

TOWNSHIP OF SCIO
WASHTENAW COUNTY, MICHIGAN

Ordinance No. 2026-25

AMENDING CHAPTER 36, ZONING

AN ORDINANCE TO AMEND THE CODIFIED SCIO TOWNSHIP ORDINANCE BY AMENDING CHAPTER 36, VARIOUS SECTIONS RELATED TO RENEWABLE ENERGY.

NOTE: Unchanged Code text is in plain Times New Roman font. Additions to Codes are in single underline Times New Roman font. Deletions to Codes are in ~~strike through Times New Roman font~~.

THE TOWNSHIP OF SCIO, WASHTENAW COUNTY, MICHIGAN, HEREBY ORDAINS:

Section 1:

Chapter 36, Sec. 36-5 of the Township of Scio Code of Ordinances, Definitions, is amended as follows:

Renewable Energy Definitions

1. *Abandonment*: Any renewable energy system or facility that is no longer producing power over a consecutive 12-month period of time.
2. *Decommission*: To remove and/or retire a renewable energy system or facility from active service.
3. *Dual Use*: A solar energy system that employs one or more of the following land management and conservation practices throughout the project site:
 - a. *Pollinator Habitat*: Solar sites designed to meet a score of 76 or more on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites.
 - b. *Conservation Cover*: Solar sites designed in consultation with conservation organizations that focus on restoring native plants, grasses, and prairie with the aim of protecting specific species (e.g., bird habitat) or providing specific ecosystem services (e.g., carbon sequestration, soil health).
 - c. *Forage*: Solar sites that incorporate rotational livestock grazing and forage production as part of an overall vegetative maintenance plan.
 - d. *Agrivoltatics*: Solar sites that combine raising crops for food, fiber or fuel, and generating electricity with the project area to maximize land use.
4. *Energy Storage Facility*: a system that absorbs, stores, and discharges energy.
5. *Maximum Tilt*: The maximum angle of a solar array (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.

6. Minimum Tilt: The minimal angle of a solar array (i.e., most horizontal position) for capturing solar radiation as compared to the horizon line.
7. Nameplate Capacity (Facility): The designed full-load sustained generating output of an energy facility. This is determined by reference to the sustained output of an energy facility even if components of the energy facility are located on different parcels, whether contiguous or noncontiguous.
8. Nonparticipating Property: A property that is adjacent to an energy facility and that is not a participating property.
9. Occupied Community Building: a school, place of worship, day-care facility, public library, community center, or other similar building that the applicant knows or reasonably should know is used on a regular basis as a gathering place for community members.
10. Participating Property: One or more properties under a signed lease or easement for development of a principal use solar energy system.
11. Principal Use Solar Energy System: A commercial, ground-mounted solar energy system that converts sunlight into electricity for the primary purpose of off-site use through the electrical grid or export to the wholesale market.
 - a. Principal Use (Large) Solar Energy System: A Principal Use Solar Energy System generating 50 megawatts or more for the primary purpose of off-site use through the electrical grid to export to the wholesale market.
 - b. Principal Use (Small) Solar Energy System: A Principal Use Solar Energy System generating less than 50 megawatts for the primary purpose of off-site use through the electrical grid to export to the wholesale market.
12. Renewable Energy Facilities: A facility where the principal design, purpose, or use is to provide renewable energy via wind, solar and/or storage to off-site uses or the wholesale or retail sale of generated electricity.
13. Renewable Energy Systems: A device, and/or components designed to generate renewable energy.
14. Repowering: Reconfiguring, renovating, or replacing a solar energy system to maintain or increase the power rating of the solar energy system within the existing project footprint.
15. Solar Array: Any number of photovoltaic devices connected together to provide a single output of electric energy or other energy.
16. Solar Energy Collector: A panel or panels and/or other combination thereof, that collect, store, distribute and/or transform solar, radiant energy into electrical, thermal or chemical energy for the purpose of generating electric power or other form of generated energy for use in or associated with the principal land use on the parcel of the land on which the solar energy collector is located and, if permitted, for the sale and distribution of excess available electricity

to an authorized public utility for distribution to other lands.

- a. *Building-Mounted Solar Energy Collector:* A solar energy collector attached to the roof or wall of a building, or which serves as the roof, wall, or window or other element, in whole or in part, of a building.
 - b. *Ground-Mounted Solar Energy Collector:* A solar energy collector that is not attached to and is separate from any building on the parcel of land on which the solar energy collector is located.
17. *Wind Energy Conversion System (WECS):* Any device such as a turbine, windmill, or charger that converts wind energy to a usable form of energy.

Chapter 36, Sec. 36-148, of the Township of Scio Code of Ordinances, Wind Energy Conversion Systems shall be amended to be entitled Sec. 36-148, Renewable Energy as follows:

- ~~(a) Intent. It is the intent of the Township to permit the effective and efficient use of wind energy conversion systems (WECS) by regulating the siting, design, and installation of such systems to protect the public health, safety, and welfare, and to ensure compatibility of land uses in the vicinity of WECS.~~
- ~~(b) Approval required. It shall be unlawful to construct, erect, install, alter, or locate any WECS within the township except in compliance with this section. A building permit is required for any WECS pursuant to section 36-32 and this section.~~
- ~~(c) Permitted accessory use.~~
 - ~~(1) Roof-mounted WECS shall be considered a permitted accessory use and may exceed the height limit of the district in which the system is located by 15 feet.~~
 - ~~(2) On-site WECS (non-roof mounted) and meteorological towers less than 70 feet in height shall be considered a lawful accessory use on parcels with an area of 2.5 acres or greater in the following zoning districts pursuant to this section: R-C, A-1, E-R, and R-1.~~
- ~~(d) Conditional Use.~~
 - ~~(1) All zoning districts, on-site WECS and/or meteorological towers not in conformance with subsection (c)(2) (as specified above) shall be allowed only as a conditional use subject to the provisions of this section and article VII, conditional use review.~~
 - ~~(2) Commercial WECS and associated meteorological tower shall be considered a conditional use in the RC, A-1, and I-3 districts and shall be subject to the provisions of this section and article VII, conditional use review.~~
- ~~(e) Application. On-site WECS and associated meteorological towers as an accessory use. The application for an on-site WECS when permitted as an accessory use shall include the following:~~
 - ~~(1) Applicant information. Name, address and contact information.~~
 - ~~(2) Project description. A general description of the proposed project as well as a legal description (property identification number) of the property on which the project would be located.~~

~~(3) Plot plan and documentation. The plot plan shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed project. The plot plan shall include all informational requirements of subsection 36-31(i), certificates of zoning compliance, as well as the following additional information:~~

- ~~a. The project area boundaries.~~
- ~~b. The locations, height and dimensions of all existing and proposed structures and fencing.~~
- ~~c. Distance of proposed structure from all property lines and permanent structures.~~
- ~~d. The location, grades, and dimensions of all temporary and permanent on-site access roads.~~
- ~~e. Sufficient information (spot elevations) to determine site topography. Full site topography is not required.~~
- ~~f. Water bodies, waterways, wetlands, and drainage ditches, and drains.~~
- ~~g. All new infrastructure above ground related to the project.~~
- ~~h. The location of all overhead utility areas.~~

~~(4) Additional documentation.~~

- ~~a. Insurance. Proof of the applicant's appropriate liability insurance.~~
- ~~b. Sound pressure level. Documentation of the manufacturers designed sound pressure levels (decibels) for unit installed.~~
- ~~c. Grant of authority. The applicant shall provide evidence of ownership of the land on which the WECS is to be located and the written consent of the land owner if different from the applicant. If the applicant is leasing land the applicant shall provide a copy of the lease agreement and the land owner's written authorization for the applicant to construct the structure.~~

~~(f) Application — On-site WECS and associated meteorological towers as conditional use. The application for an on-site WECS and associated meteorological towers when permitted as a conditional use shall meet all of the requirements for a conditional use permit application. The information noted in subsection (e)(3) above is required in lieu of a full site plan unless (i) the proposed WECS involves changes to the site outside the footprint of the WECS, or (ii) the zoning administrator finds that the intent of section 36-176 (Purpose of site plan review) warrants the submission of a full site plan.~~

~~(g) Application — Commercial WECS and associated meteorological towers conditional use. The application for a commercial WECS shall meet the provisions of subsection (f) herein, the provisions of article VII, conditional use review and shall include a complete site plan in accordance with article VI site plan review.~~

~~(h) Standards and requirements. All on-site WECS, and commercial WECS shall meet the standards and findings of the criteria of site plan review pursuant to section 36-180 and the following additional standards and requirements:~~

~~(1) Property setbacks.~~

- ~~a. The distance between a WECS And the nearest property line shall be at least 1.5 times the height of the WECS.~~

- b. ~~No part of the WECS structure, including guy wire anchors, may extend closer than ten feet to the owner's property line.~~
- e. ~~The distance between a WECS and a private road easement or a public right-of-way shall be at least 1.5 times the height of the WECS.~~
- d. ~~Roof-mounted WECS that extend no more than 15 feet above the height of the structure are exempt from the setback provisions above.~~
- (2) ~~Height. On-site WECS shall be less than 175 feet in height. Height shall be measured from the existing grade to the tip of the turbine blade at its highest point. The applicant shall demonstrate compliance with all FAA lighting regulations and the Michigan Tall Structures Act as part of the approval process, applicable.~~
- (3) ~~Noise. Wind energy conversion systems (WECS) shall not exceed the noise levels permitted and found in section 36-311 (Noise) of this chapter.~~
- (i) ~~Construction codes, towers and interconnections standards. Every WECS shall comply with all applicable federal, state, and local building and construction codes.~~
- (j) ~~Safety.~~
 - (1) ~~Design safety certification. The safety of the design of every WECS shall be certified by the applicant's professional engineer registered in the State of Michigan and reviewed by the township. If WECS construction is approved, the professional engineer shall certify that the construction and installation of the WECS meets or exceeds the manufacturer's construction and installation standards, and any applicable state and federal laws and regulations prior to operation.~~
 - (2) ~~Controls and brakes. Every WECS shall be equipped with controls to limit rotation of blades to a speed not to exceed the designed limits of the WECS. The applicant's professional engineer must certify that the rotor and overspeed control design and fabrication conform to applicable design standards. No changes or alterations from the certified design shall be permitted unless accompanied by a professional engineer's statement of certification approved by the Township.~~
 - (3) ~~Lightning. Every WECS shall have lightning protection.~~
 - (4) ~~Guy wires. If an on-site WECS is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors. Every commercial WECS must be of a freestanding monopole design and guy wires shall not be used.~~
 - (5) ~~Grade clearance. The minimum vertical blade tip clearance from grade shall be 25 feet for any WES employing a horizontal axis rotor.~~
 - (6) ~~Color. Towers and blades shall be of a non-reflective neutral color designated on the application and approved by the township or as otherwise required by law.~~
- (k) ~~Removal of abandoned on-site WECS. In the event an on-site WECS is abandoned or unused for a period of 180 days, or if a WECS is damaged, the owner of the tower or the land shall promptly remove the tower and all related equipment. Failure to remove the tower and related equipment in accordance with the foregoing shall be considered a violation of this chapter pursuant to section 36-38. In addition, by accepting a permit for the on-site WES, the applicant and land owner agree that in the event the tower and equipment is not removed as required, after 30 days notice from the township,~~

~~the township may undertake such removal and bill the costs to the applicant and land owner plus an administrative fee of 15 percent which if not paid within 30 days shall be assessed against the land on which the tower and equipment is located and collected in the same manner as delinquent taxes.~~

~~(1) Additional requirements for commercial WECS. The following standards and requirement shall apply to every commercial WECS.~~

~~(1) Warnings. A visible warning sign of high voltage shall be placed at the base of every commercial WECS. The sign must have at least six-inch letters with three-quarter inch stroke. Such signs shall be located a maximum of 300 feet apart and at all points of site ingress and egress.~~

~~(2) Signage. In addition to warning signs and signs required by law, every commercial WECS shall be equipped with a sign containing owner identification and contact information. No other signs or advertising are permitted.~~

~~(3) Liability insurance. The owner or operator of a commercial WECS shall maintain a current commercial liability and property damage insurance policy with coverage limits acceptable to the township pertaining to installation and operation of the commercial WECS. The amount and terms of the policy shall be established as a condition of conditional use permit approval. The township and land owner shall be named as additional insureds. Certificates of insurance shall be provided to the township annually.~~

~~(4) Security. The application shall include a description of security to be posted at the time of receiving a building permit for the WECS to ensure removal of the WECS when it has been abandoned or is no longer needed, as provided in subsection (1)(10) below. The security shall be the form of: (i) cash; (ii) letter of credit; or, (iii) an escrow agreement, in an amount approved by the township engineer and in a form approved by the township attorney providing for timely removal of the commercial WECS as required under this section, and payment of any costs and attorney fees incurred by the township in connection with such removal.~~

~~(5) Visual appearance; lighting; powerlines. The design of the WECS buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend WECS components with the natural setting and existing environment. For commercial WECSs exceeding minimum FAA height requirements for lighting, minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. The electrical collection system shall be placed underground within the interior of each parcel at a depth designed to accommodate any existing land use to the maximum extent practicable. The collection system may be placed overhead adjacent to public roadways, at points of interconnection to the electric grid or in other areas as necessary.~~

~~(6) Wildlife impact. The applicant shall submit an avian study by a qualified professional, such as an ornithologist or wildlife biologist, describing the potential impact of the commercial WECS on migratory birds or bats and threatened or endangered species.~~

- (7) ~~Annual inspection; maintenance. The WECS and surrounding area shall be maintained in accordance with industry standards including painting and landscaping. Every WES must be inspected annually by an authorized factory representative or professional engineer to certify that the WECS is in good working condition and is not a hazard to persons or property. Certification records shall be submitted annually to the township.~~
- (8) ~~Shadow Flicker. The applicant shall conduct an analysis of potential shadow flicker. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The analysis shall identify impacted areas where shadow flicker may affect occupants or users of the structures or properties in the impacted area. The analysis shall describe measures that will be taken to eliminate or mitigate negative impacts.~~
- (9) ~~Sound pressure level. As part of the application and prior to installation of any commercial WECS, the applicant shall provide modeling and analysis that will confirm that the commercial WECS will not exceed the maximum permitted sound pressure levels. Modeling and analysis shall conform to IEC61400 and ISO9613. After installation of the commercial WECS, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for Type II sound meter. Documentation of the sound pressure level measurement shall be provided to the local government within 60 days of the operation of the project.~~
- (10) ~~Safety. Commercial WES Shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the commercial WECS. A sign shall be posted near the tower that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice. The minimum vertical blade tip clearance from grade shall be 25 feet for a wind energy system employing horizontal axis rotor.~~
- (11) ~~Removal. A commercial WECS shall be removed by the owner of the WECS or land when the commercial WECS has been abandoned or unused for 180 days ("non-use period"). For purposes of this section, the damage, destruction or removal of any part of WECS equipment, or the cessation of operations shall be considered as the beginning of a non-use period. The WECS owner or applicant shall notify the township of the beginning of any non-use period or any removal of equipment. The end of the non-use period may be sooner than 180 days after commencement if the WECS or any portion of the facility becomes a nuisance or is dangerous to the public health, safety and welfare.~~
- a. ~~At the end of the non-use period, the owner of the WECS or the land shall immediately apply for and obtain any applicable demolition or removal permit, and shall immediately proceed~~

with and complete the demolition and removal of the WECS and restoration of the land to the condition existing prior to installation to the extent reasonably feasible.

- b. ~~If the required demolition removal and restoration of the WECS has not been lawfully completed within 60 days after the end of the non-use period, then after 15 days prior written notice to the land owner and the WECS owner, the township may remove or secure the removal of the WECS and related equipment and the township's costs, expenses attorneys fees and consultant's fees, plus a 15 percent administrative charge may be drawn and collected for the security described in (1)(4) above, and any costs and fees in excess of the amount of the security shall constitute a lien on the land on which the WECS is located and may be collected in the same manner as delinquent taxes.~~

(m) ~~Public inquiries and complaints. Should an aggrieved property owner allege that a WECS is not in compliance with the noise requirements of this chapter, the procedure to address the allegation shall be as follows:~~

- ~~(1) Notify the township in writing regarding concerns about noise level.~~
- ~~(2) If the complaint is deemed sufficient by the township to warrant an investigation, the township will request the aggrieved property owner deposit funds in an amount sufficient to pay for a noise level test conducted by a certified acoustic technician to determine compliance with the requirements of this chapter.~~
- ~~(3) If the test indicates that the noise level is within ordinance noise requirements, the township will use the deposit to pay for the test.~~
- ~~(4) If the WECS owner(s) is in violation of the ordinance noise requirements, the owner(s) shall reimburse the township for the noise level test and take immediate action to bring the WECS into compliance which may include ceasing operation of the WECS until ordinance violations are corrected. The township will refund the deposit to the aggrieved property owner.~~

A. **Intent.** The following regulations are intended to ensure the interests of the landowner, and the Township are achieved harmoniously with no negative effect to the long-term viability of the subject property or those surrounding it. Facilities for the capture, storage, and distribution of renewable energy for commercial purposes are subject to the following standards.

B. **Facility Boundary.** The boundary around a parcel, multiple parcels, or portions thereof, leased or purchased for the purposes of operating a renewable energy facility. The facility boundary may cross road rights-of-way, but required setbacks shall be provided and calculated on each side of any such road where pertinent.

C. **Regulation Schedules.** All renewable energy facilities with nameplate capacities at or above the thresholds defined in Public Act 233 of 2023 and listed below shall use Schedule A. All other renewable energy facilities shall use Schedule B.

1. **Schedule A:** Nameplate facilities are permitted by right in all zoning districts with site plan review. Sites of this scale shall conform to the regulations outlined below.

a. **Solar.** _____

i. **Minimum Setbacks:** Measured from the property line to the nearest edge of the perimeter fencing of the facility.

<u>Occupied Community Building / Dwellings on Nonparticipating Properties</u>	<u>300 feet from nearest point on the outer wall</u>
<u>Public Road ROW</u>	<u>50 feet measured from the nearest edge of a public road ROW</u>
<u>Nonparticipating Properties</u>	<u>50 feet measured from the nearest shared property line</u>

ii. **Fencing:** Complies with the latest version of the National Electric Code as of the effective date of the amendatory act that added this section, or any applicable successor standard approved by the Planning Commission as reasonable and consistent with the purposes of this subsection.

iii. **Height:** Solar panel components do not exceed a maximum height of 25 feet above ground when the arrays are at full tilt.

iv. **Sound:** The solar energy facility does not generate a maximum sound in excess of 55 average hourly decibels as modeled at the at the property line of an adjacent nonparticipating property. Decibel modeling shall use the A- weighted scale as designed by the American National Standards Institute.

v. **Dark Skies:** The solar energy facility will implement dark sky-friendly lighting solutions.

vi. **Planning Commission Requirements:** The solar energy facility will comply with any more stringent requirements adopted by the Michigan Public Service Commission as provided in MCL 460.1226(8)(a)(iv).

b. **Wind.**

i. **Minimum Setbacks:** Measured from the center of the base of the wind tower:

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

- ii. Placement: Each wind tower is 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.
- iii. Height: No wind tower blade tip will exceed the height allowed under a Determination of No Hazard to Air Navigation by the Federal Aviation Administration under 14 CFR part 77.
- iv. Sound: The wind energy facility does not generate a maximum sound more than 55 average hourly decibels as modeled at the property line 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.
- v. Lighting: The wind energy facility is 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 Planning Commission 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:
 - a. The purpose of the exemption.
 - b. The proposed length of the exemption.
 - c. A description of the light-mitigating technologies submitted to the Federal Aviation Administration.

- d. The technical or economic reason a light-mitigating technology is not feasible.
- e. Any other relevant information requested by the Planning Commission.
- vi. Radar: The wind energy facility meets any standards concerning radar interference, lighting, subject to subparagraph (v), or other relevant issues as determined by the Planning Commission.
- c. **Energy Storage Facilities.**
 - i. Minimum Setbacks: Minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility.

<u>Occupied Community Building / Dwellings on Nonparticipating Properties</u>	<u>300 feet from nearest point on the outer wall</u>
<u>Public Road ROW</u>	<u>50 feet measured from the nearest edge of a public road ROW</u>
<u>Nonparticipating Parties</u>	<u>50 feet measured from the nearest shared property line</u>

- ii. Installation: The energy storage facility complies 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 adopted by the Planning Commission as reasonable and consistent with the purposes of this subdivision.
- iii. Sound: The energy storage facility does not generate a maximum sound more than 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.
- iv. Dark Skies: The energy storage facility will implement dark sky friendly lighting solutions.
- v. Planning Commission Requirements: The energy storage facility will comply with any more stringent requirements adopted by the Michigan Public Service Commission as provided in MCL 460.1226(8)(a)(iv).
- d. **Schedule A Site Plans.** A site plan required under Public Act Section 223 or 225 of 2023 shall meet application filing requirements established by Article 36-VI to maintain consistency between applications. The site plan shall include the following:
 - i. The location and a description of the energy facility.
 - ii. A description of the anticipated effects of the energy facility on the environment.

- natural resources, and solid waste disposal capacity, which may include records of consultation with relevant state, tribal, and federal agencies.
- iii. If the proposed site of the energy facility is undeveloped land, a description of feasible alternative development locations, including, but not limited to, vacant industrial property and brownfields, and an explanation why they were not chosen.
 - iv. A stormwater assessment and a plan to minimize, mitigate, and repair any drainage impacts at the expense of the developer. The applicant shall make reasonable efforts to consult with the Washtenaw County Water Resources Commission before submitting the application and shall include evidence of those efforts in its application.
 - v. A fire response plan and an emergency response plan.
 - vi. A decommissioning plan consistent with agreements reached between the applicant and other landowners of participating properties that ensures the return of all participating properties to a useful condition similar to that which existed before construction, including removal of above-surface facilities and infrastructure that have no ongoing purpose. The decommissioning plan shall include, but is not limited to, financial assurance in the form of a bond, a parent company guarantee, or an irrevocable letter of credit, but excluding cash. The amount of the financial assurance shall not be less than the estimated cost of decommissioning the energy facility, after deducting salvage value, as calculated by a third party with expertise in decommissioning, hired by the applicant. However, the financial assurance may be posted in increments as follows:
 - a. At least 25% by the start of full commercial operation.
 - b. At least 50% by the start of the third year of commercial operation.
 - c. 100% by the start of the fifth year of commercial operation.
 - vii. Additional information required by Planning Commission rule or order that directly relates to the site plan.

2. Regulation Schedule B.

- a. **Principal Use Solar Energy Systems and Energy Storage Facilities.**
 - i. Permitted Use. Principal Use Solar Energy Systems and Energy Storage Facilities on five (5) acres of land or less are a permitted use within the R-C, A-1, ER districts only.
 - ii. Conditional Use. Principal Use Solar Energy Systems and Energy Storage Facilities on greater than five (5) acres in any zoning district shall be considered a conditional land use.
 - iii. Setbacks. The Principal Use Solar Energy Systems and Energy Storage Facility setback requirements are found in the table below. All accessory equipment shall be subject to the same requirements.

	<u>5MW or less / <30 acre</u>	<u>Over 5MW /> 30 acres</u>
<u>Front Yard Setback (adjacent to right-of-way)</u>	<u>50 feet from property line</u>	<u>100 feet from property line</u>
<u>Side Yard Setback</u>	<u>50 feet from property line</u>	<u>100 feet from property line</u>
<u>Rear Yard Setback</u>	<u>50 feet from property line</u>	<u>100 feet from property line</u>

Where the renewable energy facility is comprised of multiple parcels, these setbacks shall apply to the exterior perimeter of all adjoining parcels. All setback distances are measured from the property line to the closest point of the renewable energy system. If the nearest component of the renewable energy system is a solar or photovoltaic array, the measurement shall be taken from the array at minimum tilt.

- iv. Height. The height of the renewable solar energy system and any mounts, buildings, accessory structures, and related equipment must not exceed twenty-five (25) feet when orientated at maximum tilt. Lightning rods may exceed twenty-five (25) feet in height, but they must be limited to the height necessary to protect the solar energy system from lightning and clearly shown in site plan proposals.

The height of the renewable storage energy system or any structure constructed to enclose the system shall not exceed forty-five (45) feet.

- v. Screening. Greenbelt screening is required around the entire facility boundary perimeter to obscure, to the greatest extent possible, the solar or storage renewable energy system from all adjacent properties. Greenbelt standards set forth in Section 36-345(b)(5) shall be applied to all solar and storage renewable energy facilities. Each owner, operator, or maintainer of solar or storage renewable energy facilities to which this ordinance applies shall utilize good husbandry techniques with respect to said vegetation, including but not limited to, proper pruning, proper fertilizer, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and must be replanted at the next appropriate planting time. Applicant agrees to submit an acceptable and reasonable long term landscape maintenance plan prior to final approval. The Planning Commission may modify these requirements if it reasonably determines modification is necessary as it relates to proposed placement of renewable energy systems and adjacent land uses and/or zoning.
- vi. Dual Use. Dual use practices are encouraged as defined in Section 36-5. A Dual Use plan must be provided as part of the submittal package for review and consideration by the Planning Commission and Township Board.
- vii. Ground Cover. The installation of perennial ground cover vegetation

maintained for the duration of operation until the site is decommissioned is required. A ground cover vegetation establishment plan shall be provided as part of the site plan and shall contain native plants. Sites utilizing dual-use practices are exempt from the perennial ground cover requirements for the portion of the site employing dual-use practice.

- viii. Fencing. The facility boundary perimeter of a solar or storage renewable energy facility must be fenced per standards set forth in Section 36-73. Additional fencing may be required for screening or security purposes in cases where the Planning Commission deems necessary.
- ix. Glare. Solar renewable energy systems must be placed and oriented such that concentrated solar radiation or glare does not project onto roadways and nearby properties. Applicants have the burden of proving any glare produced does not cause annoyance, discomfort, or loss in visual performance and visibility. An analysis by a qualified professional third-party, mutually agreeable by both the Township and applicant, shall be required to determine if glare from the utility-scale solar energy system will be visible from nearby residents and roadways. The analysis shall consider the changing position of the sun throughout the day and year, and its influence on the solar renewable energy system.
- x. Drainage and Stormwater. Renewable solar and storage energy facilities shall not increase stormwater runoff onto adjacent properties. The application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff shall be managed and demonstrating that runoff from the site shall not cause undue flooding. Any necessary permits from outside agencies for off-site discharge shall be provided. It should also be demonstrated that maintenance procedures and products will not introduce chemicals or create detrimental impacts to the natural environment, groundwater, and wildlife.

Drain tiles on-site shall be protected during the life of the project and are subject to professional review. If non-functioning drain tiles are discovered during the survey, they must be repaired and made functional or moved/abandoned if the drainage pattern has been altered to function in another manner approved by the Washtenaw County Water Resources Commission. Any drain tiles rendered non-functioning directly as a result of construction, operation, maintenance or decommissioning of the facility will be replaced or repaired so as not to create any drainage issues on the facility or on adjacent and surrounding properties.
- xi. Noise. The renewable solar or storage energy facility may not generate a maximum sound in excess of 55 average hourly decibels as measured from the nearest non-participating dwelling wall. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
- xii. Code Compliance. All renewable storage energy facilities, all dedicated use buildings, and all other buildings or structures that (1) contain or are otherwise associated with a renewable storage energy facility and (2) subject to the

Building Code shall be designed, erected, and installed in accordance with all applicable provisions of the Building Code, all applicable state and federal regulations, and industry standards as referenced in the Building Code and the Scio Township Zoning Ordinance.

b. Wind Energy Conversion System (WECS)

- i. Setbacks. The distance between a WECS and the nearest non-participant property line and/or nearest road right of way shall be at least one and one-half (1.5) times the height of the WECS. No part of the WECS structure, including guy wire anchors, may extend closer than ten (10) feet to the owner's property line. No setback is required between participating properties.

All accessory equipment shall be at least one hundred (100) feet from the nearest property line.

- ii. Shadow Flicker. Each wind tower is 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.
- iii. Height. Each wind tower blade tip does not exceed the height allowed under a Determination of No Hazard to Air Navigation by the Federal Aviation Administration under 14 CFR part 77.
- iv. Sound. Audible noise or the sound pressure level of an on-site WECS shall not exceed fifty-five (55) dB(A) at the nearest non-participating dwelling wall to the WECS. This sound pressure level may be exceeded during short-term event such as utility outages and/or severe windstorms.
- v. Sound Pressure Level. As part of the application and prior to installation of any commercial WECS, the applicant shall provide modeling and analysis that will confirm that the commercial WECS will not exceed the maximum permitted sound pressure levels. Modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the commercial WECS, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to Scio Township within 60 days of the operation of the project.
- vi. Lighting. The WECS is 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 Planning Commission 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:

- a. The purpose of the exemption.
 - b. The proposed length of the exemption.
 - c. A description of the light-mitigating technologies submitted to the Federal Aviation Administration.
 - d. The technical or economic reason a light-mitigating technology is not feasible.
 - e. Any other relevant information requested by the Planning Commission
- vii. Guy Wires. If an on-site WECS is supported by guy wires, the wires shall be clearly visible to a height of at least six (6) feet above the guy wire anchors. Every commercial WECS must be a freestanding monopole design, and guy wires shall not be used.
- c. **Standards for all Schedule B Renewable Energy Facilities.**
- i. Abandonment, Removal, Repowering and/or Maintenance. If a renewable energy facility ceases to perform its intended function (generating electricity) for more than 12 consecutive months, the operator shall remove all associated equipment and facilities no later than 90 days after the end of the 12-month period. Where the removal has not been lawfully completed as required above, and after at least 30 days' written notice, the Township may remove or secure the removal of the renewable energy facility and/or system or if due to abandonment and/or negligence to maintain, the Township shall have the right to enter the site for the reason of repowering the facility, in cases where repairs or replacements to the renewable energy system components are necessary, in order to properly maintain the system. The Township's actual cost and reasonable administrative charges to be covered by the operator's security bond. Charges may include the procurement of a contractor with the expertise to oversee and execute the entire set of repairs and/or maintenance to restore the site to its original capacity. Any costs incurred by the Township above and beyond the value of the security bond will be the responsibility of the operator.
 - ii. Decommissioning. The ground shall be restored to its original topography within 60 days of removal of structures.
 - iii. Acceptable ground covers include grasses, trees, crops, or other material demonstrated to be characteristic of the surrounding land. All above and below ground materials shall be removed when the renewable energy facility and/or system is decommissioned. All installed landscaping and greenbelts shall be permitted to remain on the site as well as any reusable infrastructure as determined by the Township. These can include service drives, utilities, etc.

- iv. Surety. A letter of credit, cash deposit, or other security instrument found acceptable to the Township Board will be posted by the owner(s) and/or operator of the Utility-scale solar energy facility in a form acceptable to the Township equal to one-hundred fifty (150) percent of the total estimated decommissioning and/or reclamation costs. The cost of decommissioning shall be re-reviewed and submitted to the Township annually to ensure adequate funds are allocated for decommissioning. The security instrument, shall be appropriately adjusted to reflect the current decommissioning estimate.

The applicant shall engage a certified professional engineer acceptable to the Township to estimate the total cost of decommissioning all structures in the facility in accordance with the requirements of this Ordinance, including reclamation to the original site conditions.

A security bond, if utilized, shall be posted and maintained with a bonding company licensed in the State of Michigan or a Federal or State-chartered lending institution acceptable to the Township.

Any bonding company or lending institution shall provide the Township with 90 days' notice of the expiration of the security bond. Lapse of a valid security bond is grounds for the actions defined below.

If at any time during the operation of the renewable energy facility or prior to, during, or after the sale or transfer of ownership and/or operation of the facility the security instrument is not maintained, the Township may take any action permitted by law, revoke the special land use, order a cessation of operations, and order removal of the structure and reclamation of the site.

In the event of sale or transfer of ownership and/or operation of the renewable energy facility, the security instrument shall be maintained throughout the entirety of the process. The security instrument shall be maintained until decommissioning and removal has been completed to the satisfaction of the Township.

- v. Provision of Manufacturers' Safety Data Sheet(s). The applicant must submit manufacturer safety data sheets for solar panels, transformers, inverters, batteries and any project fluids. If approval is granted, applicant must provide the Township with finalized manufacturer safety data sheets both to be kept on record at with the Township and on-site in a clearly marked waterproof container. Applicants must provide updated manufacturer data sheets whenever equipment is modified so that all records are up to date. Documentation shall include the type and quantity of all materials used in the operation of all equipment.
- vi. Fire Response. All electrical equipment associated with and necessary for the operations of the facility shall comply with all local and state codes. All design and installation work shall comply with all applicable provisions of the National Electrical Code (NEC). Energy storage facilities shall also comply with NFPA 855.

The applicant shall provide training, at no cost to the Township, before, approximately halfway through and after construction for all emergency service departments serving the Township. In addition to other requirements for permits, all three trainings must have been completed to receive final permits. Trainings upon the completion and during the operation of the renewable energy facility will be conducted at the request of any emergency service departments but will not exceed four (4) trainings per any given twelve (12) month period.

The applicant shall provide a set of procedures and protocols for managing risk or fire and for responding in the event of an emergency at the facility. It will be the burden of the applicant to ensure said procedures and protocols provided to the various emergency service departments are the most up to date version.

Special equipment that may be required to ensure the safety of fire and rescue personnel when responding to an emergency at the facility shall be provided at no cost to the Township prior to commencement of construction of the facility. The authority to determine whether, and what type of special equipment is needed shall be with the fire and/or rescue department(s) serving the Township.

The applicant shall provide for and maintain reasonable means of access for emergency services. Lock boxes and keys shall be provided at locked entrances for emergency personnel access. If any adjoining properties are damaged as a result of emergency access ingress/egress to the facility, the applicant shall remedy all damages in full.

- vii. Anticipated Construction Schedule. Applicant must provide an anticipated construction schedule which highlights when potentially hazardous materials will be brought on-site and installed.
- viii. Permits. Applicant must coordinate with all applicable agencies for required permitting including but not limited to the Washtenaw County Road Commission and/or Michigan Department of Transportation (MDOT), Washtenaw County Water Resources Commission, Environmental Protection Agency (EPA), Michigan Department of Environment, Great Lakes and Energy (EGLE), etc.
- ix. Photographic Record. Applicant must submit a complete set of photos and video of the entire development area prior to construction. This will be used as historical documentation for the township to secure and refer to if/when decommissioning and redevelopment activities take place.
- x. Site Security. A security plan shall be submitted with the special land use application and site plan application for a renewable energy facility. The security plan shall:
 - a. Show all points of secured access as well as the means for limiting access to authorized personnel only.
 - b. Along with other signage requirements in this Ordinance and the Township

- Sign Ordinance, install and maintain warning signage on all dangerous equipment and facility entrances.
- c. Provide a schedule outlining the implementation and maintenance of site security as well as routine inspections to ensure site security infrastructure is intact and operating as intended.
 - xi. Indemnity. 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 Utility-scale renewable energy facility and/or system, which is subject to the Township's review and approval.
 - d. **Schedule B Site Plans.** Applications for all schedule B renewable energy facilities must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan. All site plans shall conform to the requirements of Article 36-VI, Site Plan Review. In addition, they shall display the following information:
 - i. Horizontal and vertical to scale drawings (elevations) with dimensions that show the location of the proposed solar array(s), wind turbines and energy storage facilities, buildings, structures, electrical tie lines and transmission lines, security fencing and all above ground structures and utilities on the property.
 - ii. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the renewable energy facility and within one hundred (100) feet of all facility boundary property lines. Use of above-ground lines shall be kept to a minimum.
 - iii. Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance or repair of the renewable energy facility. In no instance shall barbwire be used.
 - iv. A written description of the maintenance program to be used for the renewable energy facility, including decommissioning and removal. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the renewable energy facility is decommissioned. Description should include the average useful life of all primary renewable energy system equipment and components being proposed.
 - v. Additional detail(s) and information as required by the Planning Commission and/or Township Board.
 - e. **Schedule B Required Studies.** All studies/analyses listed below are required for all schedule B renewable energy facilities unless waived by the Planning Commission.
 - i. Stormwater Study. An analysis by a qualified professional third-party, mutually

agreeable by both the Township and applicant, shall be required to account for the proposed layout of the renewable solar or storage energy facility and how the spacing, row separation, and slope affects stormwater infiltration, including calculations for a 100-year rain-event (storm). Percolation tests or site-specific soil information shall be provided to demonstrate infiltration on-site without the use of engineered solutions.

- ii. Natural Feature Preservation Study. The plan for installation of a renewable energy facility shall include a tree survey and proposed plan for cutting trees greater than 6-inches DBH. No such trees shall be cut in any required setback other than those reasonably required for the installation of a drive to access the facility. Retention of natural grades, soils, and groundcover material is encouraged where feasible.
- iii. Wildlife Impact. The applicant shall submit a study by a qualified professional, such as an ornithologist or wildlife biologist, describing the potential impact of the renewable energy facility on migratory birds or bats and threatened or endangered species.
- iv. Environmental Impact Analysis. An analysis by a qualified professional third-party, mutually agreeable by both the Township and applicant, shall be required to identify and assess any potential impacts on the natural environment including, but not limited to, wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate, or mitigate adverse impacts identified in the analysis.

An applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. The applicant shall comply with applicable parts of the following:

- (a) Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq.) including but not limited to:
- (b) Part 31 Water Resources Protection (MCL 324.31 et seq.),
- (c) Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.),
- (d) Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.),
- (e) Part 303 Wetlands (MCL 324.30301 et seq.),
- (f) Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.),
- (g) Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.),
- (h) Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.).

Section 2. Repealer

All ordinances or parts thereof which are in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed, except that terms defined herein for the purpose of interpretation, administration and enforcement of this Ordinance shall not act to modify, repeal or otherwise change the definition of any such term as used in other ordinances or laws.

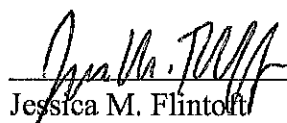
Section 3. Savings Clause

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, section or subsection is declared void or inoperable for any reason by any court, it shall not affect any other part or portion hereof other than the part declared void or inoperable.

Section 4. Adoption and Effective Date

This Ordinance shall be published in the manner as required by law. Except as otherwise provided by law, this Ordinance shall be effective upon the eighth day following final publication of the Ordinance or at such later date after publication as may be specified by the Township Board.

This Ordinance was duly adopted by the Township Board at its regular meeting called and held on the 12th day of May, 2026, and was ordered giving publication in the manner required by law.



Jessica M. Flintoft 5/12/26
Township of Scio Clerk Date

Adoption: May 12, 2026

Ordinance Publication: May 27, 2026

Effective Date: June 4, 2026