (and site plan) requirements contained in Article 13, the applicant shall address the following topics in the application for solar farm facilities:
 - 1. Project Description and Rationale: Identify the type, size, rated power output, performance, safety and noise characteristics of the system including the transmission line/grid connection for the project. Identify the project construction time frame, project life, development phases (and potential future expansions) and likely markets for the generated energy.
 - 2. Analysis of On-Site Traffic: Estimated construction jobs and estimated permanent jobs associated with the development.
 - 3. Visual Impacts: Graphically demonstrate the visual impact of the project using photos or renditions of the project with consideration given to setbacks and proposed landscaping.
 - 4. Environmental Analysis: Identify impacts on surface water quality and any impacts to County drains and/or established natural or private drainage features in the area.
 - 5. Waste: Identify any solid or hazardous waste generated by the project.

6. Lighting: Provide plans showing all lighting within the facility. No light may adversely affect adjacent parcels. All lighting shall conform to the requirements of Section 606 and must be shielded from adjoining parcels. Light poles are restricted to a maximum height of eighteen (18) feet.
7. Transportation Plan: Provide a proposed access plan during construction and operational phases. Show proposed project service road ingress and egress locations onto adjacent roadways and the layout of the facility service road system. Due to infrequent access following construction, it is not required to pave or curb solar panel access drives.
8. Public Safety: Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways and to the general public that may be created.
9. Sound Limitations: Identify noise levels at the property lines of the project when completed and operational.
10. Telecommunications Interference: Identify any electromagnetic fields and communications interference that may be generated by the project.
11. Life of the Project and Final Reclamation: Describe the decommissioning and final reclamation plan after the anticipated useful life or abandonment/termination of the project. This includes supplying evidence of an agreement with the underlying property owner that ensures proper removal of all equipment and restoration of the site within six (6) months of decommissioning or abandonment of the project.

To ensure proper removal of the project upon abandonment/termination of the project, applicants shall include a description of the financial security guaranteeing removal of the system which must be posted with the County within fifteen (15) days after approval or before a building or construction permit is issued for the project. The financial security shall be: 1) a cash bond; or 2) an irrevocable bank letter of credit or a performance bond, in a form approved by the County. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the applicant and shall be subject to approval by the County.

If the owner of the project or the underlying property owner fails to remove or repair any defective, abandoned or terminated project, the County, in addition to any other remedy under this Ordinance, may pursue legal action to abate the violation by seeking to remove the project and recover any and all costs, including attorney fees.

12. County Review: Because of the ever changing technical capabilities of photovoltaic solar panels and of new technology in general, the County Planning Commission and Board of Commissioners shall have the authority to review and consider alternatives in both the dimensional and physical requirements contained in this Section as part of the special land use review process.