

GREENLEAF TOWNSHIP PLANNING COMMISSION
Meeting Agenda
Greenleaf Township Hall, 6435 Bay City Forestville Road,
Cass City MI 48726
October 19, 2023

1) Call to Order

a) Meeting called to order by _____ at _____ pm

b) Pledge of Allegiance

c) Roll Call

i) Ken Osentoski _____ Angela Summers _____ Jerry Cleland _____ Ken
Brown _____ Greg Guza _____ Mitch Engel _____ Bob Milot _____.

ii) Zoning Administrator: Chuck VanErp _____.

d) Adoption of Agenda

i) Motion by: _____ to approve agenda for meeting as
presented:

_____ or state changes needed _____, seconded by

_____ Motion carried: _____ or denied:

e) Approval of Minutes (regular meeting and two public hearings)

i) Motion by: _____ to approve minutes for the meeting as
presented:

_____ or state changes as needed: _____, seconded by:

_____ Motion carried: _____ or denied: _____

2) Old Business

a) Solar Ordinance

3) New Business

a) Zoning Ordinance Review

4) Public Comment (limited to 3 minutes per person after recognition by Chair)

5) Date of Next Meeting: at 7:00 PM

6) Adjournment



Greenleaf Township Planning Commission
6534 Bay City Forestville Road
Cass City, MI 48726

Greenleaf Township Planning Commission Meeting Minutes for August 17, 2023 special meeting – Amos Miller

Meeting was called to order by Chair Ken Osentoski at 6:00pm

Pledge of Allegiance was led by Ken Osentoski

Commissioners Present: Chair Ken Osentoski, Angela Summers, Mitch Engel, Greg Guza and Ken Brown

Commissioners Absent: Jerry Cleland, Bob Milot

Zoning Administrator: Chuck Van Erp, absent

Attendees: 4

Motion to approve the meeting agenda with removal of roll call vote made by Ken Brown with support from Greg Guza, motion carried.

Roll call vote to approve the meeting agenda: all yes

Public Comment

Mazure: Paperwork, application filed, does zoning allow, property taxes

Hearing no other business motion to adjourn was made by Greg Guza with support from Mitch Engel, motion carried and meeting was adjourned at 6:26pm. Roll call vote: all yes

Respectfully submitted by:

Angela Summers, Secretary, Greenleaf Township Planning Commission



Greenleaf Township Planning Commission
6534 Bay City Forestville Road
Cass City, MI 48726

Greenleaf Township Planning Commission Meeting Minutes for August 17, 2023 special meeting – Solar Ordinance Public Hearing

Meeting was called to order by Chair Ken Osentoski at 6:30pm

Commissioners Present: Chair Ken Osentoski, Angela Summers, Mitch Engel, Greg Guza and Ken Brown

Commissioners Absent: Jerry Cleland, Bob Milot

Zoning Administrator: Chuck Van Erp, present

Attendees: 7

Motion to approve the meeting agenda with removal of roll call vote made by Ken Brown with support from Greg Guza, motion carried.

Roll call vote to approve the meeting agenda: all yes

Public Comment

Mazure: Attorney response

Hearing no other business motion to adjourn was made by Greg Guza with support from Ken Osentoski, motion carried and meeting was adjourned at 6:57pm. Roll call vote: all yes

Respectfully submitted by:

Angela Summers, Secretary, Greenleaf Township Planning Commission



Greenleaf Township Planning Commission
6534 Bay City Forestville Road
Cass City, MI 48726

Greenleaf Township Planning Commission Meeting Minutes for August 17, 2023 regular meeting

Meeting was called to order by Chair Ken Osentoski at 7:00 p.m.

Commissioners Present: Chair Ken Osentoski, Angela Summers, Mitch Engel, Greg Guza and Ken Brown

Commissioners Absent: Jerry Cleland, Bob Milot

Zoning Administrator: Chuck Van Erp, present

Attendees: 4

Motion to approve the meeting agenda with addition of new business: Amos Miller and Solar Ordinance made by Ken Brown with support from Greg Guza, motion carried.

Roll call vote to approve the meeting agenda: all yes

Motion to approve the meeting minutes from June 15, 2023 regular meeting made by Ken Brown with support from Greg Guza, motion carried. Roll call vote: all yes

On Going Business

Solar Ordinance discussion

New Business

Motion by Greg Guza to send Solar Ordinance draft to Township Board for approval, seconded by Mitch Engel. Roll call vote, all yes. Motion carried.

Motion by Ken Brown to allow Amos Miller to have two houses on one parcel, seconded by Greg Guza. Roll call vote, all yes. Motion carried.

Public Comment

None

Hearing no other business motion to adjourn was made by Greg Guza with support from Mitch Engel, motion carried and meeting was adjourned at 7:22pm. Roll call vote: all yes

The next regular meeting is scheduled for October 19, 2023 at 7:00 p.m. in the Township Hall

Respectfully submitted by:

Angela Summers, Secretary, Greenleaf Township Planning Commission

**TOWNSHIP OF GREENLEAF
ZONING ORDINANCE AMENDMENT
UTILITY SCALE SOLAR ENERGY FACILITIES
ORDINANCE**

An ordinance to amend the Greenleaf Township Zoning Ordinance, to provide regulation for the operation and maintenance of exempt solar panels and Utility Scale Solar Energy Facilities in the Township.

THE TOWNSHIP OF GREENLEAF ORDAINS:

The following Section of the Greenleaf Township Zoning Ordinance is hereby amended to add following definitions:

Definitions

INHABITED STRUCTURE. A legally permitted structure intended for frequent human use and, for the purpose of this ordinance, shall be limited to a residential dwelling, studio, business, church, school, family or group child day-care home, bed and breakfast establishment, rooming house, residential facility, and any other residence.

NON-COMMERCIAL SOLAR ENERGY. Solar energy systems and associated accessories located on the premises of a farm, home, or business which do not produce more electricity per year than is consumed by said farm, home, or business and do not primarily involve the sale of electricity off the premises. Used exclusively for private purposes and not utilized for any commercial resale of any energy except for the sale or credit of surplus electrical energy back to the electrical grid.

PUBLIC ROAD. Any road or highway which is now or hereafter designated and maintained by the Sanilac County Road Commission and/or the Michigan Department of Transportation (MDOT), whether primary or secondary, hard surfaced or other dependable road.

UTILITY SCALE SOLAR ENERGY FACILITY. A Solar Energy System where the principal design, purpose or use of such system is to provide energy to off-site uses or the wholesale or retail sale of generated electricity to any person or entity.

SGHAT SOLAR GLARE HAZARD ANALYSIS TOOL. This tool determines when and where solar glare can occur throughout the year from a user-specified PV array as viewed from user-prescribed observation points. The potential ocular impact from the observed glare is also determined, along with a prediction of the annual energy production.

AICUZ AIR INSTALLATION COMPATIBLE USE ZONE. The Air Installations Compatible Use Zones, or AICUZ, program is a Department of Defense discretionary program designed to promote development compatible with military flight operations.

The Greenleaf Township Zoning Ordinance is hereby amended to add the following Section (Current section 12.12 will move to 12.13):

Section 12.12. SOLAR ENERGY.

A. Exempt Solar Energy. Non-Commercial Solar Energy per Section 21.01 must adhere to all Sanilac County Construction Codes and Greenleaf township zoning ordinances. Non-Commercial Solar Energy per Section 21.01 is exempt from the remainder of Section 12.12.

B. Procedure. The Planning Commission will decide whether to issue a Special Land Use Permit per the procedures of Article 15, Article 16, and Section 12.12 of this Ordinance. A decision on the Special Land Use Permit application by the Planning Commission is inclusive of all proposed Utility Scale Solar Energy Facilities, underground electrical lines, sub-station(s), junction boxes, laydown yard(s), concrete batch plant(s), and any operations / maintenance building(s).

C. Additional Site Plan Requirements. The applicant shall submit a site plan in full compliance with Article 15 of this ordinance for the Utility Scale Solar Energy Facility and other solar energy appurtenances. Additional requirements for a Solar Energy site plan are as follows:

1. APPLICANT IDENTIFICATION. Applicant name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved in the application (substitution may include a legal description or parcel identifications number(s)), and any additional contact information. Each application for a Utility Scale Solar Energy Facility shall also be dated to indicate the date the application is submitted to Greenleaf Township;

2. PROJECT DESCRIPTION. A construction schedule along with a general description of the proposed project including the following:

- (a) the project area boundaries,
- (b) the location, height, and dimensions of all existing and proposed structures and fencing,
- (c) the location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest public road,
- (d) existing topography,
- (e) water bodies, waterways, wetlands, drainage channels, and drain easements, and
- (f) all new infrastructure, both above and below ground, related to the project.

3. INSURANCE. Proof of the applicant's public liability insurance with at least \$2,000,000.00 to cover the Utility Scale Solar Energy Facility, the Township, and the landowner; The applicant shall maintain a current general liability policy covering bodily injury and property damage with limits appropriate to the size of the solar facility. Applicant shall carry dollar amount limits per occurrence, aggregate coverage, and deductible amounts, all of which shall be agreed upon by the owner / operator and Planning Commission. All applicants shall be required to provide proof that they meet the insurance requirements to the Planning Commission prior to approval;

4. CERTIFICATION. Certifications that applicant has complied with or will comply with all applicable county, state, and federal laws, regulations, and ordinances. Copies of all such permits and approvals that have been obtained or applied for at the time of the application. Note: Land enrolled in Michigan Farmland Preservation Program through Part 361 of the Natural Resources and Environmental Protection Act, 1994 Act 451 as amended, more commonly known as PA 116, must receive approval from the Michigan Department of Agriculture to locate a Utility Scale Solar Energy Facility on the property prior to construction;

5. MANUFACTURER'S MATERIAL SAFETY DATA SHEETS. Documentation shall include the type and quantity of all material used in the operation of all equipment located at the site and used during the operation of the Utility Scale Solar Energy Facility.

6. DECOMMISSIONING. A decommissioning plan signed by the party responsible for decommissioning and the landowner addressing the following shall be submitted prior to the issuance of the zoning permit, which shall include:

- a. the design life of the project;
- b. the estimated decommissioning costs net of salvage value in current US Dollars;
- c. the method of ensuring that funds will be available for decommissioning and restoration, to include but not limited to;
 - i. Complete removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels and foundations, and
 - ii. Complete restoration of property to condition prior to development of the Utility Scale Solar Energy Facility;
- d. The manner in which the project will be decommissioned and the site restored;
- f. The timeframe for completion of decommissioning activities.

7. SURETY BOND. To ensure proper removal of the structure when it ceases to be used for a period of one (1) year or more, any application for a Utility Scale Solar Energy Facility shall include a description of the financial security guaranteeing removal of the Facility which will be posted at the time of receiving a Special Land Use permit for the Facility. The security shall be a: 1) cash bond; 2) irrevocable bank letter of credit; or 3) performance bond in a form approved by the Township. The amount of such guarantee shall be no less than the estimated cost of removal and shall include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the developer and shall be approved by the Township;

8. CONSTRUCTION BOND. Applicant shall file a construction performance bond or other acceptable agreement, in an amount determined by the Township Board, to ensure that, in the event that the project is not completed, the project site and other affected private or government properties (e.g., roads, ditches, bridges, etc.) will be restored to pre-construction condition. The bond shall be terminated upon timely completion of construction and activation of the facility;

9. COMPLAINT **RESOLUTION**. Description of the complaint resolution process;

10. FIRE SUPPRESSION PLAN. A plan describing the fire suppression process and procedure;

11. A copy of the agreement between the applicant and the utility company that will be purchasing electricity from the proposed site shall be provided to the Township Planning Commission.

12. A notarized affidavit as proof of an agreement between the parcel owner and the facility's owner or operator confirming the facility owner or operator has permission of the parcel owner to apply for the necessary permits for construction and operation of the Utility Scale Solar Energy Facility;

13. A description of the proposed technology to include type of solar panel and system, fixed mounted verses solar tracking, number of panels, and angles of orientation;

14. An informational sign shall be posted, maintained and updated at the entrance(s) which list the name and phone number of the owner/operator and identify a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number and name to Greenleaf Township. The Solar Energy Facility owner/operator shall respond to the public's inquiries and complaints.

15. APPLICATION FEE. An applicant shall remit an application fee, in an escrow deposit, in the amount specified by the Planning Commission. This schedule shall be based on the cost of the application review and may be adjusted from time to time. If professional review of plans is required, those costs shall be borne by the applicant with his consent;

16. SGHAT reports for all airports and flight paths within five (5) nautical miles from the center of the proposed Utility Scale Solar Energy Facility along with proof that the SGHAT report and intent to construct a Utility Scale Solar Energy Facility have been sent to the FAA and/or airport manager(s) per 12.11E.E;

17. A SGHAT report showing the solar glare impact to vehicular traffic on all public roads located within 1 statute mile from the any boundary of the proposed Utility Scale Solar Energy Facility;

18. A structural analysis report of the proposed Utility Scale Solar Energy Facility that proves that the Utility Scale Solar Energy Facility is capable of withstanding sustained winds per 12.11E.D.15. The report shall be certified by a Professional Engineer contracted by the applicant or by the manufacturer of the solar panels and the manufacturer of the solar panel support structures.

19. If the solar panels will be installed onto an existing structure, the applicant shall provide a structural analysis report demonstrating that the existing structure is capable of withstanding all dead and live loads, including, but not limited to, wind load, snow load, and the installed weight of the solar energy equipment. The report shall be certified by a Professional Engineer contracted by the applicant.

20. A Phase I Environmental Site Assessment.

21. If the following information is not included in the Phase I Environmental Site Assessment, an additional environmental report describing the environmental impact of the Utility Scale Solar Energy Facility, as reflected in an environmental impact study, including, but not limited to, a review of the following factors:

- i. Impact on area water resources
- ii. Impact on air quality,
- iii. Noise impacts caused by the Utility Scale Solar Energy Facility System.
- iv. Impact on utilities and infrastructure.
- v. Protection of neighboring property owners and occupants.
- vi. Impact on wildlife.
- vii. Effects on flood plains and wetlands.
- viii. Unique farmlands or soils.
- ix. Areas of aesthetic or historical importance.
- x. Archeological or cultural concerns,
- xi. Any other environmental factors typically evaluated by other members of the Commercial Energy industry when evaluating location for a proposed power-generating facility.
- xii. Identify all woodlots in each Utility Scale Solar Energy Facility System.

22. A written description of measures to be taken to support the flow of rainwater throughout the Utility Scale Solar Energy System Facility, including any measures to promote the growth of vegetation beneath the Solar Array(s) and/or otherwise limit the impacts of storm water runoff. The measures shall be subject to the approval of the Sanilac County Drain Commissioner.

23. Any other relevant studies, reports, certificates, and approvals as may be reasonably required by Planning Commission.

24. Indemnity Clause. Applicant agrees to defend, indemnify and hold harmless the Township from and against, and to reimburse the Township with respect to, all liabilities, losses, costs and expenses, including, without limitation, any and all damage to public roads, utilities, and drain systems, reasonable attorneys' and consultants' fees and disbursements, asserted against or incurred by the Township by reason of, arising out of, or in connection with any Solar Energy Facility, or Solar Energy Project both during construction and during operation.

D. Additional Special Land Use Requirements. Utility Scale Solar Energy Facilities shall only be allowed as a special land use in the AR Agricultural-Residential District, the C Commercial District, and the I Industrial District, pursuant to Article 16 as to Special Land Use approvals and the following requirements:

1. All Utility Scale Solar Energy Facilities must comply with the requirements established in the Greenleaf Township Zoning Ordinance and be presented to the **township planning commission**.
2. All fences and improved areas located on the site shall comply with applicable setback for the district in which it is located.
3. Utility Scale Solar Energy Facilities shall be located at least 500 feet from any Inhabited Structure, unless there is a written agreement between the Utility Scale Solar Energy Facility owner/operator and the owner of the Inhabited Structure.
4. All access roads and storage areas shall be established on a 100 foot minimum easement to a public right of way.
5. Utility Scale Solar Energy Facilities shall be located at least 75 feet from any lot lines of non-participating neighboring property on outside perimeter, unless there is a written agreement with land owner.
6. All Utility Scale Solar Energy Facilities shall have a minimum landscape buffer of 20 feet. The buffer shall contain evergreen trees or bushes planted no more than 8 feet apart and at least 4 feet tall at time of planting. The buffer shall obtain a height of 10 feet within 3 growing seasons. The trees or bushes may be trimmed but no lower than a height of 10 feet. This may be located within the 75 foot setback from any lot lines of non-participating neighboring property on outside perimeter.
 - a. Each owner, operator or maintainer of a 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 fertilizing, 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 landscape buffer shall be maintained by the facility operator not to exceed twelve inches in height
7. Site Security.
 - a. Utility Scale Solar Energy Facilities may be surrounded by a chain link fence not to exceed eight (8) feet in height. The fence may be designed to restrict unauthorized access.
 - b. Security lights shall incorporate "cutoff" shielding to minimize glare and horizontal stray light. Security lights shall only be installed at the Utility Scale Solar Energy Facility or substations if there is clear documented evidence of vandalism or theft, or a serious safety concern. Security lights shall utilize

motion activation where ever possible. Installation of security lights at the Utility Scale Solar Energy Facility or substations shall be approved by the Planning Commission

8. The manufacturer's or installer's identification and appropriate warning sign shall be posted on or near the panels in a clearly visible manner; furthermore, an information sign shall be posted and maintained at the entrance(s), which shall list the name and phone number of the operator.

9. All electrical connection systems and lines from the Utility Scale Solar Energy Facility to the electrical grid connection shall be located and maintained at a minimum of four (4) feet underground (both on the property where the Utility Scale Solar Energy Facility will be located and off-site). The Planning Commission may waive the requirements that distribution lines for the Utility Scale Solar Energy Facility which are located off-site (i.e., are not located on or above the property where the Utility Scale Solar Energy Facility will be located) be located and maintained underground if the Planning Commission determines that to install, place, or maintain such distribution lines underground would be impractical or unreasonably expensive.

10. The design of Utility Scale Solar Energy Facility buffers shall use materials, colors, textures, screening and landscaping, that will blend the facility into the natural setting and existing environment.

11. If the Utility Scale Solar Energy Facility consists of batteries or storage of batteries, adequate design must be provided to ensure that all local, state and federal requirements regulating outdoor battery storage have been met.

12. The applicant must obtain a driveway permit from the Sanilac County Road Commission or MDOT, as applicable.

13. The design, construction, and operation of Utility Scale Solar Energy Facilities shall not produce light emissions, either direct or indirect (reflective), that would interfere with pilot vision and/or traffic control operations as stated in section 3.2.2 of the 2011 AICUZ report.

14. The design, construction, and operation of Utility Scale Solar Energy Facilities shall not produce light emissions, either direct or indirect (reflective), that would interfere with vehicular driver vision for any vehicle being operated on a public road.

15. The design, construction, and operation of Utility Scale Solar Energy Facilities shall not produce electrical emissions that would interfere with aircraft communications systems or navigation equipment as stated in Section 3.2.2 of the 2011 AICUZ report.

16. The design, construction, and operation of Utility Scale Solar Energy Facilities shall not produce electrical emissions that would interfere with residential or commercial communications systems, including, but not limited to broadcast television, AM/FM/SW broadcast radio, internet service, cordless phones, business radio, citizen band radio, amateur radio, FRS, and GMRS.

17. The Utility Scale Solar Energy Facility operator/owner shall submit an annual report to the Greenleaf Township Planning Commission. The annual report shall document the amount of electricity produced each month for the reporting period in units of Megawatt-hours (MW-hr). The annual report shall also list all complaints received regarding the Utility Scale Solar Energy Facility along with the status of the compliant resolutions and the actions taken to mitigate the complaints. The report shall list any and all maintenance activities performed during the reporting period along with any and all maintenance activities planned for the next reporting period. The report shall also provide an updated cost estimate for

decommissioning along with proof that the surety bond posted at the time of application is still valid. The reporting period shall be from the first day in April of a given year to the thirty first day of March of the following year. Annual reports shall be submitted on or before the thirtieth day of April each year.

18. The Utility Scale Solar Energy Facility shall be engineered to ensure that the Utility Scale Solar Energy Facility can withstand sustained winds of 120 miles per hour without structural damage that would result in the release of debris.

19. The height of the solar panels and of the solar panel support structure shall not exceed 16 feet as measured from the ground.

20. All underground wiring and equipment must be registered with Miss Dig

21. The construction, operation, and decommissioning shall not disrupt any farm tile or drainage systems within the Township which exist at the time of the Special Land Use permit application without a written agreement between the owner of the tile or drainage system and Utility Scale Solar Energy Facility owner or operator.

22. All aspects of the Utility Scale Solar Energy Facility shall adhere to the Sanilac County Construction Code.

E. AVIATION NOTIFICATION.

1. For consideration of potential impacts to civilian flight paths for Utility Scale Solar Energy Facilities located within five (5) nautical miles from an airport listed in the National Plan of Integrated Airport Systems, notification of intent to construct a Utility Scale Solar Energy Facility shall be sent to the airport manager or designated official and the Federal Aviation Administration's (FAA) office with oversight of the Michigan Department of Transportation (MDOT). Notification shall include location of Utility Scale Solar Energy Facility (i.e. map coordinates, address, or parcel ID), technology (i.e. roof-mounted PV, ground-mounted fixed PV, tracked PV, solar thermal, etc.), and the area of system (e.g. 5 acres). Proof of delivery of notification and date of delivery shall be submitted with permit application. The airport must be given 30 days for review.

2. For consideration of potential impacts to civilian flight paths for Utility Scale Solar Energy Facilities located within five (5) nautical miles from an airport not-listed in the National Plan of Integrated Airport Systems, except military airports, notification of intent to construct a Utility Scale Solar Energy Facility shall be sent to the airport manager or designated official. Notification shall include location of Utility Scale Solar Energy Facility (i.e. map, coordinates, address, or parcel ID), technology (i.e. roof-mounted PV, ground-mounted fixed PV, tracked PV, solar thermal, etc.), and the area of system (e.g. 5 acres). Proof of delivery of notification and date of delivery shall be submitted with permit application. The airport must be given 30 days for review.

3. The applicant for the Utility Scale Solar Energy Facility shall use the latest version of the Solar Glare Hazard Analysis Tool (SGHAT), per its user's manual to evaluate the solar glare aviation hazard. The full report for each flight path and observation point, as well as the contact information for the zoning administrator, shall be sent to the authority indicated below at least 30 days prior to the site plan approval. Proof of delivery of notification and the date of delivery shall be submitted **to the planning commission** with the permit application

a. Airport operations at an airport in the National Plan of Integrated Airport Systems (NPIAS) within 5 nautical miles of the center of a proposed Utility Scale Solar Energy Facility: provide required SGHAT analysis information to the airport manager or designated official and the Federal Aviation Administration (FAA).

b. Airport operations at an airport not in the NPIAS within 5 nautical miles of the center of proposed Utility Scale Solar Energy Facility: provide required SGHAT analysis information to the management of the airport for non-military airports.

4. Any applicable Utility Scale Solar Energy Facility design changes (e.g. module tilt, module reflectivity, etc.) after initial submittal shall be rerun in the SGHAT tool and the new full report shall be sent without undue delay to the contact specified above in 3.a. and 3.b. for accurate records of the as-built system.

F. ABANDONMENT AND DECOMMISSIONING

1. Abandonment: A Utility Scale Solar Energy Facility that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the Utility Scale Solar Energy Facility provides substantial evidence (updated every 6 months after 12 months of no energy production) to the Planning Commission or its designee of the intent to maintain and reinstate the operation of that facility. It is the responsibility of the responsible party (or parties) to remove all equipment and facilities and completely restore the Parcel to its condition prior to development of the Utility Scale Solar Energy Facility.

a. Upon determination of abandonment, the Zoning Administrator shall notify the party (or parties) responsible that they must remove the Utility Scale Solar Energy Facility and restore the site to its condition prior to development of the Utility Scale Solar Energy Facility within six (6) months of notice by the Planning Commission or its designee.

b. If the responsible party (or parties) fails to comply, the Planning Commission or its designee may remove the Utility Scale Solar Energy Facility, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the Utility Scale Solar Energy Facility and restore the site to a non-hazardous pre-development condition.

2. Decommissioning: The Owner/Operator of the Utility Scale Solar Energy Facility shall give notice to the Township one year in advance of decommissioning. A surety bond to assure payment of the cost of decommissioning shall be required. The applicant shall be responsible for the payment of any costs or attorney fees incurred by the Township in securing removal.

G. COMPLAINT RESOLUTION.

a. The Utility Scale Solar Energy Facility Applicant shall submit a detailed, written complaint resolution process developed by the Utility Scale Solar Energy Facility Applicant to resolve complaints from the Township Board or the Property owners or residents concerning the construction or operation of the Utility Scale Solar Energy Facility. The complaint resolution process must be approved by the Planning Commission as a condition of approval of the special land use permit application.

b. The Township Board shall appoint a three-member Complaint Resolution Committee to oversee and participate in all complaint resolution discussions or meetings between the Township, property owner, or resident and the Utility Scale Solar Energy Facility Applicant.

c. The Complaint Resolution Committee shall consist of one (1) member of the Township Board, one (1) member of the Township Planning Commission, and one (1) qualified elector chosen from the community.

d. The Utility Scale Solar Energy Facility owner/operator shall provide the opportunity for the Complaint Resolution Committee to attend any and all complaint resolution discussions and meetings and shall provide not less than five (5) business days' notice to the Complaint Resolution Committee of any such discussions or meetings.

e. The Township Board shall be kept apprised of all complaints and shall receive a report outlining the issues, progress, and the resolution of each such complaint. Such report shall be presented monthly by the Complaint Resolution Committee

H. CONFLICTING PROVISIONS. In the event of a conflict between any provision in this and any other section of this Zoning Ordinance with regard to Utility Scale Solar Energy Facilities, the provisions of this section shall control.

I. PROHIBITIONS. It shall be unlawful after the effective date of this Ordinance for any person, firm, corporation, or other legal entity to operate, maintain or establish in any area of Greenleaf Township a Solar Energy Facility which the site plan has not been approved by the Greenleaf Township Planning Commission. Any modifications or upgrades to an existing Solar Energy Facility that increases the area by any amount of the original footprint or changes the solar panel type or capacity shall be subject to new land use approval.

J. TRANSFER OF OWNERSHIP/OPERATION. Prior to a change in the ownership or operation of a Solar Energy Facility, including, but not limited to, the sale or lease of that Facility or the underlying property, the current landowner, facility owner or operator shall provide written notice to the Township at least 60 days prior to that change becoming effective. This notice shall inform the Township of the intended transfer of control of the Solar Energy Facility, and shall include a copy of the instrument or agreement affecting that transfer. Such an instrument or agreement shall include an express statement that the new owner or operator of the Solar Energy Facility shall not be permitted to operate that System until compliance with the terms of this Ordinance, including requirements for continuing decommissioning funds, and any other required funding has been established.

K. INSPECTIONS. The Township will conduct annual inspections of any and all Solar Energy Facilities. The cost of the annual Township inspection will be reimbursed to the Township by the Solar Energy Company's owner/operator through an escrow fund established pursuant to a schedule of "Fees and Permits" as adjusted from time-to-time by the Township Board. The inspections will consists of but not limited to evaluating compliance with the original contract terms; compliance with improvement and updates and evaluating compliance with the special land use permit. The Township Board shall provide inspection protocols at completion of the project.

The undersigned Supervisor and Clerk of the Township of Greenleaf hereby certify that this Zoning Ordinance Amendment was duly adopted by the Greenleaf Township Board on the ____ day of _____, 2023 and was published in the _____ on the ____ day of _____, 2023. This Zoning Ordinance Amendment was made effective seven (7) days after said date of publication.

Robert DeLong
Greenleaf Township Supervisor

Judy Keller
Greenleaf Township Clerk