
Planning Commission

SECTION 3.49 – SOLAR ENERGY SYSTEMS (SES)

g) Solar Farms

- 1) A solar farm is permitted in the Agricultural Zoning District as a special land use, subject to the regulations and requirements of this section and the special land use review procedures and standards of Chapter 18 herein of this Zoning Ordinance.
- 2) A solar farm may be established on one or more lots under a signed lease, easement, or other agreement. These lots shall be defined as participating lots.
- 3) *Application Requirements.* In addition to the site plan required by Chapter 17 herein, the applicant shall provide the following information:
 - i. Type of solar panel to be used and any hazard chemicals contained in the solar panels and measures to prevent leakage.
 - ii. Type, size, rated power output, performance, safety and noise characteristics of the SES.
 - iii. Name and address of the manufacturer and model of the SES.
 - iv. Time frame, project life, development phases, likely markets for the generated energy, and possible future expansions.
 - v. Information on the visual impact of the SES using photos or renditions of the project or similar projects.
 - vi. Description of the maintenance program to be used to maintain the SES, and the anticipated construction schedule.
 - vii. Digital versions of all planning and construction documents required pursuant to Chapter 17 herein. Digital submittals are in addition to paper plans and do not replace any current submission requirements. Digital versions shall be submitted in PDF (Adobe Acrobat/Portable Document File) format.
 - viii. A decommissioning plan as required by Section 3.49.(g) (5) herein.
 - ix. Distance from the SES to the nearest occupied dwelling unit.
 - x. A security plan detailing on-site security provisions which could include fencing, full-time security guards, video surveillance, and similar methods.
 - xi. A construction waste management plan detailing the methods of waste disposal of cardboard, wood, scrap metal, and scrap wire resulting from construction of the SES.
 - xii. A landscaping plan illustrating the number, size, type and spacing of

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- trees proposed to screen the SES from nearby roadways and properties.
- xiii. A signed lease or purchase agreement from landowners where the SES will be constructed and any access or easement agreements needed to implement the project.
 - xiv. Additional information as required by Chapter 18 herein, or as may be required by the Planning Commission.
 - xv. The Planning Commission may waive or modify the above requirements at the request of the applicant if it is determined that those items are not needed to properly review the project.

4) *Development Requirements for Solar Farms.*

- i. *Setbacks.* The following minimum setbacks shall be required for an SES:
 - 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.

Setbacks shall be measured from the lot line to the closest point of the solar array at minimum tilt (most horizontal position) or any SES components. Required setbacks shall not apply to common lot lines of participating lots.

- ii. *Height.* A ground mounted SES shall not exceed a height of 14 feet when oriented at maximum tilt.
- iii. *Size.* The minimum lot size for a solar farm shall be 20 acres. A parcel containing a solar farm need not have any frontage on a public street.
- iv. *Safety/Access.* A security fence shall be placed around the perimeter of the SES with a locked gate. Knox boxes and keys shall be provided at locked entrances for emergency personnel access. The height and material of the fence shall be determined by the Planning Commission depending upon the location of the facility.
- v. *Interconnection.* The facility shall be designed for interconnection to a public utility electrical power grid and shall be operated with such interconnection. The applicant shall provide evidence to the Township of

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approval from the applicable utility company. Use of above ground transmission lines shall be prohibited within the site.

- vi. *Surface Material.* The portion of the premises on which the array of collector panel structures is located shall not be paved with asphalt or any other surface material that is impervious to rainwater.
- vii. *Screening/Landscaping.* Plantings shall be installed around the perimeter of the parcel or parcels containing the SES. Plantings shall consist of two rows of staggered evergreens planted no more than 12 feet on center, front to back and side by side, to form a visual barrier. Trees shall be a minimum of four feet tall at the time of planting and be a species of evergreen that produces dense growth. Plantings shall be maintained and remain in good condition for the life of the project. The Planning Commission may alter the landscaping requirement depending upon the location of existing plant material on the site or if additional plantings are needed to buffer existing land uses.
- viii. *Ground Cover.* A solar farm shall include the installation of perennial ground cover vegetation maintained for the duration of operation until the site is decommissioned. The applicant shall include a ground cover vegetation establishment and management plan as part of the site plan.
 - a. Sites bound by a Farmland Development Rights (PA 116) Agreement shall follow the Michigan Department of Agriculture and Rural Development's Policy for Allowing Commercial Solar Panel Development on PA 116 Lands.
 - b. Ground cover at sites not enrolled in PA 116 shall meet one or more of the following four types of Dual Use. [*Dual Use* means a solar energy system that employs one or more of the following land management and/or 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,

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- 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.
- c. Project sites that are included in a brownfield plan adopted under the Brownfield Redevelopment Financing Act, PA 381 of 1996, as amended, that contain impervious surface at the time of construction or soils that cannot be disturbed, are exempt from ground cover requirements.
- ix. *Land Clearing*. Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the SES and to ensure sufficient all-season access to the solar resource given the topography of the land. Topsoil distributed during site preparation (grading) on the property shall be retained on site.
- x. *Lighting*: Lighting shall be limited to inverter and/or substation 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.
- xi. *Sound Pressure Level*: The sound pressure level of a Principal-Use SES and all ancillary solar equipment shall not exceed 45 dBA at the property line of an adjoining non-participating lot. The site plan shall include modeled sound isolines extending from the sound source to the property lines to demonstrate compliance with this standard.
- xii. Because of the ever-changing technical capabilities of photovoltaic solar panels and of new technology in general, the Planning Commission and/or Township Board may in its discretion consider alternatives in both the dimensional and physical requirements contained in this ordinance as part of the special land use review process upon a finding that such change promotes the health, safety and general welfare of the Township.

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5) *Decommissioning.*

- i. The applicant shall submit a decommissioning plan which shall address the following:
 - a. Defined conditions upon which decommissioning will be initiated (i.e., end of land lease, no power production for six months, obsolete equipment and similar circumstances), unless the applicant receives a written extension from the Township Board in a case involving an extended repair schedule for good cause.
 - b. A description as to how the useful life of the system will be determined and who will make this determination.
 - c. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and building foundations to a depth of three feet below grade.
 - d. Restoration of property to the condition prior to development of the SES.
 - e. The timeframe for completion of decommissioning activities.
 - f. An engineer's cost estimate for all aspects of the decommissioning plan.
 - g. Description of any agreement with the landowner regarding decommissioning.
 - h. Provisions for updating the decommissioning plan.
 - i. A statement signed by the owner or operator that they take full responsibility for reclaiming the site in accordance with the decommissioning plan and the Special Land Use Permit upon cessation of use.
- ii. Prior to the issuance of a zoning permit and a building permit, the applicant shall enter into a Decommissioning Agreement with the Township Board that outlines the specific decommissioning requirements of the project, including posting a financial instrument with the Township that provides for decommissioning of the entire project. (See Subsection 7) - Removal Cost Guarantee)

- 6) *Administration Costs Initial Application and Ongoing.* For each solar energy system application, the applicant/owner/operator shall deposit into an escrow account the amount of \$15,000. The purpose of this joint escrow account is:

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- i. To reimburse Wayland Township for its costs incurred to hire consultants and experts as the Township, at its sole discretion, deems desirable to examine, evaluate and verify the data and statements presented by the applicant/owner/operator.
 - ii. For the life of each solar energy system, to cover the administrative and legal costs incurred by Wayland Township in monitoring and enforcing the owner/operator's ongoing compliance with the Ordinance. The account shall be managed as follows:
 - a. Funds can be withdrawn from this account only by the signature of a Township designee.
 - b. If at any time the balance of this account shall fall below \$5,000, the applicant/owner/operator shall replenish the account to the full amount of \$15,000.
 - c. If at any time the balance of this fund shall fall below \$1,000 for a continuous period of thirty days, the application shall be considered to have been withdrawn or tabled, or the Permit for the solar energy system may be terminated.
 - d. The Wayland Township designee shall be charged with monitoring the escrow account and giving quarterly reports to the Planning Commission. After the solar energy system has been removed and site restoration has been completed, as defined in this Ordinance, any balance remaining in this account shall be returned to the applicant/owner/operator.
- 7) *Removal Cost Guarantee.* The cost of removal and site restoration is the full responsibility of the applicant and/or owner/operator. In order to provide the greatest possible financial assurance that there will be sufficient funds to remove the solar energy system and to restore the site, the following steps shall be taken:
- i. For each solar farm, the applicant/owner/operator shall determine an amount of money equal to the estimated removal and restoration cost. The Planning Commission shall require independent verification of the adequacy of this amount. The amount of each Solar Farm removal cost guarantee shall be 125% of the average of at least two independent demolition (removal) quotes obtained by the Township. If the quantity of quotes obtained is two, the formula shall be (quote 1 + quote 2) divided

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by two. Quotes shall be ordered and obtained by the Township from established demolition companies. Quotes shall not include salvage values.

- ii. The Planning Commission may require a cash deposit, certified check, irrevocable bank letter of credit or surety bond acceptable to the Planning Commission. Such financial guarantee shall be deposited with the Township Treasurer, or with a third-party fiduciary, at the discretion of the Township, after a special land use has been approved but before construction operations begin on the solar farm. The Township shall be the named beneficiary of the bond that is posted.
- iii. The security guarantee shall be updated every four years at the rate of 1.5 times CPI (consumer price index) for each year to address costs of inflation for the actual cost of decommissioning to the Township, at cost to the Applicant, and to be approved by the Planning Commission. Written proof that the security guarantee is valid shall be provided annually to the Township Clerk.
- iv. Failure to keep such financial security in full force and effect at all times while the solar farm exists shall constitute a material and significant violation of any special land use approval and this Ordinance and shall be subject to any and all remedies available to the Township, including, but not limited to, enforcement actions, fines, revocation of the special land use approval and solar farm removal.

8) *Host Community Agreement.*

- i. The permit holder of the SES shall enter into a host community agreement with the Township within 90 days after issuance of the Special Land Use Permit.
- ii. The host community agreement shall require that, upon commencement of any operation, the solar energy facility owner shall pay Wayland Township \$2000.00 per megawatt of nameplate capacity located within the Township.
- iii. 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

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the Township and the permit holder within said 90 days.

- 9) *Complaint Resolution*. It is the intent of this Section to provide a mechanism to address and resolve complaints:
- i. The SES applicant shall develop and submit a written complaint resolution process to resolve complaints concerning the construction or operation of the SES. The complaint resolution process must be approved by the Planning Commission as a condition of approval of the Special Land Use Permit.
 - ii. During or post construction, the Township Board shall be kept apprised of all complaints and shall receive a report outlining the issues, progress and resolution of each such complaint. Such report shall be presented every 60 days by the applicant/owner to the Township Board.
 - iii. The owner/operator shall submit an annual report to the Township Board of the complaints and resolutions.