EXHIBIT A

CHARTER TOWNSHIP OF TEXAS
COUNTY OF KALAMAZOO

ORDINANCE NO. 378

AN ORDINANCE TO AMEND THE ZONING ORDINANCE SECTIONS 36- 2.2, 36-4.39, 36-4.60, AND 36-4.61 UNDER PA 233

The Charter Township of Texas ordains:

Section 1. Amendment of Section 36-2.2 of the Zoning Ordinance.

The following definitions are added to Section 36-2.2 of the Zoning Ordinance and shall be inserted into Section 36-2.2 in alphabetical order:

Battery management system means an electronic regulator that manages a utility-scale battery energy storage system by monitoring individual battery module voltages and temperatures, container temperature and humidity, off-gassing of combustible gas, fire, ground fault, and DC surge, and door access and capable of shutting down the system before operating outside safe parameters.

Solar energy facility means any facility, land, or structure principally used to collect, store, or convert solar radiation into usable energy, including, but not limited to, through a commercial solar energy system.

Solar energy system means a system or any part of a system that collects or stores solar radiation for the purpose of transforming it into any form of usable energy, including, but not limited to, solar photovoltaic and solar thermal systems.

Solar energy system, commercial means a solar energy system with a principal design, purpose, or use of providing energy to off-site uses or the wholesale or retail sale of energy.

Solar energy system, private means a solar energy system used exclusively to provide on-site energy and not used for the purpose of the commercial sale of energy, except that a private solar energy system may sell surplus energy back to the electrical grid.

Solar energy system, utility-scale means a commercial solar energy system with a nameplate capacity of 50 megawatts or more.

Utility-scale battery energy storage facilities means one or more devices, assembled together, capable of storing energy in order to supply electrical energy, including battery cells used for absorbing, storing, and discharging electrical energy in a utility-scale battery energy storage system with a battery management system.

Utility-scale battery energy storage system ("UBESS") means a physical container providing secondary containment to battery cells that is equipped with cooling, ventilation, fire suppression, and a battery management system.

Section 2. Amendment of Section 36-4.39 of the Zoning Ordinance.

Section 36-4.39 of the Charter Township of Texas Zoning Ordinance is amended by the addition of a new subsection 5, which reads in its entirety as follows:

5. WECS under PA 233. On or after November 29, 2024, once PA 233 of 2023 is in effect, then the following provisions apply to any WECS with a nameplate capacity of 100 megawatts or more. To the extent these provisions conflict with the provisions in subsections 36-4.39(1)-(4), these provisions control as to a WECS with a nameplate capacity of 100 megawatts or more. All provisions in subsections 36-4.39(1)-(4) that do not conflict with this subsection (5) remain in full force and effect. This subsection (5) does not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect and does not apply to a WECS with a nameplate capacity of less than 100 megawatts.

   A. Setbacks. WECS must comply with the following minimum setback requirements, with setback distances measured from the center of the base of the wind tower:

Setback Description	**Setback Distance**
Occupied community buildings and dwellings on nonparticipating properties	2.1 times the maximum blade tip height to the nearest point on the outside wall of the structure
Residences and other structures on participating properties	1.1 times the maximum blade tip height to the nearest point on the outside wall of the structure
Nonparticipating property lines	1.1 times the maximum blade tip height
Public road right-of-way	1.1 times the maximum blade tip height to the center line of the public road right-of-way
Overhead communication and electric transmission, not including utility service lines to individual houses or outbuildings	1.1 times the maximum blade tip height to the center line of the easement containing the overhead line

   B. Shadow Flicker. Each wind tower must be sited such that any occupied community building or nonparticipating residence will not experience more than 30 hours per year of shadow flicker under planned operating conditions as indicated by industry-standard computer modeling.

   C. Height. Each wind tower blade tip must not exceed the height allowed under the Determination of No Hazard to Air Navigation by the Federal Aviation Administration under 14 CFR part 77.

D. Noise. The WECS must not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.

E. Lighting. The WECS must be equipped with a functioning light-mitigating technology. To allow proper conspicuity of a wind turbine at night during construction, a turbine may be lighted with temporary lighting until the permanent lighting configuration, including the light-mitigating technology, is implemented. The Township may grant a temporary exemption from the requirements of this subparagraph if installation of appropriate light-mitigating technology is not feasible. A request for a temporary exemption must be in writing and state all of the following:

   i. The purpose of the exemption.

   ii. The proposed length of the exemption.

   iii. A description of the light-mitigating technologies submitted to the Federal Aviation Administration.

   iv. The technical or economic reason a light-mitigating technology is not feasible.

   v. Any other relevant information requested by the Township.

F. Radar Interference. The WECS must meet any standards concerning radar interference, lighting (subject to subparagraph (E)), or other relevant issues as determined by the Township.

G. Environmental Regulations. The WECS must comply with applicable state or federal environmental regulations.

H. Host community agreement. The applicant shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the WECS owner must pay the Township $2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or other projects as agreed to by the Township and the applicant.

Section 3. Addition of New Section 36-4.60 to the Zoning Ordinance.

A new Section 36-4.60 is added to the Zoning Ordinance and reads in its entirety as follows:

4.60 UTILITY-SCALE BATTERY ENERGY STORAGE SYSTEMS.

1. General Provisions. All UBESS are subject to the following requirements:

   A. All UBESS must conform to the provisions of this Section and all county, state, and federal regulations and safety requirements, including applicable building codes, applicable industry standards, and NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems.”

   B. The Township may enforce any remedy or enforcement, including but not limited to the removal of any UBESS pursuant to the Zoning Ordinance or as otherwise authorized by law if the UBESS does not comply with this Section.

   C. UBESS are permitted in the Township only as a special land use with special use approval within all zoning districts, provided such land area is sufficient to support their development and operation.

2. Special Exception Use Application Requirements. In addition to the requirements of Section 36-6.3 for special exception use approval, an applicant for a UBESS must provide the Township with all of the following:

   A. An application fee in an amount set by resolution of the Township Board.

   B. A list of all parcel numbers that the UBESS will use; documentation establishing ownership of each parcel; and any lease agreements, easements, or purchase agreements for the subject parcels.

   C. An operations agreement setting forth the parameters of the operation, the name and contact information of the operator, the applicant’s inspection protocol, emergency procedures, and general safety documentation.

   D. Current photographs of the subject property.

   E. A site plan that includes all proposed structures and the location of all equipment, as well as all setbacks, the location of property lines, signage, fences, greenbelts, and screening, drain tiles, easements, floodplains, bodies of water, proposed access routes, and road right of ways. The site plan must be drawn to scale and must indicate how the UBESS will be connected to the power grid.

   F. A copy of the applicant’s power purchase agreement or other written agreement with an electric utility showing approval of an interconnection with the proposed UBESS.

G. A written plan for maintaining the subject property, including a plan for maintaining and inspecting drain tiles and addressing stormwater management, which is subject to the Township's review and approval.

H. A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the UBESS, including evidence of proposed commitments with property owners to ensure proper final reclamation, repairs to roads, and other steps necessary to fully remove the UBESS and restore the subject parcels, which is subject to the Township's review and approval.

I. Financial security that meets the requirements of this Section, which is subject to the Township's review and approval.

J. A plan for resolving complaints from the public or other property owners concerning the construction and operation of the UBESS, which is subject to the Township's review and approval.

K. A plan for managing any hazardous waste, which is subject to the Township's review and approval.

L. A fire protection plan, which identifies the fire risks associated with the UBESS; describes the fire suppression system that will be implemented; describes what measures will be used to reduce the risk of fires re-igniting (i.e., implementing a "fire watch"); identifies the water sources that will be available for the local fire department to protect adjacent properties; identifies a system for continuous monitoring, early detection sensors, and appropriate venting; and explains all other measures that will be implemented to prevent, detect, control, and suppress fires and explosions.

M. A transportation plan for construction and operation phases, including any applicable agreements with the County Road Commission and Michigan Department of Transportation, which is subject to the Township's review and approval.

N. An attestation that the applicant will indemnify and hold the Township harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the UBESS, which is subject to the Township's review and approval.

O. Proof of environmental compliance, including 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 Township considers the application.

P. Any additional information or documentation requested by the Planning Commission, Township Board, or other Township representative.

3. System and Location Requirements. In addition to the requirements of Section 36-6.1 for a site plan, the site plan must include all of the following:

A. Lighting. The lighting of the UBESS is limited to the minimum light necessary for safe operation. Illumination from any lighting must not extend beyond the perimeter of the lot(s) used for the UBESS. The UBESS must not produce any glare that is visible to neighboring lots or persons traveling on public or private roads.

B. Security Fencing. Security fencing must be installed around all electrical equipment related to the UBESS. Appropriate warning signs must be posted at safe intervals at the entrance and around the perimeter of the UBESS.

C. Noise. The noise generated by the UBESS must not exceed 45 dBA Lmax, as measured at the property line of any adjacent parcel.

D. Underground Transmission. All power transmission or other lines, wires, or conduits from a UBESS to any building or other structure must be located underground at a depth that complies with current National Electrical Code standards, except for power switchyards or the area within a substation.

E. Drain Tile Inspections. The UBESS must be maintained in working condition at all times while in operation. The applicant or operator must inspect all drain tiles at least once every three years using a robotic camera, with the first inspection occurring before the UBESS is in operation. The applicant or operator must submit proof of the inspection to the Township. The owner or operator must repair any damage or failure of the drain tile within sixty (60) days after discovery and submit proof of the repair to the Township. The Township is entitled, but not required, to have a representative present at each inspection or to conduct an independent inspection.

F. Fire Protection.

i. Before any construction of the UBESS begins, the Township's fire department (or the fire department with which the Township contracts for fire service) will review the fire protection plan submitted with the application. The fire chief will determine whether the fire protection plan adequately protects the Township's residents and property and whether there is

sufficient water supply to comply with the fire protection plan and to respond to fire or explosion incidents. If the fire chief determines that the plan is adequate, then the fire chief will notify the Township Supervisor or his or her designee of that determination. If the fire chief determines that the plan is inadequate, then the fire chief may propose modifications to the plan, which the applicant or operator of the UBESS must implement. The fire chief's decision may be appealed to the Township Board, and the Township Board will hear the appeal at an open meeting. The Township Board may affirm, reverse, or modify the fire chief's determination. The Township Board's decision is final, subject to any appellate rights available under applicable law.

ii. The applicant or operator may amend the fire protection plan from time-to-time in light of changing technology or other factors. Any proposed amendment must be submitted to the fire department for review and approval under subsection (a).

iii. The UBESS must comply with the fire protection plan as approved by the fire chief (or as approved by the Township Board in the event of an appeal).

G. Insurance. The applicant or operator will maintain property/casualty insurance and general commercial liability insurance in an amount of at least $5 million per occurrence. The Township shall be listed as an additional insured on the policy at all times.

H. Permits. All required county, state, and federal permits must be obtained before the UBESS begins operating. A building permit is required for construction of a UBESS, regardless of whether the applicant or operator is otherwise exempt under state law.

I. Decommissioning. If a UBESS is abandoned or otherwise non-operational for a period of one year, the property owner or the operator must notify the Township and must remove the system within six (6) months after the date of abandonment. Removal requires receipt of a demolition permit from the Building Official and full restoration of the site to the satisfaction of the Zoning Administrator. The site must be filled and covered with topsoil and restored to a state compatible with the surrounding vegetation. The requirements of this subsection also apply to a UBESS that is never fully completed or operational if construction has been halted for a period of one (1) year.

J. Financial Security. To ensure proper decommissioning of a UBESS upon abandonment, the applicant must post financial security in the form of a security bond or escrow payment in an amount equal to 125% of the

total estimated cost of decommissioning, code enforcement, and reclamation, which cost estimate must be approved by the Township. The operator and the Township will review the amount of the financial security every two (2) years to ensure that the amount remains adequate. This financial security must be posted within fifteen (15) business days after approval of the special use application.

K. Extraordinary Events. If the UBESS experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the applicant or operator must notify the Township within 24 hours.

L. Annual Report. The applicant or operator must submit a report on or before January 1 of each year that includes all of the following:

i. Current proof of insurance;

ii. Verification of financial security; and

iii. A summary of all complaints, complaint resolutions, and extraordinary events.

M. Inspections. The Township may inspect a UBESS at any time by providing 24-hour advance notice to the applicant or operator.

N. Transferability. A conditional land use permit for a UBESS is transferable to a new owner. The new owner must register their name and business address with the Township and must comply with this Ordinance and all approvals and conditions issued by the Township.

O. Remedies. If an applicant or operator fails to comply with this Ordinance, the Township may pursue any remedy or enforcement, including but not limited to the removal of any UBESS pursuant to the Zoning Ordinance or as otherwise authorized by law. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney fees and costs.

4. Utility-Scale Battery Energy Storage Systems under PA 233. On or after November 29, 2024, once PA 233 of 2023 is in effect, the following provisions apply to any UBESS with a nameplate capacity of 50 megawatts or more and an energy discharge capability of 200 megawatt hours or more. To the extent these provisions conflict with the provisions in subsections 36-4.60(1)–(3), these provisions control as to such UBESS. This subsection does not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect, and does not apply to a UBESS with a nameplate capacity of fewer than 50 megawatts or an energy discharge capability of less than 200 megawatt hours. All provisions in subsections 36-4.60(1)–(3) that do not conflict with this subsection (4) remain in full force and effect.

A. Setbacks. The UBESS must comply with the following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

Setback Description	**Setback Distance**
Occupied community buildings and dwellings on nonparticipating properties	300 feet from the nearest point on the outer wall
Public road right-of-way	50 feet measured from the nearest edge of a public road right-of-way
Nonparticipating parties	50 feet measured from the nearest shared property line

B. Installation. The UBESS must comply with the version of NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems” in effect on the effective date of the amendatory act that added this section or any applicable successor standard.

C. Noise. The UBESS must not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.

D. Lighting. The UBESS must implement dark sky-friendly lighting solutions.

E. Environmental Regulations. The UBESS must comply with applicable state or federal environmental regulations.

F. Host community agreement. The applicant shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the UBESS owner must pay the Township $2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or other projects as agreed to by the Township and the applicant.

Section 4. Addition of New Section 36-4.61 to the Zoning Ordinance.

A new Section 36-4.61 is added to the Zoning Ordinance and reads in its entirety as follows:

4.61 SOLAR ENERGY SYSTEMS

1. General Provisions. The following regulations apply to all solar energy systems.

    A. Solar energy systems must comply with all applicable provisions of the Zoning Ordinance and all county, state, and federal laws, regulations, and safety requirements for solar energy systems.

        i. Property enrolled in the Michigan Farmland Preservation Program, Part 361 of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended, more commonly known as Public Act 116, must receive approval from the Michigan Department of Agriculture to locate a solar energy facility on the property.

2. Private Solar Energy Systems. The following regulations apply to private solar energy systems.

    A. Private solar energy systems are permitted in all zoning districts as an accessory use.

    B. Roof- or Building-Mounted Private Solar Energy Systems. A private solar energy system that is roof- or building-mounted is subject to the following requirements:

        i. No part of a roof-mounted solar energy system shall extend beyond the peak of the roof. No part of a solar energy system mounted on a building in an area other than the roof shall extend beyond the wall on which it is mounted.

        ii. No part of a roof-mounted solar energy system shall extend more than two (2) feet above the surface of the roof.

        iii. No part of a roof-mounted solar energy system shall be installed closer than three (3) feet from the edges of the roof, the peak, or eave or valley in order to maintain pathways of accessibility.

        iv. Any roof- or building-mounted solar energy system that has not been operated for a period of twelve (12) consecutive months is deemed abandoned and must be removed by the property owner within two (2) months from the date of abandonment.

        v. A building permit is required prior to the installation of a roof- or building-mounted solar energy system.

    C. Ground-mounted Private Solar Energy Systems. A private solar energy system that is ground-mounted is subject to the following requirements:

i. Prior to the installation of a ground-mounted solar energy system, the property owner shall submit a site plan to the Zoning Administrator. The site plan shall include setbacks, panel size, and the location of property lines, buildings, fences, greenbelts, and road right of ways. The site plan must be drawn to scale.

ii. A ground-mounted solar energy system shall not exceed the maximum building height for accessory buildings, but in no case shall the maximum height of any ground-mounted solar energy system exceed fifteen (15) feet above the ground when oriented at maximum tilt.

iii. A ground-mounted solar energy system shall be located in the rear yard and shall meet the rear yard setback requirements applicable in the zoning district in which the solar energy system will be located.

iv. All power transmission or other lines, wires, or conduits from a ground-mounted solar energy system to any building or other structure shall be located underground. If batteries are used as part of the ground-mounted solar energy system, they must be placed in a secured container or enclosure.

v. No more than 20% of the total lot area may be covered by a ground-mounted solar energy system.

vi. A ground-mounted solar energy system that has not been operated for a period of twelve (12) consecutive months is deemed abandoned and must be removed by the property owner within two (2) months from the date of abandonment.

vii. A building permit is required prior to the installation of a ground-mounted solar energy system.

3. Commercial Solar Energy Systems. The following regulations apply to commercial solar energy systems.

   A. Commercial solar energy systems are permitted as a special land use within all zoning districts, provided such land area is sufficient to support their development and operation. A special use permit is required for a commercial solar energy system.

   B. System and Location Requirements.

      i. Commercial solar energy systems shall not be located on parcels of land with an area of less than twenty (20) acres.

      ii. Commercial solar energy systems must be ground mounted.

iii. Setbacks. Commercial solar energy systems must comply with the following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the solar energy facility:

Setback Description	Setback Distance
Occupied community buildings and dwellings on nonparticipating properties	300 feet from the nearest point on the outer wall
Public road right-of-way	50 feet measured from the nearest edge of a public road right-of-way
Nonparticipating parties	50 feet measured from the nearest shared property line

iv. Height. Solar panel components must not exceed a maximum height of 25 feet above ground when the arrays are at full tilt.

v. Noise. Commercial solar energy systems must not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.

vi. Lighting. Commercial solar energy systems must implement dark sky-friendly lighting solutions.

vii. Underground Transmission. All power transmission or other lines, wires, or conduits from a commercial solar energy system to any building or other structure must be located underground at a depth that complies with current National Electrical Code standards, except for power switchyards or the area within a substation. If batteries are used as part of commercial solar energy system, they must be placed in a secured container or enclosure.

viii. Decommissioning. If a commercial solar energy system is not operated for a period of twelve (12) consecutive months, then it is deemed abandoned and the property owner or the operator must notify the Township and must remove the system within six (6) months after the date of abandonment. Removal requires receipt of a demolition permit from the Building Official and full restoration of the site to the satisfaction of the Zoning Administrator. The site must be filled and covered with topsoil and restored to a state compatible with the surrounding vegetation. The requirements of this subsection also apply to a commercial solar energy system that is never fully

completed or operational if construction has been halted for a period of one (1) year.

ix. Financial Security. To ensure proper decommissioning of a commercial solar energy system upon abandonment, the applicant must post financial security with MDARD in the form of a security bond or escrow payment in an amount equal to 125% of the total estimated cost of decommissioning, code enforcement, and reclamation, which cost estimate must be approved by the Township. The operator and the Township will review the amount of the financial security every two (2) years to ensure that the amount remains adequate. This financial security must be posted within fifteen (15) business days after approval of the conditional use application.

x. The applicant or operator will maintain property/casualty insurance and general commercial liability insurance in an amount of at least ten million dollars ($10,000,000.00) per occurrence.

xi. Annual Report. The applicant or operator must submit a report on or before January 1 of each year that includes all of the following:

    a. Current proof of insurance;

    b. Verification of financial security; and

    c. A summary of all complaints, complaint resolutions, and extraordinary events.

xii. Inspections. The Township may inspect a commercial solar energy system at any time by providing 24 hours advance notice to the applicant or operator.

xiii. Transferability. A special use permit for a commercial solar energy system is transferable to a new owner. The new owner must register its name and business address with the Township and must comply with the Interim Zoning Ordinance and all approvals and conditions issued by the Township.

xiv. Environmental Regulations. The commercial solar energy system must comply with applicable state or federal environmental regulations.

xv. If an applicant or operator fails to comply with this Section, the Township, in addition to any other remedy under this Section, may revoke the special land use permit and site plan approval after giving the applicant or operator notice and an opportunity to be heard. Additionally, the Township may pursue any legal or equitable action to

abate a violation and recover any and all costs, including the Township's actual attorney fees and costs.

C. Special Exception Use Application. In addition to the special exception use application requirements of Section 36-6.3, an applicant for special exception use approval for a commercial solar energy system shall include the following information with their application:

i. A list of all parcel numbers that will be used by the solar energy system.

ii. A fire prevention and emergency response plan, which must include, but is not limited to, the following:

a. A description of all emergency response training and equipment needed to safely respond to a fire or other emergencies and include an assessment of the training and equipment available to the fire department.

b. A layout or map indicating all access points and routes for emergency responders to safely access all areas of the project. Consideration should be given to any access difficulties such as long continuous rows of panels which would restrict access for emergency responders. The layout shall indicate any structures or devices that may pose a particular danger to emergency responders.

c. A mitigation strategy regarding specific dangers and risks for surrounding property and people during any emergency including a fire.

d. Any other information needed to keep responders and citizens safe during an emergency.

e. Every gate shall have a knox box, coordinated with and to the satisfaction of the Township fire department to allow easy access during an emergency.

f. All high-risk areas, such as inverters, shall be equipped with automatic fire suppression systems with automatic system shutdown. Such systems shall be regularly inspected, maintained, and verified according to current industry standards.

g. The Township or any emergency service provider who serves the township shall have the authority to order the commercial solar energy system operator to cease operations if they determine

there is an emergency that may result in danger to life or property. The operator shall provide the township with contact information for personnel who will be available at all times should such an emergency arise. Emergency contact information shall also be posted at every entrance to the facility.

iii. An operations agreement setting forth the operations parameters, the name and contact information of the certified operator, the applicant's inspection protocol, emergency procedures, and general safety documentation.

iv. Current photographs of the subject property.

v. A site plan that includes all proposed structures and the location of all equipment, transformers, and substations, as well as all setbacks, panel sizes, and the location of property lines, signage, fences, greenbelts and screening, easements, floodplains, bodies of water, proposed access routes, and road right of ways. The site plan must be drawn to scale and must indicate how the solar energy system will be connected to the power grid.

vi. A copy of the applicant's power purchase agreement or other written agreement with an electric utility showing approval of an interconnection with the proposed solar energy system.

vii. A written plan for maintaining the subject property, including a plan for maintaining and inspecting stormwater management, which is subject to the Township's review and approval.

viii. A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the solar energy system, including evidence of proposed commitments with property owners to ensure proper final reclamation, and other steps necessary to fully remove the solar energy system and restore the subject parcels, which is subject to the Township's review and approval.

ix. Damage to Roads. The applicant and operator are jointly and severally responsible for any damage to any public roads in the Township caused by initial construction, decommissioning or maintenance (that would require a building permit) of the solar energy system as assessed by the County Road Commission. Applicants and operators shall have a road use maintenance agreement with the County Road Commission.

x. Financial security that meets the requirements of this Section, which is subject to the Township's review and approval.

xi. A plan for resolving complaints from the public or other property owners concerning the construction and operation of the solar energy system, which is subject to the Township's review and approval. At a minimum, the plan must provide for a response to complaint to be issued within 24 hours of receiving the complaint.

xii. A plan for managing any hazardous waste, which is subject to the Township's review and approval.

xiii. A transportation plan for construction and operation phases, including any applicable agreements with the County Road Commission and Michigan Department of Transportation, which is subject to the Township's review and approval.

xiv. An attestation that the applicant will indemnify and hold the Township harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the solar energy system, which is subject to the Township's review and approval.

xv. Proof of environmental compliance, including 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.

xvi. Any additional information or documentation requested by the Planning Commission, Township Board, or other Township representative.

4. Utility-Scale Solar Energy Systems. On or after November 29, 2024, once PA 233 of 2023 is in effect, then the following provisions apply to utility-scale solar energy systems. To the extent the following provisions conflict with the provisions in subsections 4.61(1)–(3), these provisions control as to utility-scale solar energy systems. All provisions in subsections 4.61(1)–(3) that do not conflict with this subsection (4) remain in full force and effect. The following provisions do not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect, and do not apply to solar energy systems with a nameplate capacity of less than 50 megawatts.

    A. Setbacks. Utility-scale solar energy systems must comply with the following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

Setback Description	Setback Distance
Occupied community buildings and dwellings on nonparticipating properties	300 feet from the nearest point on the outer wall
Public road right-of-way	50 feet measured from the nearest edge of a public road right-of-way
Nonparticipating parties	50 feet measured from the nearest shared property line

B. Fencing. Fencing for utility-scale solar energy systems must comply with the latest version of the National Electric Code as November 29, 2024, or as subsequently amended.

C. Height. Solar panel components must not exceed a maximum height of 25 feet above ground when the arrays are at full tilt.

D. Noise. Utility-scale solar energy systems must not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.

E. Lighting. Utility-scale solar energy systems must implement dark sky-friendly lighting solutions.

F. Environmental Regulations. Utility-scale solar energy systems must comply with applicable state or federal environmental regulations.

G. Host Community Agreement. The applicant for a special land use permit for a utility-scale solar energy system shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the utility-scale solar energy system owner must pay the Township $2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the local unit and the applicant.

Section 5. Severability and Validity.

If any portion of this Ordinance is found invalid for any reason, such holding will not affect the validity of the remaining portions of this Ordinance.

Section 6. Repealer.

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 7. Effective Date.

This Ordinance takes effect upon the expiration of 7 days after publication as required by MCL 125.3401(7).