



# Jackson County Planning Commission

Staffed by the Region 2 Planning Commission (R2PC)  
120 W. Michigan Avenue • Jackson, MI 49201  
Phone (517) 788-4426

## MEETING NOTICE

### FOR FURTHER INFORMATION CONTACT:

Alissa Starling  
R2PC Staff Planner  
(517) 788-4426  
[astarling@mijackson.org](mailto:astarling@mijackson.org)

**DATE:** November 14th, 2024

**TIME:** 6:00 p.m.

**PLACE:** 5<sup>th</sup> Floor Commission Chambers  
Jackson County Tower Building  
120 W. Michigan Avenue  
Jackson, Michigan 49201

## MEETING AGENDA

### I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

### II. PUBLIC COMMENT ..... [3 MINUTE LIMIT]

### III. APPROVAL OF AGENDA

A. APPROVAL OF THE NOVEMBER 14<sup>TH</sup>, 2024 MEETING AGENDA [ACTION] .....1

### IV. APPROVAL OF MINUTES

B. APPROVAL OF THE SEPTEMBER 12<sup>TH</sup>, 2024 MEETING MINUTES [ACTION] .....3

### V. REQUEST(S) FOR REVIEW, COMMENT, AND RECOMMENDATION

#### A. CONSIDERATION OF TOWNSHIP ZONING AMENDMENT(S)

1. CZ | #24-23 | Concord Township | Rezoning [ACTION] .....7

2. CZ | #24-24 | Henrietta Township | Text Amendment [ACTION] ..... 15

#### B. CONSIDERATION OF MASTER PLAN(S)

#### C. FARMLAND & OPEN SPACE PRESERVATION PROGRAM (PA 116) APPLICATION(S)

### VI. OTHER BUSINESS

#### A. UNFINISHED BUSINESS

#### B. NEW BUSINESS

#### C. NOTICES

Napoleon Township – Notice of Intent to Plan..... 41

### VII. PUBLIC COMMENT ..... [2 MINUTE LIMIT]

### VIII. COMMISSIONER COMMENT

### IX. ADJOURNMENT

*The next regular scheduled meeting is December 13<sup>th</sup>, 2024*





# JACKSON COUNTY PLANNING COMMISSION

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Phone (517) 788-4426 • Fax (517) 788-4635

## MEETING MINUTES

### SEPTEMBER 12, 2024, REGULAR MEETING

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LOCATION:	Commission Chambers   <i>Fifth Floor, Jackson County Tower Building</i>
MEMBERS PRESENT:	N. Hawley (Chairperson, <i>At-Large</i> ), C. Kennedy ( <i>Jackson County Commissioner Representative</i> ), K. Cole ( <i>At-Large</i> ), M. Wolcott ( <i>Environmental Representative</i> ), J. Minnick ( <i>Industrial &amp; Economic Representative</i> ), J. Biddinger ( <i>At-Large</i> ), T. Hilleary ( <i>Educational Representative</i> ); . Videto ( <i>Agriculture Representative</i> ); and P. Gallagher ( <i>At-Large</i> )
MEMBERS ABSENT:	None.
STAFF:	Alissa Starling, <i>Recording Secretary</i>
OTHERS PRESENT:	John Worden, Summit Township; Allan Hooper, Summit Township; Jack Shelby, Summit Township; Rodney Partridge, Columbia Township Applicant

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I. CALL TO ORDER	Chairperson Hawley called the meeting to order at 6:05 p.m.
Pledge of Allegiance	Those in attendance rose and joined in the Pledge of Allegiance.

II. PUBLIC COMMENT	None.
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III. REGULAR MEETING AGENDA	Commissioner Kennedy made a motion, seconded by Commissioner Cole, to <b>approve</b> the <b>September 12<sup>th</sup>, 2024</b> , regular meeting agenda. <b>MOTION UNANIMOUS.</b>
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IV. REGULAR MEETING MINUTES	Commissioner Cole made a motion to <b>approve</b> the agenda for <b>July 13<sup>th</sup>, 2024</b> seconded by Commissioner Gallagher. <b>MOTION UNANIMOUS.</b>
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#### V. PETITIONS FOR REVIEW

##### A. Consideration of Township Zoning Amendment(s).

1.	CZ24-20	Text Amendment	Summit Township
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Summit Township submitted text amendments to Sections §150.331 and §150.145 of their Zoning Ordinance for review by the JCPC. The proposed amendments are intended to streamline the development review process and provide clearer guidelines for applicants and officials. Key revisions include an optional pre-application review and allowing initial reviews to be conducted administratively by a Planning Commission subcommittee, potentially reducing the number of required meetings. However, staff raised concerns about whether the language used complies with the Michigan Planning Enabling Act (MPEA) and the Open Meetings Act (OMA). Staff interpreted that the

amendments might allow decisions to be made without a public meeting or a quorum. To resolve this, staff recommended approval of the amendments, provided that all decision-making remains with the full Planning Commission during public meetings and that the pre-meeting serves only an advisory role to help streamline the process.

Vice Chairperson Kennedy made a motion to **approve** contingent on staff recommendation, of the proposed text amendment from Summit Township, seconded my Commissioner Cole. **MOTION UNANIMOUS.**

**2. CZ24-21 Petition for Rezoning Columbia Charter Township**

Columbia Charter Township submitted a request to rezone a 75-acre parcel (PID: #000-19-31-151-001-07) from Highway Service Commercial (C-3) to Agricultural (AG). The parcel is located along the southern edge of the township, bordered by Meridian Road to the west and Vicary Road to the south. It is currently vacant, with approximately 45 acres being farmed. The surrounding area is predominantly agricultural, with some nearby industrial parcels. The rezoning request aligns with the existing land uses and the Township's Master Plan. The Columbia Charter Township Planning Commission recommended approval of the rezoning request at their August 27, 2024, meeting, and staff also recommended approval.

Commissioner Minnick made a motion to **approve with staff comments**, the proposed rezoning petition from Columbia Charter Township, seconded my Commissioner Kennedy. **MOTION UNANIMOUS.**

**3. CZ24-21 Petition for Rezoning Columbia Charter Township**

Columbia Charter Township submitted a request to rezone a 45-acre portion of a 75-acre parcel at 4811 Industrial Dr. (Parcel ID#: 000-19-18-251-001-06) from Agricultural (AG) to Light Industrial (LI). This property, located along the western boundary of the township, is currently vacant but has been used as cropland. The rezoning is consistent with the future land use plan, which calls for a mix of industrial and agricultural uses in the Industrial Drive area. The Columbia Charter Township Planning Commission recommended approval at their August 27, 2024, meeting. Due to its proximity to existing industrial areas and alignment with the master plan, staff supported the rezoning request. However, staff also recommended an Environmental Impact Assessment (EIA) to address potential environmental issues, particularly concerning wetland protection and stormwater management. The applicant attended the meeting and assured that the proposed area is well within the required buffer zone set by EGLE and expressed willingness to take measures to prevent any future contamination concerns.

Vice Chairperson Kennedy made a motion to **approve** with comment, the proposed rezoning petition from Columbia Charter Township, seconded my Commissioner Cole. **MOTION UNANIMOUS.**

**B. MASTER PLAN(S)**

*None.*

**C. FARMLAND & OPEN SPACE PRESERVATION (PA 116)**

**1. FA24-03 3100 Eaton Rapids Road - Parma Township**

Parma Township submitted a petition for a ten-year enrollment in Michigan's Farmland Preservation Program (PA 116) for two adjoining parcels located at 3100 Eaton Rapids Road. The larger parcel covers approximately 38.3 acres, while the smaller one is about

11.82 acres, for a total of 50 acres. These properties are located in the southwest quadrant of Parma Township and lack direct road frontage, with access provided via a private drive on a neighboring property. Of the 50 acres, 24 are cultivated for cash crops, 4 acres are used as pastureland, and 22 acres are untillable. There are two structures on the property: a dwelling and a pole barn. Staff recommended approval of the application.

Vice Chairperson Kennedy made a motion to **APPROVE** the proposed PA 116 application #FA24-03, from Parma Township, seconded by Commissioner Cole. **MOTION UNANIMOUS.**

## VI. OTHER BUSINESS

### A. OLD BUSINESS

*None.*

### B. NEW BUSINESS

*None.*

### C. NOTICES

*None.*

## VII. PUBLIC COMMENT

## VIII. COMMISSIONER COMMENT

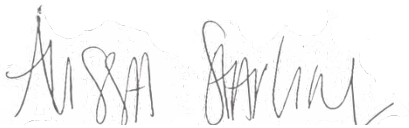
Chairperson Hawley distributed a handout explaining the Jackson County Library Millage, clarifying that it is separate from the other millages on the ballot for the November election.

Staff briefly discussed upcoming renewable energy training and emphasized the importance of Jackson County communities either attending the training or contacting R2PC for guidance if needed.

## IX. ADJOURNMENT

*Chairperson Hawley asked for a motion to adjourn. Vice Chairperson Kennedy made a motion, followed by Commissioner Minnick, at 6:45 pm.*

Respectfully,



Jackson County Planning Commission  
Recording Secretary





# Jackson County Planning Commission

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120 W. Michigan Avenue • Jackson, MI 49201

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## COORDINATED ZONING REPORT | #24-23

### ZONING MAP AMENDMENT

#### CONCORD TOWNSHIP

#### PETITION OVERVIEW

Concord Township has submitted a petition to rezone approximately eighteen and a half (18.44) acres from Residential to Agricultural. The property is located at 14294 Densmore Rd (PARCEL ID 000-11-32-276-001-01), northeast of M60 (Homer Road), eastward of the bend where it runs into Spring Arbor Rd, just outside the western entrance, going into the Village of Concord.

The site is currently a homestead property, including a residential dwelling. The request is to amend the Zoning District and downzone from Residential to Agricultural. For reference, see **Figures 1 and 2** for an aerial image and regional location of the property.

Figure 1. Aerial Image of Property and

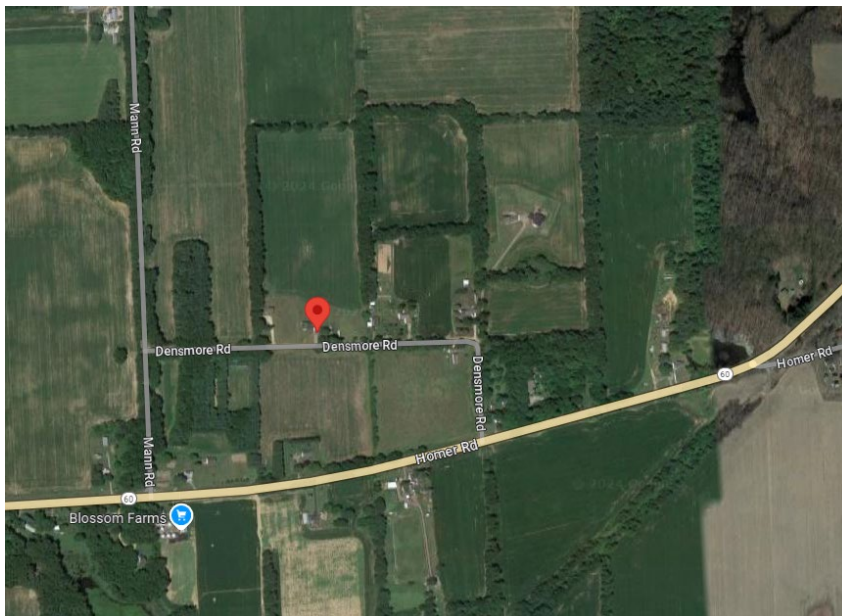


Figure 2. Regional Location:



## LAND USE & ZONING

### Location & Current Land Use:

The subject property is a large, agricultural parcel which appears to be cultivated for agricultural purposes, from aerial imaging.

#### Existing Zoning District

##### Statement of Purpose

§ 154.038 SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1).

(A) Statement of purpose. The Single-Family Residential District is established as a district in which the principal use is for single-family dwellings. For the Single-Family Residential District, in promoting the general purpose of this chapter, the specific intent is:

(1) To encourage the construction of, and the continued use of the land for single-family dwellings;

(2) To prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of single-family dwellings in the district;

(3) To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this chapter;

(4) To discourage any land use which would generate traffic on minor or local streets other than normal traffic to serve the residences on those streets;

(5) To discourage any use which, because of its character or size, would create requirements and costs for public services, such as fire and police protection, water supply and sewage, substantially in excess of such requirements and costs if the district were developed only for single-family dwellings; and

(6) To encourage single-family development in those areas which have suitable soils.

#### Requested Zoning District

##### Statement of Purpose

§ 154.037 AGRICULTURAL DISTRICT (AG).

(A) Statement of purpose.

(1) The purpose of this district is to preserve, for agricultural activity, to the greatest extent possible those areas in the township which have been designated as essential agricultural lands in the township's land use plan, while allowing a limited amount of non-farm housing. To this end the number of non-farm dwellings allowed on a parcel of land, which is a parcel of record at the time this chapter is adopted, shall be based on a schedule of density contained in § 154.044. However, it should be noted that the primary intended use of this district is agricultural activities and that there may be odors, dust and noise associated with these activities which are not compatible with residences.

(2) It is recognized that the public health and welfare of the citizens of the township and the United States are greatly dependent upon the sustenance and economic benefits provided by a viable agricultural industry. This district is intended to ensure that land areas within the township which are well suited for production of food and fiber are retained for such production, unimpeded by the establishment of incompatible uses which would hinder agricultural practices and irretrievably deplete agricultural lands.

(3) The Essential Agricultural District has the following specific purposes and objectives:

- (a) Protect prime farmland from speculative increases in land values;
- (b) Prevent fragmentation of farmlands by division into small parcels;
- (c) Prevent loss of prime farmland;
- (d) Prevent conflicts between agricultural activities and residences;
- (e) Prevent encroachment of urban and suburban services into agricultural areas;
- (f) Minimize cost of providing services to rural areas;
- (g) Encourage long-term investment in improvements needed to maintain and expand agricultural production by creating a stable environment for such production;
- (h) Reduce the amount of land consumed in rural areas for nonagricultural use;
- (i) Prevent intrusion of uses into farm areas which are incompatible with general farming activities; and
- (j) Permit services which are necessary to support farming activities.

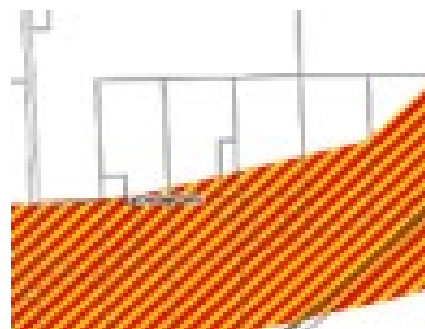
(4) The Agricultural District is intended to be used in those parts of the township which are designated for permanent agricultural use in the township's land use plan.



## Future Land Use:

The Concord Area Master Plan shows this parcel planned for Agricultural, as shown in the map excerpt from their Master Plan on page 64. The property is shown in white and is just outside of the orange hatching, which is designated for “Medium Density Residential”, in **Figure 3**, to the right. [Link to plan here.](#)

Figure 3, Future Land Use



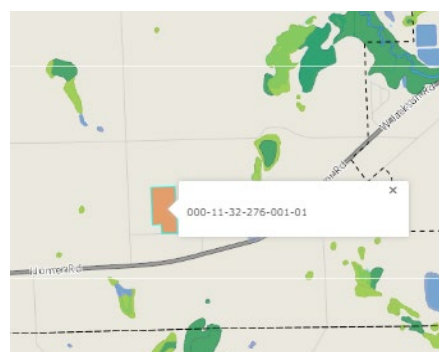
## PUBLIC FACILITIES

**Utility Access:** No impact on public facilities is anticipated as a result of the proposed rezoning due to the fact that none are provided to the subject site.

**Street Access:** The property has direct access to Densmore Road, just off of Mann, which connects to M60.

**Natural Resources:** According to Jackson County GIS data, no significant natural resources are located on the site. See **Figure 4** for reference.

Figure 4, Natural Resources



## TOWNSHIP PLANNING COMMISSION

The Concord Township Planning Commission reviewed the petition and recommended approval of the rezoning request at their October 29<sup>th</sup>, 2024 meeting.

## STAFF RECOMMENDATION

Staff finds the rezoning request to be consistent with surrounding uses and the planned future land use, as shown in the Concord Area Master Plan. Therefore, staff recommends **APPROVAL** of the proposed rezoning of the subject parcel from Residential (R-1) to Agricultural (AG) in Concord Township.

### Suggested Actions:

- (1) Recommend **APPROVAL**
- (2) Recommend **DISAPPROVAL**
- (3) Recommend **CONDITIONAL APPROVAL**
- (4) Take **NO ACTION**

## REZONING WORKSHEET FORM



### JACKSON COUNTY PLANNING COMMISSION (COORDINATING ZONING)

Return to: Jackson County Planning Commission • c/o Region 2 Planning Commission • 120 W. Michigan Avenue • Jackson, Michigan 49201

Please submit with the "Zoning Amendment Form" for a district boundary change (rezoning), not a text amendment.

Township of: Concord Township Case #: 2  
Township official we may contact: David Saenz Phone #: ( 517 ) 895-6030  
Applicant: Jason & Heidi Blossom Phone #: ( 517 ) 812-7556  
Rezoning Request: From: residential ( ) To: Agricultural ( )  
Property Location: Section(s): 32 Quarter Section(s): ☐ NW ☒ NE ☐ SW ☐ SE  
Legal Description and/or Survey Map/Tax Map (please attach) ☒ Yes ☐ No (Please do not use only the Parcel ID Number)  
Parcel Size (if more than one parcel, label "A" - "Z"): 18.44 acres

Please attach location map ☒ Yes ☐ No

What is the existing use of the site? residential

What is the proposed use of the site? agricultural

What are the surrounding uses (e.g.: agriculture, single-family residential, highway commercial, etc.)?

North: agriculture South: agriculture

East: 18 acres residential West: residential vacant

What are the surrounding Zoning Districts?

North: ag ( ) South: ag ( )

East: ag ( ) West: ag ( )

What is the suggested use of the site on the Township's Land Use Plan map? ag

Is municipal water currently available? ☐ Yes ☒ No Will it be made available? ☐ Yes ☒ No If yes, when? \_\_\_\_\_

Is municipal sewer currently available? ☐ Yes ☒ No Will it be made available? ☐ Yes ☒ No If yes, when? \_\_\_\_\_

Does the site have access to a public street or road? ☒ Yes ☐ No If yes, name Densmore Road

Are there any known environmental constraints on the site? ☐ Yes ☒ No

☐ Wetland(s) ☐ Floodplain(s) ☐ Brownfield(s) ☐ Soil(s)

☐ Other (please specify) \_\_\_\_\_

Please attach the minutes of the Planning Commission.

☒ Yes, the minutes are attached. ☐ No, the minutes are not attached.

Please attach copies of any reports, exhibits or other documented provided to the Planning Commission.

☒ Yes, copies of documentation are attached. ☐ No, copies of documentation are not attached.

Please attach any public comments, letters, or petitions.

☒ Yes, public comments are attached. ☐ No, public comments are not attached.

Please include any additional information or comments as an attachment.





# Parcel Report - Parcel ID: 000-11-32-276-001-01

10/31/2024



**Owner Name** BLOSSOM JASON P & HEIDI E  
**Owner Address** 14970 ALLMAN RD  
CONCORD, MI 49237  
**Homestead** 100  
**Parcel Address** 14294 DENSMORE RD  
CONCORD, MI 49237  
**Property Class** 401 - RESIDENTIAL  
**Status** Active  
**Acreage** 18.44  
**Gov't Unit** Concord  
**Tax Unit** Concord  
**School District** CONCORD SCHOOL  
**Liber/Page** 2241-0621

	2022	2023	2024
<b>Taxable Value</b>	\$53,514	\$56,189	\$58,998
<b>Assessed Value</b>	\$120,700	\$134,300	\$141,500

## Tax Description:

E 1/2 OF SW 1/4 OF NE 1/4 OF SEC 32 EXC BEG AT E 1/4 POST OF SEC 32 TH N 89°15' 55"W 1747.71 FT TO A PT FOR POB OF THIS EXCN TH CONT N 89°15'55"W 243 FT TH N 0°0'27"E 285 FT TH S 89°15'55"E 243 FT TH S 0°0'27"W 285 FT TO BEG. SEC 32 T3S R3W 18.4476 A



WARNING: Displayed boundaries are NOT SURVEY GRADE and may not reflect legal property description. The intent of this map is to allow easy access and visual display of government information and services. Every reasonable effort is made to ensure the accuracy of this map and data; nevertheless, errors may occur.





# Concord Township



## Planning Commission

The Planning Commission will vote yes or no on the Re-Zoning of 14294 Densmore Road as well as continuing their work on the 2025 Master Plan.

**October 29 6:00pm**

Township Office, 121 Grove Street, Concord, MI 49237

[supervisor@concordtownshipmi.org](mailto:supervisor@concordtownshipmi.org)

**PROPERTY OWNERS WITH IN 300' OF 14294 DENSMORE RD**

Jean Day

124 Pelham Street

Concord, MI 49237

John & Sally Sayles

14224 Densmore Rd

Concord, MI 49237

William Cesco, Jr

14215 Densmore Rd

Concord, MI 49237

Aaron & Jessica Kihn

14478 Homer Rd

Concord, MI 49237

Steve & Marci Stilson

12350 Densmore Rd

Concord, MI 49237

## Planning Commission Meeting Minutes    Draft

Concord Township/Jackson County Michigan

121 Grove Street Concord 49237

Tuesday October 29<sup>th</sup> 6:00 PM

Members Present: Cindy Franssen, Stephanie Finegan, Orien Wetzel, Russ Carson.

Call to Order: Franssen 6:00 PM.

Pledge to Flag: All

Approval of Agenda: Finegan/Carson

Approval of Minutes: Franssen/Finegan

Public Comment:

1, Zoning Administrator (Supervisor) sent a memo recommending approval regarding rezoning 14294 Densmore road.

2. Jason and Heidi Blossom stated their case for changing their purchased property zoning from residential to agriculture.

### Old Business

1. Discussed need for "Tiny House" and "EV's" on Falling water trail.

### New Business

1. Listened to and voted on a zoning change for the Blossom's.
2. Commission voted unanimously approval and will pass it on to the Township board

### Commission Members/Board Member comments.

Carson and Wetzel to bring "Tiny house" Ordinances to November meeting as a start of making a template for Concord's ordinance related to smaller sq footage homes.

Adjournment: 7:08 PM Wetzel/Finegan.

Next meeting November 26<sup>th</sup>, 2024 @ 6:00PM

Respectfully submitted:

Orien Wetzel, Scribe



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## COORDINATED ZONING REPORT | #24-24

### HENRIETTA TOWNSHIP

#### ZONING ORDINANCE TEXT AMENDMENT

#### PETITION OVERVIEW:

The proposed amendments to the Henrietta Township Zoning Ordinance aim to clarify existing regulations, update outdated provisions, and introduce new ordinances to address contemporary issues such as solar energy and battery energy storage systems (BESS). The amendments are designed to enhance the clarity and functionality of the zoning regulations, ensuring they meet the needs of the community while complying with current standards and practices.

#### KEY PROPOSED CHANGES:

**Item 1. Clarification of Text and Definitions:**

**Residential District (R-1), Article V, Section 509(e) - Lake Property:** The text has been clarified to specify that no fence or plantings used as a fence or wall between a dwelling and the water's edge shall exceed three (3) feet in height, typical of an ornamental fence, rather than a privacy fence. This change aims to protect the aesthetic and environmental integrity of lakefront properties.

**Item 2. Time-Period Update for Variances:**

**Article XVI, Section 1602 - Variance:** The proposed amendment updates the time frame for the expiration of a variance to one (1) year for applicants who demonstrate good faith efforts to continue their projects, with potential for a one-year extension by the Township Board.

**Item 3. Clarification of Yard Setbacks**

**Applicable to Agricultural (AG-1) and Residential (R-1, R-2) Districts;** The amended text clarifies the requirement for side yards to be at least ten (10) feet in width, including attached garage specifications and rear lot setbacks.

**Item 4. Update of the Solar Ordinance:**

**Article XXIV - Solar Ordinance:** The section on solar energy facilities, last amended in 2018, has been updated to incorporate current best practices, advancements in solar energy technology, and legislative updates from PA 233. Rather than adopting a standard CREO, Henrietta Township is proposing a "workable" ordinance that includes

more restrictive provisions for certain factors, such as priority siting locations, groundcover, wildlife-friendly fencing, and drain tile protection. While standard requirements from PA 233, such as setbacks and noise regulations, are maintained, the updated ordinance reflects a comprehensive approach aimed at balancing development, minimizing adverse impacts, and ensuring compatibility with local and surrounding land uses. These revisions also underscore the Township’s commitment to incorporating community feedback and balancing incoming demands.

**Item 5. Introduction of Battery Energy Storage System (BESS) Ordinance:**

**Article XXIV.I - BESS Ordinance:** A new ordinance is included, intended to regulate the installation and operation of battery energy storage systems. The proposed text includes requirements for indemnification, notification of ownership changes, and allows the Planning Commission to establish robust standards for emerging technology, focusing on safety, noise control, and environmental safeguards. Similar to solar energy, standards from PA 233 were included as well as additional standards such as landscaping and total lot coverage.

**ANALYSIS & RECOMMENDATIONS**

The proposed amendments represent significant, thoughtful updates to the existing zoning regulations, incorporating essential guidelines for renewable energy projects while remaining within the scope of PA 233. These changes are a proactive response to increasing concerns regarding the impacts of large-scale energy developments, striking a balance between supporting renewable energy initiatives and protecting public interests. The revisions ensure public safety by establishing clear standards for setbacks, noise control, and site maintenance, while promoting environmental stewardship through provisions such as wildlife-friendly fencing and protection for groundcover and drainage systems. Importantly, the amendments also enhance land use compatibility, maintaining the rural character of Henrietta Township and safeguarding its agricultural heritage.

**TOWNSHIP PLANNING COMMISSION RECOMMENDATION.**

The Henrietta Township Planning Commission reviewed and approved the text amendment at their regular meeting on October 22, 2024. The attached meeting minutes, included in the submitted documents following this report, provide further context and detail the Commission’s deliberations and rationale for their decision.

**JCPC STAFF RECOMMENDATION**

Based on the analysis within this report, the proposed amendments are comprehensive, addressing current community needs and promoting sustainable development practices. These updates are thoughtfully designed to align with both legislative requirements and the township’s commitment to responsible land use planning. Staff recommends that the Jackson County Planning Commission **APPROVE** the proposed text revisions to the Henrietta Township Zoning Ordinance.

**Suggested Actions:**

- (1) Recommend **APPROVAL**
- (2) Recommend **DISAPPROVAL**
- (3) Recommend **CONDITIONAL APPROVAL**
- (4) Take **NO ACTION**



## ZONING AMENDMENT FORM



### JACKSON COUNTY PLANNING COMMISSION (COORDINATING ZONING)

Return to: Jackson County Planning Commission • c/o Region 2 Planning Commission • 120 W. Michigan Avenue • Jackson, Michigan 49201

Please submit the Planning Commission meeting minutes and any reports/exhibits the Commission used to make its recommendation with this form. Use a separate form for each proposed zoning change. Please include a legal description/survey with rezoning requests in addition to the Parcel ID Number.

A copy of this form with the JCPC recommendation will be mailed back to the Clerk, who will return a copy to the JCPC with the Township Board Action.

THE Henrietta TOWNSHIP PLANNING COMMISSION submits the following proposed zoning change to the Jackson County Planning Commission for its review, comment, and recommendation:

(ANSWER EITHER A or B)

**A. DISTRICT BOUNDARY CHANGE (REZONING):**

(Provide the legal and popular property descriptions, the Parcel ID Number(s), the number of acres, and the section(s) in which the property is located. Attach additional sheets if more space is needed. Attach a map showing all changes and additions.)

1. The above described property has a proposed zoning change FROM \_\_\_\_\_ (\_\_\_\_\_) ZONE TO \_\_\_\_\_ (\_\_\_\_\_) ZONE.
2. PURPOSE OF PROPOSED CHANGE: \_\_\_\_\_

**B. ZONING ORDINANCE TEXT AMENDMENT:**

The following Article(s) and Section(s) is amended or altered: ARTICLE \_\_\_\_\_ SECTION \_\_\_\_\_

The NEW SECTION reads as follows: (Attach additional sheets if more space is needed.)

TEXT Amendments attached

- C. **PUBLIC HEARING** on the above amendment was held on: month Oct day 22 year 2024
- D. **NOTICE OF PUBLIC HEARING** was published/mailed on the following date: month Oct day 6 year 2024  
(Notice must be provided at least fifteen days prior to the public hearing.)
- E. **THE NEWSPAPER** (having general circulation in Township) carrying the NOTICE: Morning Star

The PROPOSED ZONING AMENDMENT described herein was duly considered by the Township Planning Commission and will be forwarded to the Township Board with a recommendation to ☒ APPROVE or ☐ DISAPPROVE.

Mary Blau ☒ Chair or ☐ Secretary Oct 22, 2024 (enter date)

**JACKSON COUNTY PLANNING COMMISSION (JCPC) ACTION:**

1. Date of Meeting: month \_\_\_\_\_ day \_\_\_\_\_ year \_\_\_\_\_
2. The JCPC herewith certifies receipt of the proposed amendment on the above date and:
- ☐ Recommends APPROVAL of the zoning change
- ☐ Recommends DISAPPROVAL of the zoning change for the reasons stated in the attached letter.
- ☐ Recommends APPROVAL of the zoning change with comments, as stated in the attached letter.
- ☐ Takes NO ACTION.

\_\_\_\_\_, Recording Secretary \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (enter date)

**TOWNSHIP BOARD ACTION:**

1. Date of Meeting: month \_\_\_\_\_ day \_\_\_\_\_ year \_\_\_\_\_
2. The \_\_\_\_\_ Township Board herewith certifies that a legally constituted meeting held on the above date and that the proposed amendment ☐ PASSED, ☐ DID NOT PASS, or was ☐ REFERRED ANEW to the Township Planning Commission.

\_\_\_\_\_  
Township Clerk

## **NOTICE OF PUBLIC HEARING Residents of Henrietta Township**

A Public Hearing has been scheduled for Tuesday October 22, 2024 at 7:00 pm at Henrietta Township Offices, 11732 Bunkerhill Road, Pleasant Lake, MI.

At this time all interested parties will be heard on Proposed Amendments to the Henrietta Township Zoning Ordinance pertaining to:

1. Text clarification: RESIDENTIAL DISTRICT (R -1), ARTICLE V, SECTION 509 – FENCES 2. e
2. Text clarification: ARTICLE XVI APPEAL BOARD, SECTION 1602 – VARIANCE
3. Text clarification: ARTICLE IV AGRICULTURAL DISTRICT (AG-1), SECTION 405 – YARDS – 1.; ARTICLE V RESIDENTIAL DISTRICT (R-1), SECTION 505 – YARDS -1.; ARTICLE VI RESIDENTIAL DISTRICT (R-1), SECTION 605 – YARDS -1.
4. Add update: ARTICLE XXVI SOLAR ENERGY SYSTEMS
5. Add draft ordinance: ARTICLE XXIV.1 BATTERY ENERGY STORAGE SYSTEMS (BESS)

If you cannot attend this meeting and would like your views known, please mail comments to the Henrietta Township Planning Commission, 11732 Bunkerhill Road, Pleasant Lake, MI. 49272

Henrietta Township will provide any necessary or reasonable auxiliary aids at the meeting for persons with disabilities, upon (10) days written notice to the Township.

Sally J. Keene, Clerk  
Henrietta Township

**HENRIETTA TOWNSHIP PLANNING COMMISSION**  
**11732 Bunkerhill Road, Pleasant Lake, MI 49272**  
**Phone: 517-769-6925**  
**Website: henriettatownshipmi.gov**

MINUTES FROM 10/22/2024 PUBLIC HEARING  
RE: PROPOSED TEXT AMENDMENTS TO ZONING ORDINANCES  
(by Anita Szabo, Recording Secretary)

Members present: R. Draeger; J. Duszynski; N. Hawley; T. Kinch; R. Troman; A. Wellington  
Also present: Andy Grimes, Township Supervisor

**1. Call to Order**

- Meeting called to order at 7:00 p.m.
- Pledge of Allegiance was recited.

**2. Public Comment**

- None.

**3. Review**

- Handouts detailing proposed text amendments were distributed and reviewed by commission members; ordinances affected are set forth as follows.
  - Article V, Residential District (R-1), Section 509(e): *Lake Property*
    - Text clarification: (“Lake” changed to “Lakefront,” and “located between a dwelling and the water’s edge” language added).
  - Article XVI, Appeal Board, Section 1602: *Variance*
    - Text updated: time period of one (1) year added and “or designated authority” added as those able to extend.
  - Article IV, Agricultural District (AG-1), Section 405: *Yards*; Article V, Residential District (R-1; One Family), Section 505: *Yards*; and Article VI, Residential District (R-2; Multiple Family), Section 605: *Yards*
    - Text clarification: “Garages and accessory structures shall have a setback of ten (10) feet or more from the rear lot line.”
  - Article XXIV, Solar Ordinance
    - Text updated: several definitions added and updates to other sections to align with parameters set forth in 2023 Solar Energy Legislation.
  - Article XXIV.I: *Battery Energy Storage System (BESS) Ordinance*
    - **New ordinance** to create regulations for the installation and use of battery energy storage systems within Henrietta Township.

**4. Recommendation**

- A motion to recommend these five proposed amendments as written to the Township Board for approval was made by A. Wellington, seconded by R. Draeger, and passed unanimously by remaining commission members.

**5. Public Comments**

- None.

**6. Adjournment**

- This portion of the meeting adjourned at 7:42 p.m.

## **NOTICE OF PUBLIC HEARING Residents of Henrietta Township**

A Public Hearing has been scheduled for Tuesday October 22, 2024 at 7:00 pm at Henrietta Township Offices, 11732 Bunkerhill Road, Pleasant Lake, MI.

At this time all interested parties will be heard on Proposed Amendments to the Henrietta Township Zoning Ordinance pertaining to:

1. Text clarification: RESIDENTIAL DISTRICT (R -1), ARTICLE V, SECTION 509 – FENCES 2. e
2. Text clarification: ARTICLE XVI APPEAL BOARD, SECTION 1602 – VARIANCE
3. Text clarification: ARTICLE IV AGRICULTURAL DISTRICT (AG-1), SECTION 405 – YARDS – 1.; ARTICLE V RESIDENTIAL DISTRICT (R-1), SECTION 505 – YARDS -1.; ARTICLE VI RESIDENTIAL DISTRICT (R-1), SECTION 605 – YARDS -1.
4. Add update: ARTICLE XXVI SOLAR ENERGY SYSTEMS
5. Add draft ordinance: ARTICLE XXIV.1 BATTERY ENERGY STORAGE SYSTEMS (BESS)

If you cannot attend this meeting and would like your views known, please mail comments to the Henrietta Township Planning Commission, 11732 Bunkerhill Road, Pleasant Lake, MI. 49272

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Sally J. Keene, Clerk  
Henrietta Township

HENRIETTA TOWNSHIP PLANNING COMMISSION  
11732 Bunkerhill Road, Pleasant Lake, MI 49272  
Phone: 517-769-6925  
Website: henriettatownshipmi.gov

**PUBLIC HEARING AGENDA**  
**7:00 PM**  
**October 22, 2024**

**AGENDA**

1. Call to Order
  - **Note:** A Public Hearing serves as an opportunity for people to express their opinions about the zoning text amendment & planning process.
2. Public Comment (Please state your name and address, and limit **comments to 3 minutes**)

TEXT AMENDMENT REVIEW: At this time all interested parties will be heard on the following amendments revisions to the Ordinance pertaining to text in the following:

Please reference proposed text amendments concerning various text changes are below.

**Revision to clarify sections, define words, and add regulation text:**

1. Text clarification: RESIDENTIAL DISTRICT (R -1), ARTICLE V, SECTION 509(e) LAKE PROPERTY.
  2. Add time-period update: ARTICLE XVI, SECTION 1602, VARIANCE.
  3. Text clarification: AGRICULTURAL DISTRICT (AG), ARTICLE IV, SECTION 405 – YARDS; RESIDENTIAL DISTRICT (R -1), ARTICLE V, SECTION 505 – YARDS; RESIDENTIAL DISTRICT (R,2), ARTICLE VI, SECTION 605 – YARDS.
  4. Update text from 2018: ARTICLE XXIV SOLAR ORDINANCE
  5. Add new ordinance: ARTICLE XXIV.I BATTERY ENERGY STORAGE SYSTEM (BESS) ORDINANCE
3. Recommendation
  4. Public Comment
  5. Adjournment

**ITEM 1.** Section 509 Fences, 2 (e)

**New text:**

LAKE **FRONT** PROPERTY: No fence or plantings to be used as a fence or wall, **located between a dwelling and the water's edge** shall exceed three (3) feet – zero (0) inches in height.

**Original text:** Residential-1 Section 509 e.

LAKE PROPERTY: No fence or plantings to be used as a fence or wall shall exceed three (3) feet - zero (0) inches in height.

**ITEM 2.** The following proposed text change is to alleviate the township administrative financial burden (if no zoning changes have occurred during commenced time-period) on a resident who may need addition time to build their project. **Note:** The one year is based to conform to the length of a building permit.

ARTICLE XVI APPEAL BOARD

**Proposed text update:** SECTION 1602 - VARIANCE

F. **Expiration:** A variance shall become null and void unless the construction authorized by such variance has been commenced within **one (1) year** after the granting of the variance and that the applicant demonstrates a good faith effort to pursue completion of the project. The Township Board **or designated authority** may extend this time restriction with an extension of **one (1) year**, upon finding that no substantial changes have occurred to ordinance regulations, abutting properties, or other conditions that undermine the basis for the original issuance of the variance, and that the applicant is making a good faith effort to pursue completion of the project.

**Original text:** SECTION 1602 - VARIANCE

- F. Each variance granted under the provisions of this Ordinance shall become null and void unless:
1. The construction authorized by such variance or permit has been commenced within one hundred eighty (180) days after

the granting of such variance and pursued diligently to completion; or

2. The occupancy of land or buildings authorized by such variance has taken place within one hundred eighty (180) days after the granting of such variance.

**ITEM 3.** The following text amendment is to clarify setbacks in the following districts.

ARTICLE IV, AGRICULTURAL DISTRICT (AG-1), SECTION 405 - YARDS

ARTICLE V, RESIDENTIAL DISTRICT (R-1), (One Family), SECTION 505 - YARDS

ARTICLE VI, RESIDENTIAL DISTRICT (R-2), (Multiple Family), SECTION 605 - YARDS

1. Every dwelling hereafter erected shall have side yards on each side not less than ten (10) feet in width. Attached garages shall be deemed part of the dwelling in determining yard requirements. Garages located ten (10) feet or more behind the rear line of the dwelling may be erected within five (5) feet of the side lot line.  
**Garages and accessory structures shall have a setback of ten (10) feet or more from the rear lot line.**

**ITEM 4.** Consideration of proposed text amendment revisions to the 2018 Solar Energy Systems Ordinance. **Proposed changes & additions are shaded.**

During the last several years citizen concerns have been made over the siting impacts of commercial solar development on residential neighborhoods, loss of productive farmland, clearing forests, and effects on wildlife. Updated text has been added for review, in an attempt, to add balance, and reduce unintended consequences to the community, as well as note the preemption of Renewable Energy Acts 233 & 234.

**ARTICLE XXIV Solar Energy Systems**

**SECTION 2400– Solar Energy Systems:**

**Purpose and Intent**

Henrietta Township determines that it is in the public interest to encourage the use and development of renewable energy systems that enhance energy conservation efforts in a safe and efficient manner that is subject to reasonable conditions that will limit adverse impact on nearby properties, environment, ensure compatibility of land uses in the vicinity of solar energy collectors, and maintain the rural character of the region. The Township resolves that the following regulations and standards shall be adopted to ensure that solar energy systems can be constructed within Henrietta Township while protecting public health, safety, and natural resources.

**SECTION 2401 – Definitions:**

**Abandonment:** A solar farm is abandoned if it has not been in substantial operation for a period of one year. This includes a solar farm that was never operational, or if construction has been halted for a period of one year.

**Accessory Solar Energy System:** A small solar energy system that is roof, or building-mounted, architecturally-integrated, or ground-mounted panels which are located on a lot or parcel with a principal use such as residence or business designed to supply energy for onsite residential use; excess energy produced may be sold back to the grid through net metering or commercial use to generate energy to offset utility costs or as an additional revenue stream. A small solar energy system generates up to but not exceeding 20kW., and can occupy, in total, no more than five (5) acres.

**Community Solar Energy System (CSES) (also called “Solar Garden”):** A large-scale facility that converts sunlight into electricity by photovoltaics (PV) array, for the primary purpose of providing retail electric power (or financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system. Roof or ground-mounted CSES or Solar Gardens are designed to supply energy for off-site users on the distribution grid. A large-scale CSES or Solar Garden system<sup>3</sup>exceed 20 kW.,-and can occupy, in total, more than five (5) acres.

**Prime Agricultural Soils and/or Prime Farmland:** Any land or property shown as “prime farmland” on a current or future Henrietta Township Master Plan, Prime Agricultural Soils Map as defined by the ASTI-Natural Features Inventory, and the Jackson County Soils Survey. 1.



**Solar Farm:** A large-scale facility that converts sunlight into electricity by photovoltaics (PV) array, for the primary purpose of wholesale sales of generated electricity to the electric transmission grid. A roof or ground-mounted solar farm is the primary land use for the parcel on which it is located. A large-scale solar energy system exceeds 20kW., and can occupy, in total, more than five (5) acres.

**Solar Collection Panels:** Panels and tiles comprised of semiconductor devices, and typically referred to as photovoltaic cells, which collect and convert solar energy directly into electricity or **solar thermal** panels that convert solar energy indirectly to heat a fluid, and can also power solar cooling systems.

**Wildlife-Friendly Fencing:** The solar farm must be enclosed by fencing that meets the requirements of the National Electric Code, as amended. Barbed wire is prohibited in perimeter fencing. Fencing may need wider gaps than conventional chain-link and/or raised off the ground a few inches, and/or varied fence height, and/or wood supports that allow wildlife migration patterns to traverse over, under, or through a fenced area (Reference: Solar project site plan analysis, and Natural Resources Conservation Service (NCRS) practices).

## **SECTION 2402 – Permitted Use Standards**

Accessory Solar Energy Systems are small solar energy systems designed and used as an accessory use to serve the needs of a home, farm, or small business. Accessory Solar Energy Systems are Permitted Uses in all zoning districts, reviewed by the Zoning Administrator, and subject to the following standards:

1. Property Set-Backs: Projects shall follow the district's applicable setbacks of the property's principal use. Ground-mounted panel systems shall not be located within a FEMA floodplain or designated wetlands, within forty (40) feet of a riparian shoreline, and/or within three hundred (300) feet of governmental wildlife management areas, and scenic trail corridors.

2. Construction Standards: The owner(s), developer(s), and/or operator(s) shall submit a site plan and obtain all necessary permits from the Township, and other applicable government agencies.

a. An Accessory Solar Energy System may not occupy more than five (5%) percent of the property or up to five (5) acres whichever is less.

b. All electrical interconnection and distribution lines within the project boundary shall be underground, unless determined otherwise by the planning commission because of severe environmental constraints (e.g., wetlands, hard bedrock), except for wiring between panels in a single solar array, and except for power lines that leave the project or are within the substation. All electrical interconnections and distribution components must comply with all applicable codes and public utility requirements.

c. Height of ground mounted panels shall not exceed fourteen (14) feet.

d. Nuisances: Accessory Solar Energy Systems shall not produce glare that is a nuisance to occupants of neighboring properties, or persons traveling neighboring roads, or air routes. Noise produced from Solar Energy Systems shall not exceed above 5dBA of ambient sound levels as measured at the property line. Adequate setbacks shall be provided to comply with these limitations.

### **SECTION 2403 - Conditional Use Standards**

Community Solar Energy Systems, Solar Garden, or Solar Farms are large solar energy systems designed with the primary use of generating electricity to the electric transmission grid. These systems shall be located close to transmission infrastructure. Projects shall indicate an accompanying Battery Energy Storage System (BESS), and may be subject to the BESS Ordinance. Solar development shall not exceed transmission capacity. Solar energy facilities of nameplate capacity of 50MW or more may choose to apply at any time to the Michigan Public Service Commission for siting permits. Community Solar Energy System, Solar Garden, or Solar Farms are Conditional Uses in all Agricultural, Commercial, and Industrial Zoning Districts, reviewed by the planning commission, and subject to the Conditional Use standard found in Article XI, and Article XII of this Ordinance, and the following standards:

1. Large solar energy system projects shall require prior to construction approval, a site assessment study conducted by a private company independent of the project applicant(s), developer(s), and/ or property owner to determine feasibility including the project's description identifying the size, rated power output, project life, development phases, likely market for the generated energy; visual impact using renditions or photos; analysis of onsite traffic; environmental analysis including baseline condition of soils, wetlands, surface water, woodlots, historical features, review of potential impacts on wildlife, corridor preservation at the site, and mitigation measures.

a. Priority siting locations: include rooftops, building wall mounts, brownfields, capped landfills, highway median strips, marginal land, not well suited for productive Agriculture, and Agrivoltaics or dual-use projects.

b. Prime farmland: Solar Farms and Community Solar Energy Systems shall generally not be located on or within prime agricultural soils or areas. Solar farms shall be sited to minimize impacts to agricultural production through site design, and adaptations that reasonably maintain agricultural operations, or availability of those areas for future production.

c. Existing Trees, hedgerows, and Woodlands: Existing trees shall be preserved unless the Planning Commission determines that preserving them would have a negative impact on surrounding properties by increasing the overall size of the Large Freestanding Solar Array.

2. Nuisances: Large solar energy system projects shall not produce glare that is a nuisance to occupants of neighboring properties or persons traveling neighboring roads, or air routes.

- a. Noise produced from large solar energy systems shall not exceed above 5 dBA of baseline ambient sound levels as measured at several locations by a Board Certified Noise Control Engineer, at the non-participating property line before facility construction and operation. Adequate setbacks shall be provided to comply with these limitations. Evergreen screening and other noise reducing applications may be required along non-participating property lines to reduce noise.
- b. Glare-reducing cells or anti-reflective coatings for ~~from~~ ground-mounted panels may be required along non-participating property lines and roadways.

**3. Setbacks:** All solar panels and other structures associated with the large freestanding solar array shall meet the following minimum setback requirements.

- a. From a lot line abutting a property that is a nonparticipating occupied dwelling in the solar project shall have a three (300) hundred feet setback, and one hundred (100) feet setback from a lot line abutting a nonparticipating vacant lot.
- b. From a lot line abutting a property that is participating in the solar project: 10 feet. The purpose of this setback is to ensure there are corridors through the large freestanding solar array for the passage of wildlife, and emergency access. The Planning Commission may permit alternate wildlife corridors, and emergency access, in lieu of the ten (10) foot setback.
- c. From a public or private roadway: one hundred (100) foot setback from the road right-of-way.
- d. Ground-mounted panel systems shall not be located within a FEMA floodplain, or State of Michigan designated wetlands, within one hundred (100) feet of a riparian shoreline, and/or within three hundred (300) feet of governmental wildlife management areas, parks, and scenic trail corridors.

**4. Construction Standards:** project applicant(s), owners, and/or operators shall submit a site plan, and obtain all pertinent permits from the Township and other applicable government agencies.

- a. A transportation plan for construction and operation phases including any applicable agreements with the Jackson County Department of Transportation, and the Michigan Department of Transportation.
- b. All electrical interconnection and distribution lines within the project boundary shall be underground, unless determined otherwise by the planning commission because of severe environmental constraints (e.g., wetlands, hard bedrock), except for wiring between panels in a single solar array, and except for power lines that leave the project or are within the substation. All electrical interconnections and distribution components must comply with all applicable local, state, and federal permits and public utility requirements.

c. Lighting at the facility must be shielded to prevent atmospheric light pollution, the minimum necessary for safe operations, and subject to applicable segments Article XIV.1 of this Ordinance.

5. Height of ground-mounted photovoltaic solar panel arrays shall not exceed twenty-five (25) feet when measured from ground to top of the panel when oriented at maximum tilt.

6. Landscaping: Ground-mounted photovoltaic solar panel arrays shall be screened from view with one (1) row, perimeter planting of native evergreen trees – one eight (8) foot tree every twenty-five (25) feet along road and property lines.

The Planning Commission may alter the landscaping requirement depending upon the location and existing plant material on the site.

a. Ground Cover: Between the solar panel rows, the ground must be covered by native vegetation which may include, but is not limited to: Native Grasses; Grazing Grasses; or Pollinator Habitat.

b. Maintenance: All native plantings shall be installed in a design that supports their long-term health and vitality. All plantings shall be maintained, in sound health and vigorous growing condition, as a continuous screen. Dead, diseased, damaged, or destroyed species within the required setback area to be replaced with new plantings. The new plantings must comply with this Ordinance and must result in an overall landscape screen that complies with this Ordinance. This will be the Solar Project Owner(s) and/or operator(s) responsibility.

c. All existing drain tiles must be maintained in working order.

d. Graded topsoil shall not be removed from the site or used as fill in wetlands.

7. Safety/Access: Perimeter security wildlife-friendly fencing may be required around the Solar Energy facility and all electrical equipment (height and material to be established through the conditional use permit process). Keys or code access shall be provided for emergency personnel.

a. Owner(s) and/or operator(s) shall identify emergency and normal shutdown procedures.

b. Owner(s) and/or operator(s) shall identify potential hazards including solid and hazardous waste, generated by the project to adjacent properties, roadways, and the community in general.

c. Owner(s) and/or operator(s) shall obtain a waiver from mineral rights holder, if applicable.

d. Other applicable permits from local, state, and federal agencies shall be received before facility construction and operation.

8. Telecommunications Interference: The owner(s) and/or operator(s) shall identify electromagnetic fields and communications interference generated by the project. Adequate setbacks shall be provided to mitigate the interference.

9. Utilities Interconnection: No grid-connected photovoltaic system shall be installed until the owner(s) and/or operator(s) submit a completed interconnection agreement with the electric utility in whose service territory the large solar energy system is located.

#### 10. Maintenance and Enforcement

1. No owner(s), developer(s), operator(s), and/or occupant of property shall fail to maintain, to the standards of this Section, landscaping and screening materials shown on a site plan or building permit application.
2. No certificate of approval or zoning compliance permit shall be issued unless the provisions of this Section have been met. Where compliance is not possible because of the season of the year, or other just reason, the Zoning Inspector, or designated township official, shall be authorized to issue a temporary certificate of approval and establish a specific number of days for completion of the landscaping and/or screening conditioned upon the posting of a performance guarantee in the form and amount, and in accordance with the procedure provided under Section 24.11, below, except that this provision shall be administered by the Zoning Inspector rather than the Planning Commission. At such time as the improvements have been completed in accordance with the plans submitted, and assuming all other requirements have been met, a permanent certificate of approval and/or zoning compliance permit may be issued.

#### 11. Performance Guarantees for Improvements

1. Deposit requirement: At the time of issuance of a permit authorizing an activity or project, the Planning Commission may recommend to the Township Board, as a condition to issuance of the permit, a deposit with the Township Clerk of cash, certified check, irrevocable letter of credit, or a surety bond having a form and issuer acceptable to the Township Attorney covering the cost of "improvements" associated with the activity or project for which the permit is sought.
2. The deposit requirement shall not be mandated if and to the extent a like deposit has been made pursuant to the Subdivision Control Act, MCL 560.101, et seq.
3. The permit applicant may propose to the Township Clerk or designated representative a schedule pursuant to which portions of the deposit are to be returned in relation to the ratio of work completed on the required improvements as work progresses. The Township Clerk or designated representative shall review the proposal, and if reasonable, may establish a schedule as submitted by the applicant or as modified as the Township Clerk or designated representative deems appropriate.

4. In establishing the requirement for the performance guarantee, a specific number of days for completion of the improvements, and the amount of the security shall be specified by the Planning Commission.

5. If the improvements have not been completed on or before the date specified for completion by the Planning Commission, all, or part of the performance guarantee posted by the applicant, as needed for completion, may be utilized upon direction by the Township Board. Any and all costs incurred by the Township in completing the improvements shall be taken from the performance guarantee. Any balance remaining following the completion of the improvements shall be returned to the applicant.

12. Decommissioning and Final Reclamation: The owner(s) and/or operator(s) shall submit a decommissioning plan for ground-mounted photovoltaic systems to ensure that the owner(s), developer(s), and/or operator(s) properly removes the equipment and facilities upon the end of the project life or in the event they are not in commercial operation for one-year in consecutive months. The plan shall include provisions for the removal of all structures and foundations, the removal of all electrical transmission components commencing when the soil is dry to prevent soil compaction, the restoration of soil and native perennial vegetation, and/or cover crop to stabilize soil and reduce erosion, and a soundly-based plan ensuring financial resources will be available to fully decommission the site. The Township may require the owner(s), developer(s), and/or operator(s) to post a bond, letter of credit or establish an escrow account, to be reviewed and updated by a third party with expertise in decommissioning at owners/operators' expense, every five (5) years to ensure property decommissioning.

13. Complaint Resolution: The operator of the solar facility must provide solar operator contact information to the Henrietta Township Clerk to use in the case of resident complaints. Also, the operator must install a sign containing the phone number to the Henrietta Township offices that is visible from the road for residents to use to call in case of a complaint or an emergency. The Township will field these calls and contact the solar operator as necessary.

14. Liability Insurance: The applicant shall provide and maintain a liability insurance policy to cover property damage for surface and/or subsurface occurrences and bodily injury in an amount not less than Four Million (\$4,000,000.00) Dollars per occurrence, in any combination of primary and umbrella coverage, naming Henrietta Township, its elected officials and appointed officials as additional named insureds and provide a copy of this policy to the Township Clerk prior to starting construction. Said insurance shall provide an endorsement which provides that the general aggregate limit of the operator's commercial and general liability applies to the site. Henrietta Township must be sent a notice of intent to cancel the insurance not less than twenty (20) days before the cancellation thereof. The policy is subject to the review of the Township's attorney prior to acceptance. Failure of the operator, or any persons, firm or corporation named in the policy to maintain the insurance shall be cause for termination of the permit.

15. Indemnification: The applicant is required to agree in writing, subject to the acceptance of the Henrietta Township Attorney, to defend, indemnify, and hold harmless the Henrietta Township Board of Trustees, and its officers, agents, and employees, against any claims,

demands, damages, lawsuits, judgments, costs, liens, losses, expenses, and attorney fees resulting from the installation, construction, repair, replacement, operation, or maintenance of the proposed solar energy facility to the extent caused by the applicant, its contractors, its subcontractors, and the officers, employees, or agents of any of those.

16. Change in Ownership: The township must be notified in advance of any change in ownership, developer(s), operator(s), and/or occupant of property of a commercial solar energy system. The following information shall be provided in the notification: (i) The current owner's name, address, and contact information (email and phone number). (ii) The proposed new owner's name, address, and contact information (email and phone number). (iii) The property address, including Parcel ID number. (iv) If there is to be a change in responsibility for oversight and operation of the system, the name, address, and contact information for the new operator (email and phone number) will be required as well.

17. Planning Commission Review: Due to the ever-changing technical capabilities of photovoltaic solar panels and of new technology in general, the Planning Commission shall have the authority to review and consider alternatives in both dimensional requirements as well as physical development requirements found within the Solar Energy Systems Ordinance.

18. Severability: Should a court of competent jurisdiction determine that any portion of this Ordinance/ordinance amendment (or any portion thereof) is invalid or unconstitutional, that shall not affect the balance of this Ordinance/ordinance amendment, which shall remain in full force and effect.

19. Repeal. All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

#### **SECTION 2404 - Effective Date**

This ordinance shall take effect upon publication following its adoption.

## **ITEM 5. Consideration of proposed new Battery Energy Storage Systems Ordinance.**

Over the last several years concerns have been made over the commercial battery storage development expansion in rural areas. Typically, battery systems increase the effectiveness of renewable energy production. As an autonomous facility connected to a Grid system, it can expand flexibility to store and release power later to meet customer demands. Some text has been added for your review, in an attempt, to add balance, and reduce unintended consequences to the community.

### **ARTICLE XXIV.I Battery Energy Storage Systems (BESS)**

#### **SECTION 2400.1a.– Battery Energy Storage Systems:**

##### **Purpose and Intent**

This Battery Energy Storage System Ordinance is adopted to advance and protect the public health, safety, welfare, and quality of life of Henrietta Township by creating regulations for the installation and use of battery energy storage systems, with the following objectives:

- A. To provide a regulatory scheme for the designation of properties suitable for the location, proximity to the grid, construction, safety management, and operation of battery energy storage systems;
- B. To ensure compatible land uses in the vicinity of the areas affected by battery energy storage systems;
- C. To mitigate the impacts of battery energy storage systems on environmental resources such as important agricultural lands, forests, wetlands, wildlife, and other protected resources; and
- D. To create synergy between battery energy storage system development and [other stated goals of the community pursuant to its Master Plan].

#### **SECTION 2401.1b. – Definitions:**

**Abandonment:** A Battery Energy Storage System is abandoned if it has not been in substantial operation for a period of one year. This includes a solar farm that was never operational, or if construction has been halted for a period of one year.

**Accessory Battery Energy Storage System:** A small Battery Energy Storage System which is located on a lot or parcel with a principal use such as residence or business designed to supply backup energy for onsite residential use or small business use. An Accessory Battery Energy Storage System has a combined energy capacity less than or equal to 600kWh (0.6MWh), and if in a room or enclosed area, consist of only a single energy storage system technology and may support accessory solar panel systems.

**Battery(s):** A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this ordinance, batteries utilized in consumer products are excluded from these requirements



**Battery Energy Storage Management System:** An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

**Battery Energy Storage System (BESS):** One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A battery energy storage system has a combined energy capacity greater than 600kWh (0.6MWh), or are comprised of more than one storage battery technology in a room or enclosed area. This utility-sized system has a primary purpose of connecting to the electrical grid by inverters on a power conversion system (PCS). It produces DC which PCS converts to AC. Note: Solar arrays connect to the grid by load-side connections.

**International Fire Code (IFC)** This comprehensive fire code establishes minimum regulations for fire prevention and fire protection systems using prescriptive and performance-related provisions. It is founded on broad-based principles that make possible the use of new materials and new system designs.

**National Fire Protection Association (NFPA)** is a nonprofit organization dedicated to eliminating death, injury, property, and economic loss due to fire, electrical, and related hazards. “**NFPA 855**” the Standard for the Installation of Stationary Energy Storage Systems, provides comprehensive guidelines for the safe installation of stationary energy storage systems (ESS), including those using lithium batteries. This standard addresses various aspects of installation to mitigate fire and explosion risks associated with energy storage technologies.

**National Electric Code (NEC)** also known as NFPA 70, is a set of standards for the safe installation of electrical wiring and equipment in the United States. Its primary purpose is to ensure the safety of electrical installations by setting forth requirements to protect people and property from electrical hazards

“**UL 9540**” **Underwriters Laboratory** is a standard for Energy Storage Systems (ESS) and Equipment. It is designed to ensure the safety of these systems meet industry standards, and covers their construction, performance, and testing requirements. UL 9540 certification is essential for verifying that energy storage systems, such as battery modules, auxiliary service components, and related equipment, meet rigorous safety standards to prevent hazards related to electrical, mechanical, and environmental conditions.

#### **SECTION 2400.1c. – Permitted Use Standards**

Accessory Battery Energy Storage Systems are designed and used as an accessory use to serve the needs of a home, farm, or small business. Accessory Battery Energy Storage Systems are Permitted Uses in all zoning districts, reviewed by the Zoning Administrator, subject to Michigan Fire Prevention Codes, comply with the International Fire Code, and other state and local applicable electrical and building permits.

**Property Set-Backs:** Projects shall follow the district's applicable setbacks of the property's principal use. Accessory Battery Energy Storage Systems shall not be located within a FEMA floodplain or designated wetlands, and/or within forty (40) feet of a riparian shoreline.

**Nuisances:** Noise produced from an Accessory Battery Energy Storage Systems shall not exceed above 5dBA of ambient sound levels as measured at the property line. Adequate buffers and/or setbacks shall be provided to comply with these limitations.

#### **SECTION 2400.1d. - Conditional Use Standards**

**Battery Energy Storage System (BESS)** are large systems designed with the primary use of storing and generating electricity back to the electric transmission grid. These systems shall be located within a quarter mile of transmission infrastructure. BESS projects shall indicate an accompanying Solar Farm facility, and may be subject to the ARTICLE XXIV Solar Energy Systems Ordinance, if applicable. BESS development shall not exceed transmission capacity. BESS facilities with a nameplate capacity of 50 MW or more with a discharge capability of 200 megawatt hours or more may choose to apply at any time to the Michigan Public Service Commission for siting permits per Public Acts 233 and 234 of 2023.

BESS facility(s) are Conditional Uses in all Agricultural, and Industrial Zoning Districts of ten (10) acres or more, reviewed by the planning commission, and subject to the Conditional Use standard found in Article XI, and Article XII of this Ordinance, and the following standards:

**1.** Utility size BESS projects shall require prior to construction approval, a site assessment study conducted by a private company independent of the project applicant(s), developer(s), and/ or property owner to determine feasibility including the project's description identifying the size, rated power output, project life, development phases, likely market for the generated energy; visual impact using renditions or photos; analysis of onsite traffic; environmental analysis including baseline condition of soils, wetlands, surface water, woodlots, historical features, review of potential impacts on wildlife, corridor preservation at the site, and mitigation measures.

a. Priority siting locations: include brownfields, capped landfills, and marginal land, not well suited for productive Agriculture.

b. Prime farmland: BESS facilities shall generally not be located on or within prime agricultural soils or areas. BESS facilities shall be sited to minimize impacts to agricultural production through site design, and adaptations that reasonably maintain agricultural operations, or availability of those areas for future production.

**2.** Nuisances: BESS projects shall not produce nuisances to occupants of neighboring properties or persons traveling neighboring roads, or air routes.

c. Noise produced from BESS equipment shall not exceed above 5 dBA of baseline ambient sound levels as measured at several locations by a Board Certified Noise Control Engineer, at the non-participating property line before facility construction and operation. Applicant must submit equipment and component manufacturers' noise ratings as part of the sound level information. Adequate setbacks shall be provided to comply with these limitations. Evergreen screening and other noise reducing applications may be required along non-participating property lines to reduce noise.

**3. Setbacks:** All BESS facilities whether stand-alone or associated with a large freestanding solar array shall meet the following minimum setback requirements.

- a. From a lot line abutting a property that is a nonparticipating occupied dwelling adjacent to the BESS project shall have a three hundred (300) feet setback, and two hundred (200) feet setback from nonparticipating vacant property.
- b. From a lot line abutting a property that is participating in the BESS project: one hundred (100) feet. The purpose of this setback is to ensure safety, and emergency access.
- c. From a public or private roadway: 100 feet setback from the road right-of-way.
- d. BESS facilities shall not be located within a FEMA floodplain, or State of Michigan designated wetlands, within one hundred (300) feet of a riparian shoreline, and/or within three hundred (300) feet of governmental and/or nongovernmental wildlife management areas, parks, and scenic trail corridors.

**4. Construction Standards:** project applicant(s), owners, and/or operators shall submit a site plan, meet standards of NFPA, IFC, NEC, and Underwriters Laboratory (UL) certification on battery storage system equipment, components, and obtain all pertinent permits from the Township and other applicable government agencies.

a. A transportation plan for construction and operation phases including any applicable agreements with the Jackson County Department of Transportation, and the Michigan Department of Transportation.

b. All electrical interconnection and distribution lines within the project boundary shall be underground, unless determined otherwise by the planning commission because of severe environmental constraints (e.g., wetlands, hard bedrock), except for wiring between containers, and except for power lines that leave the project or are within the substation. All electrical interconnections and distribution components must comply with all applicable local, state, and federal permits, NFPA 855 & NFPA 70 standards, UL 9540 standards, and public utility requirements.

c. Lighting at the facility must be shielded to prevent atmospheric light pollution, the minimum necessary for safe operations, and subject to applicable segments Article XIV.1 of this Ordinance.

**5. Height of structures:** The following maximum requirements shall be observed. No use or accessory use structure hereafter erected or structure altered shall exceed three (3) stories or fifty (50) feet in height within three hundred (300) feet of any Residential or Agricultural District.

**6. Percentage of Land Coverage:** No building or structure together with its accessory buildings hereafter erected, altered or moved upon any premises, shall cover more than fifty (50) percent of the land area, and no surfacing shall be done that might impair the efficiency of the sub-surfacing disposal system in accordance with the requirements of the Jackson County Health Department.

7. Landscaping: See Article XIV for applicable guidance.

- a. All existing drain tiles must be maintained in working order. Erosion and sediment control, containment of all contaminate run-off, and stormwater management plans must meet the standards of the County Drain Commission, and other applicable permitting agencies.
- b. Graded topsoil shall not be removed from the site or used as fill-in wetlands.
- c. Vegetation: Areas within twenty (20) feet on each side of a BESS facility shall be cleared of combustible vegetation and other combustible growth. Existing trees and vegetation shall be preserved as a site and sound buffer.
- d. Owner(s) and/or operator(s) Environmental Risk Plan process shall identify danger probabilities, and assess hazards including chemical and toxicity, electrical fires, and explosion or environmental and natural disasters.
- e. Proof of environmental compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.; Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances; Part 301, Inland Lakes, and Streams, (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); Part 365, Endangered Species Protection (MCL324.36501 et. seq.); and any other applicable laws and rules in force at the time the application is considered by the Township.

8. Safety/Access: Facility security chain-link fencing shall not exceed seven (7) feet in height.

- a. Owner(s) and/or operator(s) Emergency Operation Plan shall identify emergency and normal shutdown procedures. Emergency contact signage shall comply with ANSI Z535 provide 24-hour emergency contact information, including reach-back phone number.
- b. Owner(s) and/or operator(s) shall identify potential hazards including solid and hazardous waste, generated by the project to adjacent properties, roadways, and the community in general.
- c. Owner(s) and/or operator(s) shall obtain a waiver from mineral rights holder, if applicable.
- d. Other applicable permits from local, state, and federal agencies shall be received before facility construction and operation.

9. Telecommunications Interference: The owner(s) and/or operator(s) shall identify electromagnetic fields and communications interference generated by the project. Adequate setbacks shall be provided to mitigate the interference.

10. Utilities Interconnection: No grid-connected BESS facility shall be installed until the owner(s) and/or operator(s) submit a completed interconnection agreement with the electric utility in whose service territory the large solar energy system is located.

## 11. Maintenance and Enforcement

1. No owner(s), developer(s), operator(s), and/or occupant of property shall fail to maintain, to the standards of this Section, landscaping and screening materials shown on a site plan or building permit application.
2. No certificate of approval or zoning compliance permit shall be issued unless the provisions of this Section have been met. Where compliance is not possible because of the season of the year, or other just reason, the Zoning Inspector, or designated township official, shall be authorized to issue a temporary certificate of approval and establish a specific number of days for completion of the landscaping and/or screening conditioned upon the posting of a performance guarantee in the form and amount, and in accordance with the procedure provided under Section 24.1(11), below, except that this provision shall be administered by the Zoning Inspector rather than the Planning Commission. At such time as the improvements have been completed in accordance with the plans submitted, and assuming all other requirements have been met, a permanent certificate of approval and/or zoning compliance permit may be issued.

## 12. Performance Guarantees for Improvements

1. Deposit requirement. At the time of issuance of a permit authorizing an activity or project, the Planning Commission may recommend to the Township Board, as a condition to issuance of the permit, a deposit with the Township Clerk of cash, certified check, irrevocable letter of credit, or a surety bond having a form and issuer acceptable to the Township Attorney covering the cost of "improvements" associated with the activity or project for which the permit is sought.
2. The deposit requirement shall not be mandated if and to the extent a like deposit has been made pursuant to the Subdivision Control Act, MCL 560.101, et seq.
3. The permit applicant may propose to the Township Clerk or designated representative a schedule pursuant to which portions of the deposit are to be returned in relation to the ratio of work completed on the required improvements as work progresses. The Township Clerk or designated representative shall review the proposal, and, if reasonable, may establish a schedule as submitted by the applicant or as modified as the Township Clerk or designated representative deems appropriate.
4. In establishing the requirement for the performance guarantee, a specific number of days for completion of the improvements, and the amount of the security shall be specified by the Planning Commission.
5. If the improvements have not been completed on or before the date specified for completion by the Planning Commission, all, or part of the performance guarantee posted by the applicant, as needed for completion, may be utilized upon direction by the Township Board. Any and all costs incurred by the Township
- 6.

in completing the improvements shall be taken from the performance guarantee. Any balance remaining following the completion of the improvements shall be returned to the applicant.

13. Decommissioning, and Final Reclamation: The owner(s) and/or operator(s) shall submit a decommissioning plan for ground-mounted photovoltaic systems to ensure that the owner(s), developer(s), and/or operator(s) properly removes the equipment and facilities upon the end of the project life or in the event they are not in commercial operation ~~use~~ for one-year in consecutive months. The plan shall include provisions for the removal of all structures and foundations, the removal of all electrical transmission components commencing when the soil is dry to prevent soil compaction, the restoration of soil and native perennial vegetation, and/or cover crop to stabilize soil and reduce erosion, and a soundly-based plan ensuring financial resources will be available to fully decommission the site. The Township may require the owner(s), developer(s), and/or operator(s) to post a bond, letter of credit or establish an escrow account, to be reviewed and updated by a third party with expertise in decommissioning at owners/operators' expense, every five (5) years to ensure property decommissioning.

14. Complaint Resolution: The operator of the solar facility must provide solar operator contact information to the Henrietta Township Clerk to use in the case of resident complaints. Also, the operator must install a sign containing the phone number to the Henrietta Township offices that is visible from the road for residents to use to call in case of a complaint or an emergency. The Township will field these calls and contact the solar operator as necessary.

15. Liability Insurance: The applicant shall provide and maintain a liability insurance policy to cover property damage for surface and/or subsurface occurrences and bodily injury in an amount not less than Four Million (\$4,000,000.00) Dollars per occurrence, in any combination of primary and umbrella coverage, naming Henrietta Township, its elected officials and appointed officials as additional named insureds and provide a copy of this policy to the Township Clerk prior to starting construction. Said insurance shall provide an endorsement which provides that the general aggregate limit of the operator's commercial and general liability applies to the site. Henrietta Township must be sent a notice of intent to cancel the insurance not less than twenty (20) days before the cancellation thereof. The policy is subject to the review of the Township's attorney prior to acceptance. Failure of the operator, or any persons, firm or corporation named in the policy to maintain the insurance shall be cause for termination of the permit.

16. Indemnification: The applicant is required to agree in writing, subject to the acceptance of the Henrietta Township Attorney, to defend, indemnify, and hold harmless the Henrietta Township Board of Trustees, and its officers, agents, and employees, against any claims, demands, damages, lawsuits, judgments, costs, liens, losses, expenses, and attorney fees resulting from the installation, construction, repair, replacement, operation, or maintenance of the proposed BESS facility to the extent caused by the applicant, its contractors, its subcontractors, and the officers, employees, or agents of any of those.

17. Change in Ownership: The township must be notified in advance of any change in ownership, developer(s), operator(s), and/or occupant of property of a BESS facility.

The following information shall be provided in the notification: (i) The current owner's name, address, and contact information (email and phone number). (ii) The proposed new owner's name, address, and contact information (email and phone number). (iii) The property address, including Parcel ID number. (iv) If there is to be a change in responsibility for oversight and operation of the system, the name, address, and contact information for the new operator (email and phone number) will be required as well.

18. Planning Commission Review: Due to the ever-changing technical capabilities of photovoltaic solar panels and of new technology in general, the Planning Commission shall have the authority to review and consider alternatives in both dimensional requirements as well as physical development requirements found within the BESS Ordinance.

19. Severability: Should a court of competent jurisdiction determine that any portion of this Ordinance/ordinance amendment (or any portion thereof) is invalid or unconstitutional, that shall not affect the balance of this Ordinance/ordinance amendment, which shall remain in full force and effect.

20. Repeal. All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

#### SECTION 2404 - Effective Date

This ordinance shall take effect upon publication following its adoption.







# NOTICE OF INTENT TO AMEND MASTER PLAN

PLEASE BE NOTIFIED, Napoleon Township of Jackson County, Michigan, in accordance with the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended (Act 33), this is to notify you that Napoleon Township is preparing to begin the process of updating its Master Plan. We kindly request your cooperation and assistance throughout this process.

This notice is to inform, in accordance with Section 39 of the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3839, our neighboring local governments, planning entities, and any public utilities and railroad companies of Napoleon Township's intent to amend our Master Plan.

Once completed, a draft copy of the updated Master Plan will be provided for your review and feedback, as required by Act 33\*. We are particularly interested in hearing any thoughts, concerns, or issues you feel should be addressed, especially in relation to land use planning along shared borders or areas of mutual interest. Your input will help ensure a more coordinated approach to planning between our communities. If you would like to receive the draft copy of the Master Plan in digital format, please submit a written request via email and include an email address for receipt. Moreover, the proposed plan will also be available online on the Township's website at <https://www.napoleontownship.us/>

All feedback or questions shall be directed to Napoleon Township (Attn: Planning and Zoning Division), 6755 Brooklyn Road, P.O. Box 385, Napoleon, MI 49261, or via email to the Township at [clerk@napoleontownship.us](mailto:clerk@napoleontownship.us).

\*Under MCL 125.3841(2)(f), each public utility company and railroad company owning or operating a public utility or railroad within the local unit of government, and any government entity that registers its name and address for this purpose with the Secretary of the Napoleon Township Planning Commission, shall reimburse the township for any copying and postage costs incurred in receiving a hard copy of the proposed master plan or final master plan.

**NAPOLEON TOWNSHIP**

6755 Brooklyn Rd  
Napoleon, MI 492617  
517-536-8694