MARION TOWNSHIP PLANNING COMMISSION
AGENDA

REGULAR MEETING
November 22, 2022
7:30 PM
Virtual access instructions to participate in the meeting are posted on www.mariontownship.com

Call to Order:
Pledge of Allegiance:
Introduction of Members:
Approval of Agenda for: November 22, 2022 Regular Meeting
Approval of Minutes from: October 25, 2022 Regular Meeting

Call to the Public:

Public Hearing:

New Business:
1) Sarah Mills to talk about Solar and PDR?
2) PDR ordinance discussion

Unfinished Business:
1) Review draft of kennels and set public hearing for December 20, 2022
2) Set public hearing for TXT#03-22 Section 14 exclude residential

Special Orders:
1) Annual Election of Officers
2) Budget review

Announcements:
1) Next meeting will be December 20, 2022 with Solar review from LCPC & Attorney

Call to the Public:

Adjournment

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MARION TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING
OCTOBER 25, 2022 - 7:30PM

CALL TO ORDER

Larry Grunn called the meeting to order at 7:30 pm.

APPROVAL OF AGENDA

Jim Anderson made a motion to approve the agenda as presented for the October 25, 2022 Planning Commission meeting. Bruce Powelson seconded. **MOTION CARRIED**

APPROVAL OF MINUTES

Jim Anderson made a motion to approve the minutes as presented from the August 23, 2022 Planning Commission meeting. Cheryl Range seconded. **MOTION CARRIED**

CALL TO THE PUBLIC

None

PUBLIC HEARING: TXT #02-22 SOLAR ORDINANCE

John Martin resides at 446 Trestle Drive. Mr. Martin commented on the Township's Solar Ordinance.
Bruce Powelson stated that Solar Farms typically are placed where there is plenty of acreage and good connectivity to existing power lines.
Sandy Donovan resides at 1229 Triangle Lake Road. Sandy stated that Solar Farms will be expanding into this area eventually and she would rather go with the original overlay option for our ordinance.

UNFINISHED BUSINESS
1) REVIEW SOLAR ORDINANCE AND FORWARD TO LCPD FOR REVIEW AND COMMENT

Zach presented the new language for the Townships Solar Ordinance. The Commissioners have the option of going with a zoning overlay district. This would allow us to regulate the proximity to power lines and require larger lots to avoid disturbance to other parcels. Solar farms would be required to get a special use permit, have a public hearing and obtain approval from the Board of Trustees. The language would include fencing and buffering requirements, set-backs and set-back easements. It would also include decommissioning rules, signage requirements and require building code approval.
The Planning Commission agreed for Zach to make the following changes/updates to the Solar ordinance.
Add language that refers to the Performance Standards about sound/noise nuisance. (55 decibels at the fence line.)
Bob Hanvey inquired about the sections in the ordinance:

PAGE 1 - #8 under the definitions, regarding surrounding properties that are owned by other solar farm companies.

PAGE 4 - D4 is a bit confusing and would like to see that part reword. Zach said that he would get with Dave to make sure it is consistent with our other ordinances.

PAGE 5 - D and #5 both state that "The Planning Commission will require/approve". Zach agreed to correct these items along with any other reference throughout the ordinance.

DRAFT

PAGE 5 - #7 add the "Oxford Comma"

PAGE 5 - #9 correct the height requirement and special dependent.

PAGE 9 - #6 move the second sentence to item #5.

PAGE 10 - #5 remove the first word "entitled"

Zach will make these changes and then send it back to be forwarded over to the Livingston County Planning Commission for review and comment.

Les Andersen asked about making adjustments to the decommission bond. Zach stated that adjustments can be made every three years.

Cheryl Range made a motion to have Zach send the proposed Solar Ordinance to the Livingston County Planning Commission and the Township Attorney once all of the updates previously discussed are made and Dave Hamann reviews everything. Jim Anderson seconded. **MOTION CARRIED.**

Zach said that Sara Mills will be coming to the next Planning Commission meeting on November 22.
Jim Anderson asked when Zach would have these changes complete. Zach said that he would have this updated and sent to Dave on Friday, October 28th.
Larry Grunn suggested having Sara Mills review this language and provide her input.
Bob Hanvey recommended that we put together an agenda for Sara Mills.

2) REVIEW PROPOSED DRAFT FOR KENNELS

Zach reviewed the updated Kennel language. Zach is also going to make the following changes.

For the language regarding "Sound" Zach will refer to the Nuisance ordinance. Zach also stated that he could make this change to all of our ordinances that reference language about "sound" or "noise regulations".

PAGE 7 - #3 remove the word "instead".

Zach is also going to check the County's licensing age requirement, so we can make our language align with theirs.

Sandy Donovan suggested removing the note on PAGE 2.

Zach will have these updates ready for the next Planning Commission meeting in November.

3) UPDATE/FINAL RESULTS FROM THE OPEN SPACE QUESTIONNAIRE

Jim Anderson stated that based on the responses, he believes that residents want Open Space / Land Preservation as long as they do not have to pay for it.

Les Andersen suggested asking Sara Mills to provide some feedback on this at the next Planning Commission meeting.

Larry Grunn would like to get Sara Mills input and feedback on our Questionnaire before moving forward or sending it to the Board.

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ANNOUNCEMENTS

Bruce Powelson stated that Kathleen Kline-Hudson will be retiring before January 2023.

SECTION 4 PENALTY PROVISIONS

John Gormley and John Enos are working on pulling out the sections in this language that Gormley is really hesitant about.

WHAT ARE YOUR TEXT AMENDMENTS TO WORK ON?

Jim Anderson thinks that we should start working on our PDR ordinance and the language on commercial activities on farmlands. After this we should then start working on clarifying the language about parking in section 14.

CALL TO THE PUBLIC

None.

ADJOURNMENT

Larry Grunn motioned to adjourn the meeting at 9:45pm. Jim Anderson seconded. **MOTION CARRIED**.

DRAFT

MARION TOWNSHIP
SOLAR ENERGY ZONING ORDINANCE AMENDMENTS

An amendment the Marion Township Zoning Ordinance to add definitions related to solar energy, establish a solar farm energy overlay district, establish standards for utility solar energy facilities, and establish standards for private solar energy systems.

Marion Township Ordains:

1. AMENDMENT OF ARTICLE III: DEFINITIONS

Section 3.02 Definitions of the Zoning Ordinance is hereby amended to add the following solar energy definitions which shall read, in its entirety, as follows:

Farmland Preservation Program: The Michigan Farmland Preservation Program, Part 361 of the Natural Resources and Environmental Protection Act, PA 451 of 1994, also commonly referred to as PA 116.

Solar Energy: The following definitions shall apply in the application of this Ordinance.

1. **Abandonment:** Any solar energy system or facility that is no longer producing power.
2. **Building Integrated Photovoltaics (BIPVs):** A private or utility solar energy system that is integrated into the structure of a building, such as solar roof tiles or solar shingles.
3. **Decommission:** To remove or retire a solar energy system or facility from active service.
4. **Ground-Mounted Solar Energy System:** A private or utility solar energy system that is not attached to or mounted on any roof or exterior wall of any principal or accessory building.
5. **Height:** The height of a solar energy system, measured vertically from the adjacent grade to its highest point at maximum tilt.
6. **Inhabited Structure:** Any existing structure usable for living or non-agricultural commercial purposes, including, but not limited to: working, sleeping, eating, cooking, recreation, office, office storage, or any combination thereof. An area used only for storage incidental to a residential use, including agricultural barns, is not included in this definition. If it is not clear by this definition, the Zoning Administrator shall make a determination of any structure regarding whether or not if it is inhabited.
7. **Non-Participating Property:** A property that is not subject to a Utility Solar Energy Facility lease or easement agreement at the time an application is submitted for a Special Land Use for the purposes of constructing a Utility Solar Energy Facility.
8. **Participating Property:** A property that participates in a lease or easement agreement, or other contractual agreement, with or that is owned by an entity

submitting a Special Land Use Permit application for the purpose of developing a Utility Solar Energy Facility.

9. **Photovoltaic Array (PV Array):** A device designed to collect and transform solar energy into electricity.

10. **Private Solar Energy System:** A Solar Energy System used exclusively for private purposes and not used for commercial resale of energy, except for the sale of surplus electrical energy back to the electrical grid.

~~9.~~11. **Roof or Building-Mounted Solar Energy System:** A private or utility solar energy system that is attached to or mounted on any roof or exterior wall of any principal or accessory building but excluding BIPVs.

~~10.~~12. **Solar Energy System:** A device designed to collect and transform solar energy into electricity, including but not limited to, PV arrays, racks, inverters, transformers, wiring, batteries, ~~,~~and electrical system components.

~~11.~~13. **Solar Farm:** See Utility Solar Energy Facility.

~~12.~~14. **Utility Solar Energy System or Facility:** A Solar Energy System where the principal design, purpose, or use of such system is to provide energy to off-site uses or the wholesale or retail sale of generated electricity to any person or entity.

2. AMENDMENT OF ARTICLE VII: ZONING DISTRICTS AND MAPS

Section 7.01 Establishment of Districts of the Zoning Ordinance is hereby amended to add SFO Solar Farm Overlay District, which shall read, in its entirety, as follows:

Section 7.01 Establishment of Districts

For the purpose of this Ordinance, the Township is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names.

RR: Rural Residential District

SR: Suburban Residential District

UR: Urban Residential District

ERS-1: Existing Residential Subdivision District

ERS-2: Existing Residential Subdivision District

MHP: Mobile Home Park

HS: Highway Service District

LI: Light Industrial District

PL: Public Lands District

draft 11.14.2022 per PC/CPC REVIEW

Other Areas

PUD: Planned Unit Development Overlay District

SFO: Solar Farm Overlay District

WPA: Wellhead Protection Area

3. ADDITION OF ARTICLE XII: "SOLAR FARM OVERLAY DISTRICT"

A new Article XII entitled "SOLAR FARM OVERLAY DISTRICT" is hereby added to the Zoning Ordinance which shall read, in its entirety, as follows:

ARTICLE XII: SOLAR FARM OVERLAY DISTRICT

Section 12.01 SFO: Solar Farm Overlay District

A. **Intent:** It is the intent of the Solar Farm Overlay District (SFO) to provide for the location and siting of Utility Solar Energy Facilities to balance the promotion ofe economic development to supplement, rather than supplant, agricultural activities while also protecting the public health, safety, and welfare; mitigating adverse impacts to agricultural lands, natural and environmentally-sensitive areas, and developed residential areas; and preserving scenic views and cultural heritage~~resources~~. The Solar Farm Overlay District is intended to include areas with large tracts of land in proximity to electrical transmission lines to limit potential impact on other areas and uses within the Township.

B. **Permitted Acessory Uses:**

1. Accessory uses or structures clearly incidental to the operation of an approved Utility Solar Energy Facility.

C. **Uses Permitted By Special Use Permit: (See specific Provisions in Article XVII)**

1. Utility Solar Energy Facilities.

4. AMENDMENT OF ARTICLE XVII: "STANDARDS FOR SPECIFIC SPECIAL USES"

Article XVII STANDARDS FOR SPECIFIC SPECIAL LAND USES of the Zoning Ordinance is hereby amended to add Section 17.34 "Utility Solar Energy Facilities" which shall read, in its entirety, as follows:

Draft (11/14/2022) for PC/LCPC review

17.34 UTILITY SOLAR ENERGY FACILITIES

A. Intent and Purpose: The intent and purpose of this Section is to establish standards for the siting, installation, operation, repair, decommissioning, and removal of Utility Solar Energy Facilities; establish the process for the reviewing and permitting of such facilities; protect the health, welfare, safety, and quality of life of the general public; and ensure compatibility with land uses in the vicinity of the areas affected by such facilities.

B. Locational Requirements: Utility Solar Energy Facilities are permitted by special land use in the SFO Solar Farm Overlay District.

C. Site Requirements:

1. The site shall be at least twenty (20) acres.

~~1.~~2. The site may consist of a single participating property or multiple participating properties.

3. The site and all fenced compounds shall have access described below.

   a. ~~The site shall have~~There shall be direct access from a public road or ~~shall have~~ an access easement with a maximum length of one thousand two hundred fifty (1,250) feet and a width of at least thirty-three (33) feet.

   ~~a.~~b. Access drives ~~and~~ shall ~~be paved or graveled in a manner sufficient~~have a hard surface or material that can pack hard that is sufficient to support fire apparatus and ~~to~~ provide access at all times of the year.

D. Buffering Requirements:

1. There shall be a landscape buffer at least twenty (20) feet wide along the exterior, of the fenced compound, whenever existing natural vegetation does not otherwise reasonably obscure the Utility Scale Solar Energy Facility, as described below.

   a. The buffer shall be installed to obscure Utility Scale Solar Facility and shall contain staggered evergreen trees or bushes planted not less than eight (8) feet apart linearly. The Township may consider an alternative landscape buffer as a part of the special land use approval provided the alternative provides adequate screening.

   b. Plantings shall be least four (4) feet tall at time of planting and shall reach a height of ten (10) feet within three (3) growing seasons.

   c. The trees may be trimmed but must maintain a height of at least ten (10) feet.

2. Good husbandry techniques shall be followed with respect to vegetation, including but not limited to, proper pruning, proper fertilizing, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and must be replanted at the next appropriate planting time.

3. All fences and improved areas shall comply with the applicable setback for the underlying zoning district in which it is located.

4. All structures and improved areas located within the fenced compound shall be at least thirty (30) feet from the fence line.

draft for Township Planner, PC, LPC review

5. Solar energy systems and related accessory structures, such as transformers, shall be at least one hundred (100) feet from non-participating properties and road rights-of-way.

6. Solar energy systems and related accessory structures, such as transformers, shall be at least one hundred (100) feet from non-participating residential dwellings, churches or religious institutions, schools, family or group child day-care homes, bed and breakfast establishments, residential facilities, and any other residence or inhabited structure.

E. Performance Standards:

1. Utility Solar Energy Facilities shall be designed, constructed, operated, and maintained in compliance with all applicable provisions of local, state, and federal laws and regulations.

~~1.~~2. PV Array Components: PV array components shall be approved by the Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electronic Testing Laboratories (ETL), or other similar certification organization if the similar certification organization acceptable to the Township.

~~2.~~3. Fencing: Utility Solar Energy Facility compounds shall be surrounded by a fence designed to prevent unauthorized access and screen the facility.

a. The fence shall be at least seven (7) feet tall ~~with~~ and posts shall be at least thirty-six (36) inches.

~~a.~~b. Gate posts and corner posts shall have a ~~deep~~ concrete ~~foundation for gate and corner posts~~.

c. The fence shall be a ~~woven agricultural~~woven agricultural-style fence.~~, woven with a green opaque material.~~ The Township may require or allow durable green opaque material be integrated into the fence if necessary for buffering or screening.

~~b.~~d. Gates shall be provided at all access points, unless otherwise permitted or approved. Gates for vehicular access shall be approved by the Fire Chief.

~~c.~~e. Gates shall be the same height and constructed of the same material as the fencing. Access, such as knox box, shall be provided for emergency responders.

~~d.~~f. The Township may require or allow a fence design to allow for the passage of wildlife upon a finding that adequate access control and visual screening will be preserved.

~~e.~~g. Alternate fencing may be approved by the Township upon a finding that the alternative provides adequate access control and visual screening.

~~3.~~4. Safety:

a. All collection system wiring shall comply with all applicable safety and stray voltage standards.

draft (1-19-2023) per PC/LRPC review

b. All electrical connection systems and lines from the Utility Solar Energy Facility to the electrical grid connection shall be located and maintained a minimum of six (6) feet underground within and adjacent to the site.

c. All access gates and doors to Utility Solar Energy Facility compounds and electrical equipment shall be lockable and kept secured at all times when service personnel are not present.

d. The applicant shall be responsible for maintenance of the access roads. ~~At the landowner's discretion, the entrance of each access road from the public right-of way shall install a swinging gate, as appropriate, to discourage trespassers.~~

e. The manufacturers or installer's identification and appropriate warning signs shall be posted on or near solar panels in a clearly visible manner.

f. Fire suppression plans and Safety Data Sheets shall be kept on-site and accessible for emergency responders.

~~4.~~5. Advertising or non-project related graphics shall be prohibited. This exclusion does not apply to signs required by this Ordinance.

~~5.~~6. Signs shall be posted at entrances to Utility Solar Energy Facility compounds containing emergency contact information, operator contact information, and complaint resolution information. The Township may require additional signs with this information on the fence surrounding the compound.

~~6.~~7. The Utility Solar Energy Facility owner, operator, and property owner shall be responsible, jointly and severally, for mitigating erosion or flooding resulting from the Utility Solar Energy Facility.

~~7.~~8. The Utility Solar Energy Facility owner, operator, and property owner shall be responsible, jointly and severally, for making repairs to any public roads, drains, and infrastructure damaged by the construction of a Utility Solar Energy Facility.

~~8.~~9. Utility Solar Energy Facilities shall not have any on-site battery storage systems for the sale of stored energy.

~~9.~~10. Plants or grasses not part of the buffer area shall be maintained not to exceed a height of twelve (12) inches. The Township may approve a taller height upon a finding that it will not result in a nuisance.

~~10.~~11. Wildlife Impact:

a. The applicant shall have a third-party qualified professional conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate, or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

b. Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.

draft 11.14.22 per PCPC review

c. At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, or general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law. The applicant shall follow all pre-construction and post-construction recommendations of the United States Fish and Wildlife Service.

d. The analysis shall indicate whether a post-construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted. Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above-ground lines, transformers, or conductors should follow any Avian Power Line Interaction Committee (APLIC, http://www.aplic.org/) guidelines to prevent avian mortality.

~~11.~~12. Environmental Impact:

a. The applicant shall have a third-party qualified professional conduct an analysis 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.

b. The 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 Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq.) including but not limited to Part 31 Water Resources Protection (MCL 324.3101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.), Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), Part 303 Wetlands (MCL 324.30301 et seq.), Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.), Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.).

~~12.~~13. Spacing. Utility Solar Energy Facilities shall be at least two thousand five hundred (2,500) feet from any adjacent, existing Utility Solar Energy Facility.

14. Sound. The intensity level of sounds created by Utility Solar Energy Facilities shall be fifty-five (55) DBA or less along the exterior boundary of ~~the~~ a fenced compound.

15. Groundcover. Utility Scale Solar Energy Facilities shall include the installation of perennial ground cover vegetation that shall maintained for the duration of operation until the site is decommissioned.

a. Land enrolled or bound by the Farmland Preservation Program must follow the Michigan Department of Agriculture and Rural Development's Policy for Allowing Commercial Solar Panel Development on PA 116 Lands.

b. Land not enrolled or bound by the Farmland Preservation Program must provide at least one (1) of the following types of dual use ground cover to promote ecological benefits:

draft 11.14.22 PC PRINT

i. Pollinator habitat with a score of at least seventy-six (76) on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites (www.pollinators.msu.edu) ~~.~~;

ii. Conservation cover focused on restoring native plants, grasses, or prairie with the aim of protecting specific species, such as bird habitat, or providing specific ecosystem services, such as carbon sequestration or improving soil health ~~.~~;

iii. Incorporation of rotational livestock grazing and forage production as part of an overall vegetative maintenance plan ~~.~~; or

iv. Raising crops for food, fiber, or fuel and generating electricity within the site to maximize land use.

c. The Township may approve or require alternative ground cover upon finding it is not feasible to provide groundcover as defined above.

d. All groundcover must be native plants with substantial root system to support soil. Turf grass is not permitted as ground cover.

e. Invasive species and noxious weeds are not permitted and must be removed in a timely manner.

16. ~~17.~~ Lighting. Lighting shall be limited to inverter or substation locations only and shall comply with 14.04(E) Lighting.

~~13.~~17. Genera Liability Insurance. Utility Solar Energy Facilities shall have and maintain general liability insurance of at least ten million ($10,000,000.00) dollars. The Township may require a higher amount for larger projects and may allow for a lesser amount for smaller projects upon a finding that the alternate amount is more consistent with the likely risk.

F. Application Requirements:

An applicant proposing a Utility Solar Energy Facility must submit the following additional materials with the Special Land Use Application:

1. Applicant Identification: Applicant's name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved in the application (substitution may include a legal description or parcel identifications number(s)), and any additional contact information. Each application for a Utility Solar Energy Facility shall also be dated to indicate the date the application is submitted to Marion Township.
2. Project Description: A general description of the proposed project including a legal description of the property or properties on which the project would be located and an anticipated construction schedule.
3. Insurance: Proof of the ~~applicant's public~~general liability insurance ~~for at least t~~Ten Million dollars ~~($10,000,000)~~ to cover the Utility Solar Energy Facility, the Township, and the Landowner.
4. Certifications: Certification that applicant will comply with all applicable state and federal laws and regulations. ~~Note:~~ Land enrolled in the Michigan Farmland

draft 11-14-2022 for PC/CC review

Preservation Program must provide confirmation of ~~through Part 361 of the Natural Resources and Environmental Protection Act, 1994 Act 451 as amended, more commonly known as PA 116, must receive~~ approval from the Michigan Department of Agriculture to locate a Utility Solar Energy Facility on the property ~~prior to construction~~before issuance of a certificate of zoning compliance.

5. Compliance with the County Building Code and the National Electric Safety Code: Construction of a Utility Solar Energy Facility shall comply with the National Electric Safety Code and the County Building Code (as shown by approval by the County) as a condition of any Special Land Use Permit under this section. In the event of a conflict between the County Building Code and National Electric Safety Code (NESC), the NESC shall prevail.
6. Environmental Impact: Copy of the Environmental Impact Analysis.
7. Wildlife Impact: Copy of the Wildlife Impact Analysis.
8. Manufacturers' Safety Data Sheet(s): Documentation shall include the type and quantity of all materials used in the operation of all equipment.
9. Decommissioning Plan: Copy of the decommissioning plans and a description of how any surety bond, if required, is applied to the decommissioning process.
10. Complaint Resolution Protocol: Copy of Complaint Resolution Protocol.
11. Fire Suppression Plan: A plan describing the fire suppression process and procedure, as well as training for emergency personnel.
12. Site Plan: The site plan prepared in accordance with Article XVIII Site Plan Requirements shall be submitted, showing the location, size, and screening of all buildings and structures. The site plan shall also include the following:
    a. Survey of the property showing existing features such as contours, large trees, buildings, structures, roads (rights-of-way), utility easements, land use, zoning district, ownership of property, and vehicular access;
    b. Water bodies, waterways, wetlands, and drainage channels;
    c. Lighting plan;
    d. Plan(s) showing the location of proposed Utility Solar Energy Facility, underground and overhead wiring (including the depth of underground wiring), new drainage facilities (if any), access drives (including width), substations and accessory structures;
    e. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary in the Township to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond that guarantees the repair of damage to public roads and other areas caused by construction;
    f. Anticipated construction schedule;
    g. Description of operations, including anticipated regular and unscheduled maintenance;

draft (11-14-22) for PC/LDC review

h. The applicant must also obtain a permit from the Livingston County Road Commission ~~and/~~or Michigan Department of Transportation (MDOT) for permission to connect access roads to existing County roads and from the Livingston County Drain Commission for any culverts or other drainage facilities;

i. Proof of approval by Livingston County, Road Commission, and Drain Commission~~.~~;

j. Any other relevant studies, reports, certificates, or approvals as may be reasonably required by the Planning Commission;

k. A copy of the agreement between the applicant and the utility company that will be purchasing electricity from the proposed Utility Solar Energy Facility;

l. An affidavit or evidence of an agreement between the lot owner or operator confirming the owner or operator has the permission of the property owner to apply for the necessary permits for construction and operation of Utility Solar Energy Facility;

m. A complete description of the proposed technology to include type of solar panel and system, maximum height, fixed mounted versus tracking, number of panels and angles of orientation;

n. An escrow deposit shall be provided to the Township in an amount included in the Township's Annual Fee Schedule; and

o. A complete set of photos and video of the entire development area prior to construction.

13. Application Fee. Review fees shall be submitted for a Land Use Permit application, Special Use Permit application, site plan review, and required escrow fee to the Township in the amount specified in the fee schedule adopted by the Board of Trustees. This shall include but not be limited to independent review by experts, as deemed necessary by the Planning Commission.

G. Abandonment and Decommissioning:

Following the operational life of the project, the Applicant shall perform decommissioning and removal of the Utility Solar Energy Facility and all its components and restore the site to its original conditions.

1. The decommissioning plan shall be written to provide security to the Township for one hundred percent (100%) of the cost to remove and dispose of all panels, wiring, and restoration of the land to its original conditions. The value of decommissioning shall be determined by a third-party financial consultant or engineer selected by the Township and paid for by the developer. The decommissioning security shall not include scrap value. Once value of decommissioning is determined, it shall be updated on a periodic basis of not less than every three (3) years.

2. All abandonment and decommissioning work must be done when soil is dry or frozen to prevent compaction.

3. Solar energy systems that are not operated for a continuous period of twelve (12)

draft 11.14.2022 per PC/LCRC review

months shall be considered abandoned and shall be subject to removal proceedings.~~removed whether or not other solar arrays or photovoltaic devices are operating.~~

4. Solar energy systems that are damaged shall be replaced or removed within seven (7) days.
5. The ground must be restored to its original topography within three hundred sixty-five (365) days of abandonment or decommissioning. An extension may be granted if a good faith effort has been demonstrated and any delay is not the result of actions or inaction of the operator. An alternative topography can be approved by the Township as part of the original site plan review or later as part of decommissioning.
6. An annual report shall be provided to the Zoning Administrator showing continuity of operation and shall notify the Zoning Administrator if use is to cease, prior to decommissioning, or abandonment.
7. Continuing Obligations: Failure to keep any required financial security in full force and effect at all times while a Utility Solar Energy Facility exists or is in place shall constitute a material and significant violation of the Special Land Use, Special Use Permit, and this Ordinance, and will subject the Utility Solar Energy Facility Applicant, owner, and operator jointly and severally, to all remedies available to the Township, including any enforcement action, civil action, request for injunctive relief, and revocation of the Special Land Use Permit.

H. Complaint Resolution:

Utility Solar Energy Facilities shall provide a complaint resolution process, as described below.

1. The site shall have signs posted with contact information to collect complaints related to the Utility Solar Energy Facility.
2. A log shall be kept by the owner or operator of all complaints received and shall be available to Township officials for review, per Township request.
3. The operator or its agent shall respond to complainants within ten (10) business days and shall provide notification to the Zoning Administrator.
4. Any resolution shall include lawful and reasonable solutions consistent with the Zoning Ordinance, which shall also be provided to the Zoning Administrator.
5. The operator or its assigns reserve the right to adjudicate any claims, including residential claims, in a court of competent jurisdiction.
6. An annual report shall be submitted to the Zoning Administrator and the Township Board that details all complaints received, the status of complaint resolution, and actions taken to mitigate complaints.

draft (11.14.2022) per LUCPC review

5. ADDITION OF SECTION 6.31 "PRIVATE SOLAR ENERGY SYSTEMS"

Article VI GENERAL PROVISIONS of the Zoning Ordinance entitled is hereby amended to add a Section 6.31 entitled "Private Solar Energy Systems" which shall read, in its entirety, as follows:

Section 6.31 Private Solar Energy Systems

Private Solar Energy Systems shall be permitted as an accessory use in all zoning districts, subject to the following:

A. A land use permit and applicable building permits shall be required for the installation of any Private Solar Energy System. The application shall include a scaled plot plan shown the property lines, setbacks, existing and proposed buildings and structures, road rights-of-way, wiring location, and panel information.

B. Ground-mounted Private Solar Energy System shall be located in the rear yard or side yard and shall meet the rear and side yard setbacks for accessory structures in the zoning district in which it is located.

C. Roof-mounted Private Solar Energy Systems erected on a roof shall not extend beyond the peak of the roof. If the Private Solar Energy System is mounted on a building in an area other than the roof, it shall not extend vertically beyond the wall on which it is mounted and shall not extend more than twelve (12) inches beyond the wall on which it is mounted.

D. Ground-mounted Private Solar Energy Systems shall have a maximum height of twenty-five (25) feet above the ground when oriented to maximum tilt.

E. All power transmission lines, wires, or conduits from a ground-mounted Private Solar Energy System to any building or other structure shall be located underground.

F. Batteries associated with Private Solar Energy Systems must be located within a secured container or enclosure.

G. Solar energy systems that are damaged shall be replaced or removed in a timely manner.

H. Signage shall be provided in a visible location with disconnection procedures for emergency first responders.

I. All Private Solar Energy Systems, including BIPVs, ground-mounted, and structure mounted, shall conform to applicable County, State, and Federal laws and regulations and safety requirements including Michigan Building codes.

J. Private Solar Energy Systems that have been abandoned for a period of one (1) year shall be removed by the property owner within six (6) months of the date of abandonment.

Draft 11-14-2022 for PC/LC review

MARION TOWNSHIP
SOLAR ENERGY ZONING ORDINANCE AMENDMENTS

An amendment the Marion Township Zoning Ordinance to add definitions related to solar energy, establish a solar farm energy overlay district, establish standards for utility solar energy facilities, and establish standards for private solar energy systems.

Marion Township Ordains:

1. AMENDMENT OF ARTICLE III: DEFINITIONS

Section 3.02 Definitions of the Zoning Ordinance is hereby amended to add the following solar energy definitions which shall read, in its entirety, as follows:

Farmland Preservation Program: The Michigan Farmland Preservation Program, Part 361 of the Natural Resources and Environmental Protection Act, PA 451 of 1994, also commonly referred to as PA 116.

Solar Energy: The following definitions shall apply in the application of this Ordinance.

1. **Abandonment:** Any solar energy system or facility that is no longer producing power.
2. **Building Integrated Photovoltaics (BIPVs):** A private or utility solar energy system that is integrated into the structure of a building, such as solar roof tiles or solar shingles.
3. **Decommission:** To remove or retire a solar energy system or facility from active service.
4. **Ground-Mounted Solar Energy System:** A private or utility solar energy system that is not attached to or mounted on any roof or exterior wall of any principal or accessory building.
5. **Height:** The height of a solar energy system, measured vertically from the adjacent grade to its highest point at maximum tilt.
6. **Inhabited Structure:** Any existing structure usable for living or non-agricultural commercial purposes, including, but not limited to: working, sleeping, eating, cooking, recreation, office, office storage, or any combination thereof. An area used only for storage incidental to a residential use, including agricultural barns, is not included in this definition. If it is not clear by this definition, the Zoning Administrator shall make a determination of any structure regarding whether or not if it is inhabited.
7. **Non-Participating Property:** A property that is not subject to a Utility Solar Energy Facility lease or easement agreement at the time an application is submitted for a Special Land Use for the purposes of constructing a Utility Solar Energy Facility.
8. **Participating Property:** A property that participates in a lease or easement agreement, or other contractual agreement, with or that is owned by an entity

submitting a Special Land Use Permit application for the purpose of developing a Utility Solar Energy Facility.

9. **Photovoltaic Array (PV Array):** A device designed to collect and transform solar energy into electricity.
10. **Private Solar Energy System:** A Solar Energy System used exclusively for private purposes and not used for commercial resale of energy, except for the sale of surplus electrical energy back to the electrical grid.
11. **Roof or Building-Mounted Solar Energy System:** A private or utility solar energy system that is attached to or mounted on any roof or exterior wall of any principal or accessory building but excluding BIPVs.
12. **Solar Energy System:** A device designed to collect and transform solar energy into electricity, including but not limited to, PV arrays, racks, inverters, transformers, wiring, batteries, and electrical system components.
13. **Solar Farm:** See Utility Solar Energy Facility.
14. **Utility Solar Energy System or Facility:** A Solar Energy System where the principal design, purpose, or use of such system is to provide energy to off-site uses or the wholesale or retail sale of generated electricity to any person or entity.

2. AMENDMENT OF ARTICLE VII: ZONING DISTRICTS AND MAPS

Section 7.01 Establishment of Districts of the Zoning Ordinance is hereby amended to add SFO Solar Farm Overlay District, which shall read, in its entirety, as follows:

Section 7.01 Establishment of Districts

For the purpose of this Ordinance, the Township is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names.

RR: Rural Residential District

SR: Suburban Residential District

UR: Urban Residential District

ERS-1: Existing Residential Subdivision District

ERS-2: Existing Residential Subdivision District

MHP: Mobile Home Park

HS: Highway Service District

LI: Light Industrial District

PL: Public Lands District

Other Areas

PUD: Planned Unit Development Overlay District

SFO: Solar Farm Overlay District

WPA: Wellhead Protection Area

3. ADDITION OF ARTICLE XII: "SOLAR FARM OVERLAY DISTRICT"

A new Article XII entitled "SOLAR FARM OVERLAY DISTRICT" is hereby added to the Zoning Ordinance which shall read, in its entirety, as follows:

ARTICLE XII: SOLAR FARM OVERLAY DISTRICT

Section 12.01 SFO: Solar Farm Overlay District

A. **Intent:** It is the intent of the Solar Farm Overlay District (SFO) to provide for the location and siting of Utility Solar Energy Facilities to balance the promotion of economic development to supplement, rather than supplant, agricultural activities while also protecting the public health, safety, and welfare; mitigating adverse impacts to agricultural lands, natural and environmentally-sensitive areas, and developed residential areas; and preserving scenic views and cultural heritage. The Solar Farm Overlay District is intended to include areas with large tracts of land in proximity to electrical transmission lines to limit potential impact on other areas and uses within the Township.

B. **Permitted Acessory Uses:**

1. Accessory uses or structures clearly incidental to the operation of an approved Utility Solar Energy Facility.

C. **Uses Permitted By Special Use Permit: (See specific Provisions in Article XVII)**

1. Utility Solar Energy Facilities.

4. AMENDMENT OF ARTICLE XVII: "STANDARDS FOR SPECIFIC SPECIAL USES"

Article XVII STANDARDS FOR SPECIFIC SPECIAL LAND USES of the Zoning Ordinance is hereby amended to add Section 17.34 "Utility Solar Energy Facilities" which shall read, in its entirety, as follows:

17.34 UTILITY SOLAR ENERGY FACILITIES

A. Intent and Purpose: The intent and purpose of this Section is to establish standards for the siting, installation, operation, repair, decommissioning, and removal of Utility Solar Energy Facilities; establish the process for the reviewing and permitting of such facilities; protect the health, welfare, safety, and quality of life of the general public; and ensure compatibility with land uses in the vicinity of the areas affected by such facilities.

B. Locational Requirements: Utility Solar Energy Facilities are permitted by special land use in the SFO Solar Farm Overlay District.

C. Site Requirements:

1. The site shall be at least twenty (20) acres.
2. The site may consist of a single participating property or multiple participating properties.
3. The site and all fenced compounds shall have access described below.
   a. There shall be direct access from a public road or an access easement with a maximum length of one thousand two hundred fifty (1,250) feet and a width of at least thirty-three (33) feet.
   b. Access drives shall have a hard surface or material that can pack hard that is sufficient to support fire apparatus and provide access at all times of the year.

D. Buffering Requirements:

1. There shall be a landscape buffer at least twenty (20) feet wide along the exterior, of the fenced compound, whenever existing natural vegetation does not otherwise reasonably obscure the Utility Scale Solar Energy Facility, as described below.
   a. The buffer shall be installed to obscure Utility Scale Solar Facility and shall contain staggered evergreen trees or bushes planted not less than eight (8) feet apart linearly. The Township may consider an alternative landscape buffer as a part of the special land use approval provided the alternative provides adequate screening.
   b. Plantings shall be least four (4) feet tall at time of planting and shall reach a height of ten (10) feet within three (3) growing seasons.
   c. The trees may be trimmed but must maintain a height of at least ten (10) feet.
2. Good husbandry techniques shall be followed with respect to vegetation, including but not limited to, proper pruning, proper fertilizing, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and must be replanted at the next appropriate planting time.
3. All fences and improved areas shall comply with the applicable setback for the underlying zoning district in which it is located.
4. All structures and improved areas located within the fenced compound shall be at least thirty (30) feet from the fence line.

5. Solar energy systems and related accessory structures, such as transformers, shall be at least one hundred (100) feet from non-participating properties and road rights-of-way.
6. Solar energy systems and related accessory structures, such as transformers, shall be at least one hundred (100) feet from non-participating residential dwellings, churches or religious institutions, schools, family or group child day-care homes, bed and breakfast establishments, residential facilities, and any other residence or inhabited structure.

E. Performance Standards:

1. Utility Solar Energy Facilities shall be designed, constructed, operated, and maintained in compliance with all applicable provisions of local, state, and federal laws and regulations.
2. PV Array Components: PV array components shall be approved by the Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electronic Testing Laboratories (EIL), or other similar certification organization if the similar certification organization acceptable to the Township.
3. Fencing: Utility Solar Energy Facility compounds shall be surrounded by a fence designed to prevent unauthorized access and screen the facility.
   a. The fence shall be at least seven (7) feet tall and posts shall be at least thirty-six (36) inches.
   b. Gate posts and corner posts shall have a concrete.
   c. The fence shall be a woven agricultural-style fence. The Township may require or allow durable green opaque material be integrated into the fence if necessary for buffering or screening.
   d. Gates shall be provided at all access points, unless otherwise permitted or approved. Gates for vehicular access shall be approved by the Fire Chief.
   e. Gates shall be the same height and constructed of the same material as the fencing. Access, such as knox box, shall be provided for emergency responders.
   f. The Township may require or allow a fence design to allow for the passage of wildlife upon a finding that adequate access control and visual screening will be preserved.
   g. Alternate fencing may be approved by the Township upon a finding that the alternative provides adequate access control and visual screening.
4. Safety:
   a. All collection system wiring shall comply with all applicable safety and stray voltage standards.
   b. All electrical connection systems and lines from the Utility Solar Energy Facility to the electrical grid connection shall be located and maintained a minimum of six (6) feet underground within and adjacent to the site.

draft 11.14.2022 per PVLRC review

c. All access gates and doors to Utility Solar Energy Facility compounds and electrical equipment shall be lockable and kept secured at all times when service personnel are not present.

d. The applicant shall be responsible for maintenance of the access roads.

e. The manufacturers or installer's identification and appropriate warning signs shall be posted on or near solar panels in a clearly visible manner.

f. Fire suppression plans and Safety Data Sheets shall be kept on-site and accessible for emergency responders.

5. Advertising or non-project related graphics shall be prohibited. This exclusion does not apply to signs required by this Ordinance.

6. Signs shall be posted at entrances to Utility Solar Energy Facility compounds containing emergency contact information, operator contact information, and complaint resolution information. The Township may require additional signs with this information on the fence surrounding the compound.

7. The Utility Solar Energy Facility owner, operator, and property owner shall be responsible, jointly and severally, for mitigating erosion or flooding resulting from the Utility Solar Energy Facility.

8. The Utility Solar Energy Facility owner, operator, and property owner shall be responsible, jointly and severally, for making repairs to any public roads, drains, and infrastructure damaged by the construction of a Utility Solar Energy Facility.

9. Utility Solar Energy Facilities shall not have any on-site battery storage systems for the sale of stored energy.

10. Plants or grasses not part of the buffer area shall be maintained not to exceed a height of twelve (12) inches. The Township may approve a taller height upon a finding that it will not result in a nuisance.

11. Wildlife Impact:

a. The applicant shall have a third-party qualified professional conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate, or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

b. Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.

c. At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, or general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law.

The applicant shall follow all pre-construction and post-construction recommendations of the United States Fish and Wildlife Service.

d. The analysis shall indicate whether a post-construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted. Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above-ground lines, transformers, or conductors should follow any Avian Power Line Interaction Committee (APLIC, http://www.aplic.org/) guidelines to prevent avian mortality.

12. Environmental Impact:

a. The applicant shall have a third-party qualified professional conduct an analysis 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.

b. The 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 Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq.) including but not limited to Part 31 Water Resources Protection (MCL 324.3101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.), Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), Part 303 Wetlands (MCL 324.30301 et seq.), Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.), Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.).

13. Spacing. Utility Solar Energy Facilities shall be at least two thousand five hundred (2,500) feet from any adjacent, existing Utility Solar Energy Facility.

14. Sound. The intensity level of sounds created by Utility Solar Energy Facilities shall be fifty-five (55) DBA or less along the exterior boundary of a fenced compound.

15. Groundcover. Utility Scale Solar Energy Facilities shall include the installation of perennial ground cover vegetation that shall maintained for the duration of operation until the site is decommissioned.

a. Land enrolled or bound by the Farmland Preservation Program must follow the Michigan Department of Agriculture and Rural Development's Policy for Allowing Commercial Solar Panel Development on PA 116 Lands.

b. Land not enrolled or bound by the Farmland Preservation Program must provide at least one (1) of the following types of dual use ground cover to promote ecological benefits:

i. Pollinator habitat with a score of at least seventy-six (76) on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites (www.pollinators.msu.edu);

ii. Conservation cover focused on restoring native plants, grasses, or prairie with the aim of protecting specific species, such as bird habitat, or providing

specific ecosystem services, such as carbon sequestration or improving soil health;

iii. Incorporation of rotational livestock grazing and forage production as part of an overall vegetative maintenance plan; or

iv. Raising crops for food, fiber, or fuel and generating electricity within the site to maximize land use.

c. The Township may approve or require alternative ground cover upon finding it is not feasible to provide groundcover as defined above.

d. All groundcover must be native plants with substantial root system to support soil. Turf grass is not permitted as ground cover.

e. Invasive species and noxious weeds are not permitted and must be removed in a timely manner.

16. Lighting. Lighting shall be limited to inverter or substation locations only and shall comply with 14.04(E) Lighting.

17. Genera Liability Insurance. Utility Solar Energy Facilities shall have and maintain general liability insurance of at least ten million ($10,000,000.00) dollars. The Township may require a higher amount for larger projects and may allow for a lesser amount for smaller projects upon a finding that the alternate amount is more consistent with the likely risk.

F. Application Requirements:

An applicant proposing a Utility Solar Energy Facility must submit the following additional materials with the Special Land Use Application:

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

2. Project Description: A general description of the proposed project including a legal description of the property or properties on which the project would be located and an anticipated construction schedule.

3. Insurance: Proof of the general liability insurance to cover the Utility Solar Energy Facility, the Township, and the Landowner.

4. Certifications: Certification that applicant will comply with all applicable state and federal laws and regulations. Land enrolled in the Michigan Farmland Preservation Program must provide confirmation of approval from the Michigan Department of Agriculture to locate a Utility Solar Energy Facility on the property before issuance of a certificate of zoning compliance.

5. Compliance with the County Building Code and the National Electric Safety Code: Construction of a Utility Solar Energy Facility shall comply with the National Electric Safety Code and the County Building Code (as shown by

approval by the County) as a condition of any Special Land Use Permit under this section. In the event of a conflict between the County Building Code and National Electric Safety Code (NESC), the NESC shall prevail.

6. Environmental Impact: Copy of the Environmental Impact Analysis.
7. Wildlife Impact: Copy of the Wildlife Impact Analysis.
8. Manufacturers' Safety Data Sheet(s): Documentation shall include the type and quantity of all materials used in the operation of all equipment.
9. Decommissioning Plan: Copy of the decommissioning plans and a description of how any surety bond, if required, is applied to the decommissioning process.
10. Complaint Resolution Protocol: Copy of Complaint Resolution Protocol.
11. Fire Suppression Plan: A plan describing the fire suppression process and procedure, as well as training for emergency personnel.
12. Site Plan: The site plan prepared in accordance with Article XVIII Site Plan Requirements shall be submitted, showing the location, size, and screening of all buildings and structures. The site plan shall also include the following:
    a. Survey of the property showing existing features such as contours, large trees, buildings, structures, roads (rights-of-way), utility easements, land use, zoning district, ownership of property, and vehicular access;
    b. Water bodies, waterways, wetlands, and drainage channels;
    c. Lighting plan;
    d. Plan(s) showing the location of proposed Utility Solar Energy Facility, underground and overhead wiring (including the depth of underground wiring), new drainage facilities (if any), access drives (including width), substations and accessory structures;
    e. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary in the Township to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond that guarantees the repair of damage to public roads and other areas caused by construction;
    f. Anticipated construction schedule;
    g. Description of operations, including anticipated regular and unscheduled maintenance;
    h. The applicant must also obtain a permit from the Livingston County Road Commission or Michigan Department of Transportation (MDOT) for permission to connect access roads to existing County roads and from the Livingston County Drain Commission for any culverts or other drainage facilities;
    i. Proof of approval by Livingston County, Road Commission, and Drain Commission;

j. Any other relevant studies, reports, certificates, or approvals as may be reasonably required by the Planning Commission;

k. A copy of the agreement between the applicant and the utility company that will be purchasing electricity from the proposed Utility Solar Energy Facility;

l. An affidavit or evidence of an agreement between the lot owner or operator confirming the owner or operator has the permission of the property owner to apply for the necessary permits for construction and operation of Utility Solar Energy Facility;

m. A complete description of the proposed technology to include type of solar panel and system, maximum height, fixed mounted versus tracking, number of panels and angles of orientation;

n. An escrow deposit shall be provided to the Township in an amount included in the Township's Annual Fee Schedule; and

o. A complete set of photos and video of the entire development area prior to construction.

13. Application Fee. Review fees shall be submitted for a Land Use Permit application, Special Use Permit application, site plan review, and required escrow fee to the Township in the amount specified in the fee schedule adopted by the Board of Trustees. This shall include but not be limited to independent review by experts, as deemed necessary by the Planning Commission.

G. Abandonment and Decommissioning:

Following the operational life of the project, the Applicant shall perform decommissioning and removal of the Utility Solar Energy Facility and all its components and restore the site to its original conditions.

1. The decommissioning plan shall be written to provide security to the Township for one hundred percent (100%) of the cost to remove and dispose of all panels, wiring, and restoration of the land to its original conditions. The value of decommissioning shall be determined by a third-party financial consultant or engineer selected by the Township and paid for by the developer. The decommissioning security shall not include scrap value. Once value of decommissioning is determined, it shall be updated on a periodic basis of not less than every three (3) years.
2. All abandonment and decommissioning work must be done when soil is dry or frozen to prevent compaction.
3. Solar energy systems that are not operated for a continuous period of twelve (12) months shall be considered abandoned and shall be subject to removal proceedings.
4. Solar energy systems that are damaged shall be replaced or removed within seven (7) days.
5. The ground must be restored to its original topography within three hundred sixty-five (365) days of abandonment or decommissioning. An extension may be granted if a good faith effort has been demonstrated and any delay is not the result

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of actions or inaction of the operator. An alternative topography can be approved by the Township as part of the original site plan review or later as part of decommissioning.

6. An annual report shall be provided to the Zoning Administrator showing continuity of operation and shall notify the Zoning Administrator if use is to cease, prior to decommissioning, or abandonment.
7. Continuing Obligations: Failure to keep any required financial security in full force and effect at all times while a Utility Solar Energy Facility exists or is in place shall constitute a material and significant violation of the Special Land Use, Special Use Permit, and this Ordinance, and will subject the Utility Solar Energy Facility Applicant, owner, and operator, jointly and severally, to all remedies available to the Township, including any enforcement action, civil action, request for injunctive relief, and revocation of the Special Land Use Permit.

H. Complaint Resolution:

Utility Solar Energy Facilities shall provide a complaint resolution process, as described below.

1. The site shall have signs posted with contact information to collect complaints related to the Utility Solar Energy Facility.
2. A log shall be kept by the owner or operator of all complaints received and shall be available to Township officials for review, per Township request.
3. The operator or its agent shall respond to complainants within ten (10) business days and shall provide notification to the Zoning Administrator.
4. Any resolution shall include lawful and reasonable solutions consistent with the Zoning Ordinance, which shall also be provided to the Zoning Administrator.
5. The operator or its assigns reserve the right to adjudicate any claims, including residential claims, in a court of competent jurisdiction.
6. An annual report shall be submitted to the Zoning Administrator and the Township Board that details all complaints received, the status of complaint resolution, and actions taken to mitigate complaints.

5. ADDITION OF SECTION 6.31 "PRIVATE SOLAR ENERGY SYSTEMS"

Article VI GENERAL PROVISIONS of the Zoning Ordinance entitled is hereby amended to add a Section 6.31 entitled "Private Solar Energy Systems" which shall read, in its entirety, as follows:

Section 6.31 Private Solar Energy Systems

Private Solar Energy Systems shall be permitted as an accessory use in all zoning districts, subject to the following:

A. A land use permit and applicable building permits shall be required for the installation of any Private Solar Energy System. The application shall include a scaled plot plan shown the property lines, setbacks, existing and proposed buildings and structures, road rights-of-way, wiring location, and panel information.

B. Ground-mounted Private Solar Energy System shall be located in the rear yard or side yard and shall meet the rear and side yard setbacks for accessory structures in the zoning district in which it is located.

C. Roof-mounted Private Solar Energy Systems erected on a roof shall not extend beyond the peak of the roof. If the Private Solar Energy System is mounted on a building in an area other than the roof, it shall not extend vertically beyond the wall on which it is mounted and shall not extend more than twelve (12) inches beyond the wall on which it is mounted.

D. Ground-mounted Private Solar Energy Systems shall have a maximum height of twenty-five (25) feet above the ground when oriented to maximum tilt.

E. All power transmission lines, wires, or conduits from a ground-mounted Private Solar Energy System to any building or other structure shall be located underground.

F. Batteries associated with Private Solar Energy Systems must be located within a secured container or enclosure.

G. Solar energy systems that are damaged shall be replaced or removed in a timely manner.

H. Signage shall be provided in a visible location with disconnection procedures for emergency first responders.

I. All Private Solar Energy Systems, including BIPVs, ground-mounted, and structure mounted, shall conform to applicable County, State, and Federal laws and regulations and safety requirements including Michigan Building codes.

J. Private Solar Energy Systems that have been abandoned for a period of one (1) year shall be removed by the property owner within six (6) months of the date of abandonment.

MICHIGAN ZONING ENABLING ACT (EXCERPT)
Act 110 of 2006

125.3507 Purchase of development rights program; adoption of ordinance; limitations; agreements with other local governments.

Sec. 507. (1) As used in this section and sections 508 and 509, "PDR program" means a purchase of development rights program.

(2) The legislative body may adopt a development rights ordinance limited to the establishment, financing, and administration of a PDR program, as provided under this section and sections 508 and 509. The PDR program may be used only to protect agricultural land and other eligible land. This section and sections 508 and 509 do not expand the condemnation authority of a local unit of government as otherwise provided for in this act.

(3) A PDR program shall not acquire development rights by condemnation. This section and sections 508 and 509 do not limit any authority that may otherwise be provided by law for a local unit of government to protect natural resources, preserve open space, provide for historic preservation, or accomplish similar purposes.

(4) A legislative body shall not establish, finance, or administer a PDR program unless the legislative body adopts a development rights ordinance. If the local unit of government has a zoning ordinance, the development rights ordinance may be adopted as part of the zoning ordinance under the procedures for a zoning ordinance under this act. A local unit of government may adopt a development rights ordinance in the same manner as required for a zoning ordinance.

(5) A legislative body may promote and enter into agreements with other local units of government for the purchase of development rights, including cross-jurisdictional purchases, subject to applicable development rights ordinances.

History: 2006, Act 110, Eff. July 1, 2006.

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MICHIGAN ZONING ENABLING ACT (EXCERPT)
Act 110 of 2006

125.3508 PDR program; purchase of development rights by local unit of government; conveyance; notice; requirements for certain purchases.

Sec. 508. (1) A development rights ordinance shall provide for a PDR program. Under a PDR program, the local unit of government purchases development rights, but only from a willing landowner. A development rights ordinance providing for a PDR program shall specify all of the following:

(a) The public benefits that the local unit of government may seek through the purchase of development rights.

(b) The procedure by which the local unit of government or a landowner may by application initiate purchase of development rights.

(c) The development rights authorized to be purchased subject to a determination under standards and procedures required by subdivision (d).

(d) The standards and procedures to be followed by the legislative body for approving, modifying, or rejecting an application to purchase development rights, including the determination of all the following:

(*i*) Whether to purchase development rights.

(*ii*) Which development rights to purchase.

(*iii*) The intensity of development permitted after the purchase on the land from which the development rights are purchased.

(*iv*) The price at which development rights will be purchased and the method of payment.

(*v*) The procedure for ensuring that the purchase or sale of development rights is legally fixed so as to run with the land.

(e) The circumstances under which an owner of land from which development rights have been purchased under a PDR program may repurchase those development rights and how the proceeds of the purchase are to be used by the local unit of government.

(2) If the local unit of government has a zoning ordinance, the purchase of development rights shall be consistent with the plan referred to in section 203 upon which the zoning ordinance is based.

(3) Development rights acquired under a PDR program may be conveyed only as provided under subsection (1)(e).

(4) A county shall notify each township, city, or village, and a township shall notify each village, in which is located land from which development rights are proposed to be purchased of the receipt of an application for the purchase of development rights and shall notify each township, city, or village of the disposition of that application.

(5) A county shall not purchase development rights under a development rights ordinance from land subject to a township, city, or village zoning ordinance unless all of the following requirements are met:

(a) The development rights ordinance provisions for the PDR program are consistent with the plan upon which the township, city, or village zoning is based.

(b) The legislative body of the township, city, or village adopts a resolution authorizing the PDR program to apply in the township, city, or village.

(c) As part of the application procedure for the specific proposed purchase of development rights, the township, city, or village provides the county with written approval of the purchase.

History: 2006, Act 110, Eff. July 1, 2006.

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MICHIGAN ZONING ENABLING ACT (EXCERPT)
Act 110 of 2006

125.3509 PDR program; financing sources; bonds or notes; special assessments.

Sec. 509. (1) A PDR program may be financed through 1 or more of the following sources:

(a) General appropriations by the local unit of government.

(b) Proceeds from the sale of development rights by the local unit of government subject to section 508(3).

(c) Grants.

(d) Donations.

(e) Bonds or notes issued under subsections (2) to (5).

(f) General fund revenue.

(g) Special assessments under subsection (6).

(h) Other sources approved by the legislative body and permitted by law.

(2) The legislative body may borrow money and issue bonds or notes under the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, subject to the general debt limit applicable to the local unit of government. The bonds or notes may be revenue bonds or notes, general obligation limited tax bonds or notes, or, subject to section 6 of article IX of the state constitution of 1963, general obligation unlimited tax bonds or notes.

(3) The legislative body may secure bonds or notes issued under this section by mortgage, assignment, or pledge of property, including, but not limited to, anticipated tax collections, revenue sharing payments, or special assessment revenues. A pledge made by the legislative body is valid and binding from the time the pledge is made. The pledge immediately shall be subject to the lien of the pledge without a filing or further act. The lien of the pledge shall be valid and binding as against parties having claims in tort, contract, or otherwise against the local unit of government, irrespective of whether the parties have notice of the lien. Filing of the resolution, the trust agreement, or another instrument by which a pledge is created is not required.

(4) Bonds or notes issued under this section are exempt from all taxation in this state except inheritance and transfer taxes, and the interest on the bonds or notes is exempt from all taxation in this state.

(5) The bonds and notes issued under this section may be invested in by the state treasurer and all other public officers, state agencies, and political subdivisions, insurance companies, financial institutions, investment companies, and fiduciaries and trustees and may be deposited with and received by the state treasurer and all other public officers and the agencies and political subdivisions of this state for all purposes for which the deposit of bonds or notes is authorized. The authority granted by this section is in addition to all other authority granted by law.

(6) A development rights ordinance may authorize the legislative body to finance a PDR program by special assessments. In addition to meeting the requirements of section 508, the development rights ordinance shall include in the procedure to approve and establish a special assessment district both of the following:

(a) The requirement that there be filed with the legislative body a petition containing all of the following:

(*i*) A description of the development rights to be purchased, including a legal description of the land from which the purchase is to be made.

(*ii*) A description of the proposed special assessment district.

(*iii*) The signatures of the owners of at least 66% of the land area in the proposed special assessment district.

(*iv*) The amount and duration of the proposed special assessments.

(b) The requirement that the legislative body specify how the proposed purchase of development rights will specially benefit the land in the proposed special assessment district.

History: 2006, Act 110, Eff. July 1, 2006.

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PRESERVATION OF FARMLAND AND OPEN SPACE

State Law reference– Farmland and open space preservation, MCL 324.36101 et seq.; agricultural preservation fund, MCL 324.36201 et seq.; preservation of development rights program, MCL 125.3507 et seq.

Sec. 16-307. - Findings and declaration of purpose.

The board of trustees finds that:

(1) The township is a desirable place to live, work and visit in large part due to the presence of farmland and other open space lands.

(2) The community continues to experience substantial residential development pressure because of the social, cultural and education benefits of their proximity to the City of Ann Arbor and other urbanized areas of southeast Michigan.

(3) Development in the areas around the City of Ann Arbor has affected quality of life by fragmentation of open space and wildlife habitat; loss of productive farmland and forestland; alteration of rural beauty; the decline in water quality and the loss of wetlands.

(4) The conversion of farmland, open space and wetlands to residential or other more developed uses is made at the expense of a critical community resource being permanently lost to community residents.

(5) The township's adoption of its master plan, zoning ordinance, open space and greenway plan and other ordinances and plans for the protection and preservation of open space and wetlands are not sufficient safeguards against the continuing growth and development of residential and commercial uses.

(6) The permanent acquisition by the township of voluntarily offered interests in farmland, open space, wetlands and other property, as provided in this article and as authorized by the statutes of the state, will permit these lands to remain as farmland or otherwise in their current natural state near developing urban areas and provide longterm protection for the public interest in preservation and management of the land.

(7) Michigan Public Act No. 262 of 2000 (MCL 324.36201 et seq.) created an agricultural preservation fund with the state treasury. Money in this fund may be used to provide grants to local units of government to assist in acquiring agricultural conservation easements, provided that the local unit has adopted an ordinance for the purchase of development rights and that the local unit has a comprehensive land use plan that includes a plan for agricultural preservation. Acceptable plans for agricultural preservation can include provisions for uses that allow agriculture and open space designations that allow agriculture.

(8) The voters of the township approved in November 2004, a one-half mill tax for ten years to provide funds for permanently preserving farmland, open space, wildlife habitat scenic views, and protecting drinking water sources and the water quality of rivers and streams, and providing new parks, recreational opportunities and trails by the acquisition and management of land and land rights.

(9) It is the policy of the township to protect, preserve and enhance farmland and open space lands through its ordinances and plans, the authority granted it by the Michigan Farmland and Open Space Preservation Act (MCL 324.36101 et seq.), the Michigan Conservation and Historic Preservation Easement Act (MCL 324.2140 et seq.) and other state laws and the use of grants, donations and other available fund sources.

(10) The acquisition of land and land rights as provided in this article is a public purpose of the township.

Sec. 16-308. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agricultural rights means an interest in and the right to use and possess land for the purposes and activities related to open space, natural habitat, horticultural and other agricultural use or open space character.

Agricultural use means substantially undeveloped land devoted to the production of plants and animals useful to humans, including fruits, nuts, vegetables, greenhouse plants, berries, herbs, flowers, seeds, nursery stock, grasses, Christmas trees and lumber, forages and sod crops, grains and feed crops, dairy and dairy products, livestock (including breeding and grazing), poultry and poultry products and other similar uses and activities. The term "agricultural use" does not include intensive animal husbandry operations in which poultry or livestock are raised for market in large numbers or tightly confined environments (concentrated animal feeding operations).

Application means the documentation and information submitted to the township by a landowner on the approved application form offering to sell, donate or otherwise grant to the township a conservation easement, development right or fee title.

Conservation easement means a non-possessory interest in real property, which is acquired in accordance with MCL 324.2140 et seq., for the purpose of retaining and enhancing agriculture, preserving natural, scenic or open space values of real property; restricting or preventing the development or improvement of the land for purposes other than agricultural production; or other like or similar purposes.

Development means an activity that materially alters or affects the existing conditions or use of any land in a manner that is inconsistent with agricultural use or open space character.

Development rights means an interest in and the right to use, divide or subdivide land for any and all residential, office, commercial, research, industrial, or other use, purposes or activities, including intensive animal husbandry operations, not incident to agricultural use or open space character.

Full ownership means fee simple title.

Governmental agency means the United States or any agency thereof, the state or any agency thereof or any municipal corporation.

Land preservation commission means the commission formed pursuant to this article to advise the township board in the selection of property for protection.

Open space character or *open space use* means substantially undeveloped land devoted to the maintenance or enhancement of natural processes (e.g., water quality, plant and wildlife habitat, groundwater recharge), or scenic enjoyment of the public.

Owner means the individual having fee simple title to land.

Parcel means all property under a single ownership that is included in an application.

Parkland means all property undeveloped and developed dedicated for the use of the public as a park.

Qualified appraisal means an appraisal done by an independent, qualified appraiser to establish the value of land or development rights, as defined in the Treasury Regulations, section 1.170A-13(c)(3)(5).

Residential development rights means the right to sell portion of a parcel, or to construct a residence and related accessory buildings such as a garage or shed on a parcel, for residential uses not related to the agricultural use or open space character of the parcel.

Substantially undeveloped land means land on which there is no more than one residential dwelling unit and related accessory buildings such as a garage or shed for each 40 acres of land. For parcels less than 40 acres in existence prior to the date of the ordinance from which this article is derived, and which cannot be joined to a larger contiguous parcel, substantially undeveloped land means land on which there is no more than one residential dwelling unit and related accessory buildings for the parcel.

Sec. 16-309. - Township board authority.

The township board is authorized under state law and this article to:

(1) Expend revenue to acquire interests in land in accordance with the criteria and procedures established in this article. The interest acquired may either be fee title, development rights, conservation easements, or any lesser interest, easement, covenant or other contractual right pertaining to such rights. Acquisition of land and land rights may be achieved through purchase, grant, covenant or contract. In particular, the township can acquire development rights to agricultural land. The revenue shall be used to acquire interests only upon application of the owner and as authorized by this article.

(2) Enter into cash purchase contracts, installment purchase contracts, cash purchase/non-cash donation agreements or similar agreements establishing the rights and responsibilities of the township and the owner in the transfer of land, purchase of development rights, or the granting of conservation easement or other easement or covenant consistent with applicable law and this article.

(3) Enter into contracts with nonprofit land trusts, legally established and in good standing, or other similarly qualified nonprofit groups to participate jointly in the acquisition, retention and management of land and development rights, conservation easements or other easements.

(4) Enter into contracts with qualified licensed professionals, nonprofit land trusts, legally established and in good standing, or other similarly qualified nonprofit groups to provide appraisal, environmental analysis and testing, acquisition evaluation and negotiation support, maintenance or other services necessary or appropriate to accomplish the purpose of this article.

(5) Enter into agreements for joint acquisition, retention and management of land and development rights, conservation easements or other easements with another governmental agency to the extent permitted by law and in accordance with this article.

(6) Issue bonds for the borrowing of money for any purpose within the scope of this article and the general powers of the township.

Sec. 16-310. - Land preservation commission–Established, membership.

(a) The land preservation commission (LPC) shall consist of seven members nominated and approved by the township board. In making appointments of members to LPC, the township board shall appoint at least one person who has expertise or affiliation as follows:

(1) One member who is a botanist or zoologist.

(2) One member of the township board of trustees.

(3) The remaining members shall be from the public-at-large. It will be desirable that at least one of these at-large members is an agricultural landowner or operates an agricultural business.

(b) The terms of office of the first LPC appointed hereunder shall be fixed by the township board so that the terms of four members shall be for two years, and three for three years. After the initial LPC is formed, all members, except the township board member, thereafter will be appointed for three years. The township board member shall be appointed for a one-year term. A township board member shall cease to be a member of LPC if he ceases to be a member of the township board. All members of LPC shall serve without compensation. Members shall be residents of the township.

(c) The township clerk shall notify the township board at least 45 days prior to the expiration date of the term of office of any person serving on LPC. The township board shall place on the table the name of all reappointments no later than 60 days after the expiration date of the term of office.

(d) No land in which a member of the commission has an ownership or other financial interest will be considered during the tenure of that member or for a period of one year from the end of the member's tenure.

(e) No member may serve more than three consecutive full terms after his initial term.

(f) A member of LPC may be removed by a majority vote of township board for cause.

Sec. 16-311. - Same–Organization.

(a) *Elections; meetings; quorums.* The organization of the land preservation commission is as follows:

(1) The land preservation commission (LPC) shall annually elect a chair, vice-chair and secretary. The commission shall meet at a minimum on a quarterly basis at a date, place and time to be determined by the commission.

(2) A majority of members appointed to the commission, that is, four members, shall constitute a quorum. An affirmative vote of a majority of the members present shall be necessary to authorize any action by the commission.

Consistent with this article and subject to township board approval, LPC may develop bylaws and standing rules that further define the functional and procedural aspects of LPC's duties and provide for keeping a record of its proceedings.

(b) *Powers and duties.* The powers and duties of the land preservation commission shall be as follows:

(1) To advise and make recommendations to the township board on land matters; enhancing public awareness, commitment and active participation in stewardship of open space, natural features and parkland; and land and land rights acquisition, management and disposition.

(2) To review applications for the purchase of land and development rights in accordance with the provisions of this article and recommend to township board the properties on which to expend funds.

(3) To advise the township board on monitoring and enforcement of the terms and provisions of any rights and/or conservation easements acquired by the township.

(4) To publish and present an annual report, which shall include a listing of all parcels of land donated or for which development rights or conservations easements or other easements were acquired, and the method of acquisition; a map showing the location of acquired lands and dates of acquisition; financial cost and land characteristics; other parcels on which other governmental entities hold conservation easements; a listing of the number of applications made; the number of unsuccessful applications and the categorical reasons they were not accepted.

(5) To prepare and present to the township board an annual budget for land and land rights acquisition, preservation and management.

(6) To review and recommend to the township board alternate sources of funding, such as grants, gifts, endowments, etc., for land and land rights acquisition, preservation, and management.

(7) To work collaboratively with other township boards and commissions which have responsibilities for specific issues.

(8) To hold public forums, separately or with other township boards or commissions, for the purpose of identifying needs in the community on natural lands matters.

(9) To meet with commissions in other jurisdictions and other public and private organizations to address regional and state land and land rights preservation matters.

In addition to the powers and functions herein provided, the township board may delegate to the LPC by resolution other powers and functions permitted by law concerning the acquisition of development rights.

Sec. 16-312. - Criteria for selection.

The following criteria shall be used in determining the order in which applications will be prioritized for review and recommendation to the township board for acquisition:

(1) Process. The land preservation commission (LPC) shall publish notice annually in a newspaper of general circulation in the township. The notice shall invite owners that meet the primary criteria outlined below to make application for sale of land, development rights, conservation easements or other easements. Application materials shall be available from the township clerk and shall include a summary of the criteria and guidelines for selection and a list of required documentation that must be attached to the application. Applications may be made at any time, but need not be considered until the next regular meeting of LPC. LPC shall have the right to convene extraordinary meetings to consider purchases requiring timely action.

(2) Land acquisition criteria. Sites for consideration shall be evaluated using the following criteria, together with any other criterion determined by LPC to be appropriate to accomplishing the purpose of this article:

a. Agricultural land criteria.

1. Characteristics of the land: soil quality, parcel size, road frontage, groundwater recharge/protection, woodlands, public water resource frontage/proximity.

2. Context: adjacent zoning classification, adjacent land use, proximity to protected land, scenic value, historic value, connectivity.

3. Acquisition considerations: matching funds, landowner contribution, development pressure.

b. Natural areas and open space criteria.

1. Characteristics of the land: woodlands, rare species/habitat, parcel size, road frontage, wetlands and/or floodplain (especially headwater areas), groundwater recharge/protection, slopes, public water resource frontage/proximity.

2. Context: adjacent zoning, adjacent land use, proximity to protected land, scenic value, historic value, connectivity.

3. Acquisition considerations: matching funds, landowner contribution, development pressure, recreational potential.

4. Special attention should be given to properties that lie within the natural resource complexes identified in the township's open space and greenways plan.

c. Parkland acquisition criteria.

1. Characteristics of the land: parcel size, woodlands, public water resources frontage/proximity, develop ability for active recreation.

2. Context: adjacent zoning, adjacent land use, proximity to protected land, connectivity.

3. Acquisition considerations: matching funds, landowner contribution, development pressure, recreation potential, proximity to existing parking, securability, demonstrated need (location or use), accessibility.

(3) Land acquisition mechanisms.

a. Purchase of development rights (PDR) shall be the preferred method of protecting agricultural land.

b. Natural areas and open space may be protected by conservation easements or fee simple purchase, or by acquiring other interests in land.

(4) Any application which fulfills the criteria set forth in this article and in the regulations adopted by the LPC and approved by township board, but which is not offered a contract to purchase because available funds are not sufficient within the current fiscal year, shall be considered in the next application cycle, provided that the owner updates the information on the application or states that the information is accurate. These applications shall not be given any preference or priority at that time, but will be considered under the terms and conditions of this article along with all other applications submitted at that time.

(5) The owner shall be and remain subject to all ordinances, rules and regulations regardless of the transfer to and the acquisition of development rights, conservation easements or other easements by the township whether now in effect or which may be subsequently adopted for the regulation of land uses or for the protection of the health, safety and welfare of residents of the jurisdiction.

(6) The township, its officials, employees and agents shall not be liable for any injury that may occur to any person, or for any damage that may occur to any property, as a result of any act, decision or other consequence or occurrence arising out of the acts or omission of the owner or any person or entity other than the township based on the existence of an application or the acquisition of development rights, conservation easements or other easements.

Sec. 16-313. - Application procedure; approval by the township board.

(a) In order for an application to be considered for purchase, it must meet the following:

(1) The applicant must have good, marketable, fee simple title to the land.

(2) If a development rights purchase, the applicant must agree to maintain the land in accordance with a conservation easement approved by the township board.

(3) A completed application must be submitted on the approved application form by the deadline established by the land preservation commission (LPC). An owner or a duly authorized representative of the owner may apply. All applications must be signed. A separate application is required for each parcel of land offered for acquisition. The LPC shall establish and publish procedures for submission and to assist owners with the application process. These procedures shall be available from the township clerk.

(b) The following information shall be included in a completed application:

(1) Adequate identification by deed reference of the parcel of land to be considered for purchase. The description should also include a map showing the location of the parcel.

(2) A description of the agricultural use carried out on the parcel or other current uses on the parcel.

(3) A statement by the owner of any contingencies that may affect the property in the future, such as death, estate plans, etc.

(4) A description of the features of the property, such as presence of water bodies, scenic views, streams, wetlands, rare species, or other desirable feature.

(5) A statement by the owner granting access for the purpose of inspection and appraisal of the parcel by the township, its employees or contractors and the LPC.

(6) A list of any and all liens and encumbrances on the parcel.

(7) Existence of any surface or subsurface leases or easements.

(8) All other information requested on the application.

(c) If the application is complete and the minimum criteria established are met, the application shall be evaluated. A member of the LPC, authorized contractor or township staff assigned to the LPC, shall view each application and a written report shall be made to the LPC prioritizing the applications according to the established selection criteria.

(d) After consideration of the written report, the LPC shall upon an affirmative vote of four members determine the annual list of owners with which negotiation for purchase of land or land rights will be initiated. The determination shall be made with the goal of purchasing land, development rights and conservation easements from as many owners as possible in order to accumulate a critical mass of land to be retained for preservation and management purposes.

(e) Prior to initiating formal negotiation, a title search shall be completed to determine if the owner has clear, marketable, fee simple title. For purchases of development rights or conservation easements, a "before and after" qualified appraisal of the property and the interest offered for purchase shall be conducted. The qualified appraisal shall contain an analysis of the highest and best use of the parcel of land, the valuation methodology used by the appraiser to determine value, the fair market value of the full ownership of the land (excluding the buildings thereon, if any), and the value of the agricultural rights and any residential developments rights to be retained by the owner for development right purchases; or the value of all rights to be retained by the owner for conservation easement purchases. The value of the owner's retained rights or interest in the land shall be listed separately in the qualified appraisal. For purchases of land in fee simple, the qualified appraisal shall contain only the analysis of the highest and best use of the parcel of land, the valuation methodology used by the appraiser to determine value and the fair market value of the full ownership of the land (excluding the buildings thereon, if any). If appropriate, an environmental assessment, soil analysis, boundary survey or other testing may be conducted. At the conclusion of all testing and completion of the title search, a complete property analysis, including a baseline documentation of the property, and recommendation shall be prepared as to whether negotiation should continue. The owner shall be entitled to a copy of the property analysis.

(f) The LPC or another authorized negotiator on behalf of the township shall submit a written purchase offer to the owner. The offer shall be for a time certain accompanied by a proposed deed of easement or title in accordance with the offer made in the application.

(g) An owner may, at his own expense, provide additional information to the LPC on the findings and determinations included in the property analysis or withdraw his application within 30 days of receipt of the property analysis.

(h) After receipt of all information relating to an application, the LPC shall forward a recommendation for acquisition to the township board for action.

Sec. 16-314. - Related costs.

The costs of appraisal, engineering, surveying, planning, financial, environmental, legal or other services lawfully incurred incident to the acquisition of land, development rights, conservation easements or other easements by the township in accordance with this article shall be paid by the township and may be paid from millage proceeds. The township shall not be responsible for expenses incurred by the owner incident to the owner's application.

Sec. 16-315. - Retained residential development rights.

(a) To promote agricultural use of properties on which the township has purchased the development rights, it has been determined that such properties should remain substantially undeveloped.

(b) It may be in the best interest of property owners and of the program to purchase development rights that property owners retain some residential development rights so long as the land remains substantially undeveloped. When property owners retain some development rights their land value remains higher than it would be if they sold all their development rights and the value of the development rights to be purchased is correspondingly reduced.

(c) Conservation easements conveying development rights to the township may include a provision for a landowner to retain the right to build additional residential dwellings on the following schedule:

0–40 acres	0
41–80 acres	1
81–160 acres	2
161 and more acres	3

Initially, these dwellings must be owned or occupied by a direct family member or for a farm laborer with a demonstrable employment record or financial investment in the farming operation.

(d) Both residential and nonresidential buildings must be identified in the negotiated conservation easement in order to protect other important features of the property. Building locations and lot sizes must also conform to existing zoning in the municipality where the property is located.

(e) A landowner may choose to omit a maximum of two residential building lots from the nominated property of the minimum size allowed by local zoning. The LPC and the township board may consider such omission when evaluating on which properties to purchase development rights.

(f) Once action to select properties for the purchase of development rights has been taken by the township board, a baseline documentation report will be prepared describing, through photographic, pictorial and narrative means, the condition of the property at the time of the grant and a development rights easement. The baseline report shall contain a signature page where the owner and the supervisor sign to state that the report is an accurate description of the property at the time of grant. The easement shall similarly feature a page where the signatures of the owner and the supervisor are notarized, following which the easement shall be recorded with the county register of deeds so that it is effective on all current and future owners.

Sec. 16-316. - Land preservation fund established.

(a) Revenues received for the preservation of farmland, open space, wildlife habitat, scenic views, and the protection of drinking water sources and the water quality of rivers and streams, and the provision of new parks, recreational opportunities and trails through acquisition and management of land, development rights, conservation easements and other easements shall be placed in a designated land preservation fund which is hereby created in the township budget.

(b) The fund shall be invested and managed in the same manner as existing funds of the township. No part of the fund may be transferred to any other fund, nor be encumbered, nor be utilized for any purpose except the purposes specifically set forth in this article. Expenditures from the fund require authorization of the township board.

Sec. 16-317. - Duration of acquired rights; release.

(a) Development rights acquired pursuant this article shall be held in trust by the township for the benefit of its citizens in perpetuity. After 50 years have passed, however, the owner may make application to the land preservation commission (LPC) to repurchase the development rights. The LPC shall review such application and determine whether the property has become landlocked with nonagricultural uses, farming is no longer feasible and the release is for the public good. The LPC shall evaluate the feasibility of farming by determining whether the land is no longer and never will be suitable for any kind of agriculture, with wooded land or land left fallow not necessarily to be considered unsuitable. The LPC shall hold a public hearing to gain input from citizens on the application and make recommendation to the township board on the request.

(b) Upon receiving the recommendations of the LPC, the township board shall take final action on such recommendations. The board must support the request by an owner to repurchase development rights by a five-member majority of the total seven members of the board. For properties 100 acres and greater, the board's five-member majority support of the request shall result in a referendum to allow the public to decide the matter. If the township board or the public supports the request, the owner shall have one year to complete the process of repurchasing the rights and all associated actions. All costs associated with the request shall be borne by the applicant.

(c) For those properties which the township board approves the return of development rights as specified in subsection (a) of this section, the LPC shall cause a qualified appraisal of the applicant's property interest to be made at the owner's expense. Payment for this appraisal shall be made by the owner in advance. A "before and after" appraisal shall be made to determine the value of development rights. One appraisal shall determine the fair market value of full ownership of the land (excluding buildings thereon) and one shall determine the fair market value of the agricultural rights plus any specifically retained residential development rights.

(d) The selected appraiser shall not have a property interest, personal interest or financial interest in the subject lands.

(e) Appraisals shall be in writing and shall be furnished to the respective owners for review. Errors of fact in any appraisal may be called to the attention of the appraiser by the LPC or by owners of the property appraised, but corrections of the appraisal may be made only by the appraiser.

(f) At any time in this process, the owner may choose to withdraw the request for the return of development rights without penalty, while still being responsible for the township's appraisal of the property and any other costs incurred.

(g) If the township board approves return of development rights, the township shall have a right of first refusal to purchase the remaining rights at the fair market value of the agricultural rights plus any retained development rights for the purposes of a park or other publicly accessible property. Upon

receiving the recommendations of the LPC, the township board shall take final action on such recommendations. If the board chooses to exercise this right of first refusal, an offer to purchase the remaining rights at the appraised value shall be submitted within 180 days. Acquisition of lands for public purposes shall be made with funds designated for such purchases and not with funds authorized for development rights acquisition pursuant to this article. The owner may at that time choose to not sell the remaining rights and instead retain ownership of the property. If the township board approves the sale of development rights back to the owner, proceeds from that sale shall be placed in the land preservation fund.

(h) If a request to repurchase development rights is denied by the township board or the public, or the landowner chooses to not sell the remaining rights when the township chooses to exercise its right of first refusal, or more than a year passes from the township board's authorization for the repurchase of rights, the landowner must wait five years before reapplying to repurchase development rights.

(i) The township may convey development rights acquired pursuant to this article to a conservation, open space preservation, historic preservation or similar organization under terms ensuring that the public benefits for which the township purchased the development rights will be maintained.

Sec. 16-318. - Enforcement.

Township staff or its designees shall administer and the township board shall enforce this article and conservation easements agreements. The land preservation commission (LPC) will advise and make recommendations to the township board concerning monitoring and investigation of complaints of violation of township acquired land and land rights. The LPC shall at least once annually ascertain whether the owner is complying with all conditions of the easement or deed. Inspection findings shall be in writing and maintained. Any violation identified shall be referred to the township board.

Sec. 16-319. - Administrative costs.

(a) Reasonable administrative expenses can be paid from the farmland and open space land preservation millage revenues for both the acquisition of land and conservation easements. The following activities shall be considered administration expenses that may be paid for from millage revenues:

(1) Staff or consultant time, including benefits, devoted directly to the acquisition process.

(2) Staff or consultant time, including benefits, devoted directly to program support.

(3) Travel/vehicle costs incurred.

(4) Monitoring of conservation easements.

(5) Enforcement of conservation easements.

(6) Legal expenses directly related to the acquisition of property or property interests, including staff or outside counsel time.

(b) The actual cost of property or property interests, plus charges for the following items, can be paid from millage revenues, but are not considered administrative expenses:

(1) Title commitments.

(2) Payment of property taxes on acquired property.

(3) Preparation of appraisals of property.

(4) Preparation of legal surveys of property.

(5) Preparation of phase 1 environmental assessments of property, as well as subsequent phases, if required.

(6) Baseline documentation for conservation easements.

(7) Interest and other costs directly related to the sale of bonds supported by this millage.

Sec. 16-320. - Donations.

The provisions of this article shall not apply to a donation of any interest in land to the township by a gift or bequest.

ORDINANCE NO.37

AN ORDINANCE authorizing Dexter Township to acquire property development rights in real estate within the township and establishing the procedure for acquiring and financing the acquisition of the development rights.

THE DEXTER TOWNSHIP BOARD OF TRUSTEES ORDAINS:

SECTION 1: Findings and Declaration of Purpose

The Board of Trustees finds that:

(1) Dexter Township is a desirable place to live, work and visit in large part because of the availability of farmland and the relief that agricultural fields bring. Scenic views, agriculture, open spaces and wildlife habitat are all considered invaluable natural and aesthetic resources and should be protected.

(2) The climate, variety of soils and terrain make the Township well suited to the production of a great number of row crops, specialty crops and livestock, including many foods available for direct human consumption. These resources include several thousand acres of land currently in agricultural production, and other woodland, wetland and open lands adjacent to these farmlands. Such lands provide unique, aesthetic and economic benefits to the citizens of the Township and are an important part of the Township's natural and agricultural heritage.

(3) Dexter Township is experiencing substantial residential development, however, because of its location to the highly urbanized areas of southeast Michigan, its attractive landscapes and its excellent public schools. The same characteristics which have made this area so desirable for agricultural production and recreation also make it attractive for residential sites.

(4) The agricultural industry in Dexter Township provides the opportunity to harvest locally grown foods to sell at roadside stands, farmer's markets, local retail food stores and other local outlets in the area. Land suitable for farming is an irreplaceable natural resource with soil and topographic characteristics that have been enhanced by generations of agricultural use. When such land is converted to residential or other more developed uses which do not require those special characteristics, a critical community resource is permanently lost to the citizens of Dexter Township.

(5) It is the policy of the State of Michigan and Dexter Township to protect, preserve and enhance agricultural lands as evidenced by the Township General Development Plan, the Township Zoning Act, MCLA 125.271 *et seq.* and other state and local statutes and policies. Ordinances regulating land use by zoning and subdivision control enacted by the Township also serve these purposes. These measures by themselves, however, have not been effective in providing long-term protection of farmland under the pressure of increasing residential development.

(6) Agriculture in Dexter Township produces a notable array of products, from corn and soybeans to vegetables and fruit to cattle. The Township's agricultural acreage contributes tens of thousands of dollars to the local economy in direct sales of agricultural products at the farm gate.

(7) Generally, farmland which is close to urban centers has a greater market value for future residential development than its market value for farming or open space. Prime agricultural land often has the same features (such as perkable soils) that are components of

desirable residential areas. This fact encourages the speculative purchase of these lands at high prices for future residential development, regardless of the current zoning of such lands. Farmland which has a market value greater than its agricultural value does not attract sustained agricultural investment and eventually this land is sold by farmers and removed from agricultural uses.

(8) The permanent acquisition of voluntarily offered interests in farmland within the Township, as provided in this Ordinance and as authorized by the Constitution and statutes of the State of Michigan, will permit these lands to remain in agricultural use near developing urban areas and provide long-term protection for the public interests which are served by farmland in the Township.

(9) Properties on which the Township has purchased the development rights should remain substantially undeveloped in order to promote their agricultural use.

(10) The acquisition of interests in farmland as provided in this Ordinance is a public purpose of Dexter Township as provided in this Ordinance and financing such acquisition requires that the Township enter into purchases or installment purchases not to exceed statutory limits.

(11) This ordinance is authorized by Sections 31 to 33 of the Township Zoning Act, MCL 125.301 B 125.303.

SECTION 2: Definitions

(1) "Agricultural Rights" means an interest in and the right to use and possess land for purposes and activities related to open space, natural habitat, horticultural and other agricultural uses.

(2) "Agricultural Use" means substantially undeveloped land devoted to the production of plants and animals useful to humans, including fruits, nuts, vegetables, greenhouse plants, Christmas trees and lumber, forages and sod crops, grains and feed crops, dairy and dairy products, livestock (including breeding and grazing), poultry and other similar uses and activities.

(3) "Chairperson" means the member of the Farmland Preservation Board who is elected Chairperson by the Preservation Board.

(4) "Board of Trustees" means the Dexter Township Board of Trustees.

(5) "Development" means an activity which materially alters or affects the existing conditions or use of any land.

(6) "Development Rights" means an interest in and the right to use and subdivide land for any and all residential, commercial and industrial purposes and activities which are not incident to agriculture and open space.

(7) "Development Rights Easement" means a grant by an instrument whereby the owner relinquishes to the public in perpetuity the right to develop the land as may be expressly reserved in the instrument, and which contains a covenant running with the land not to develop, except as this right is expressly reserved in the instrument.

(8) "Eligible Land" means farmland for which the purchase of "development rights easements" with tax funds and other monetary sources are authorized pursuant to this Ordinance.

(9) "Farmland" means those lands shown in the Township Master Plan as being zoned for agricultural uses, as adopted and amended from time to time by the Township Planning Commission.

(10) "Farmland Preservation Board" means the board formed pursuant to Section 6 of this Ordinance to advise the Board of Trustees in the selection of Eligible Lands for easement purchases.

(11) "Full Ownership" means fee simple ownership.

(12) "Governmental Agency" means the United States or any agency thereof, the State of Michigan or any agency thereof or any Township, City or municipal corporation.

(13) "Owner" means the party or parties having the fee simple interest in land.

(14) "Parcel" means all property under a single ownership that is included in the application.

(15) "Permitted Use" means any use contained within a development rights easement essential to the farming.

(16) "Supervisor" means the Dexter Township Supervisor.

(17) "Value of Development Rights" means the difference between the fair market value of full ownership of the land (excluding the buildings thereon) and the fair market value of the agricultural rights plus any residential development rights to be retained by the owner.

SECTION 3: Authorization

(1) The Board of Trustees is hereby authorized to expend funds to acquire property interests in the farmland described and prioritized in Section 5 of this Ordinance. The property interest acquired may either be the development rights, or any lesser interest, easement, covenant or other contractual right. Such acquisition may be accomplished by purchase, gift, grant, bequest, devise, covenant or contract but only at a price which is equal to or less than the appraised value determined as provided in this Ordinance. The funds shall be used to acquire such property interests only upon application of the Owner and in a strictly voluntary manner.

(2) The Township is authorized to enter into cash purchase and/or installment purchase contracts, and agreements for the receipt of tax deductible donations of easements, consistent with applicable law. When installment purchases are made, the Township is authorized to pay interest on the declining unpaid principal balance at a legal rate of interest consistent with prevailing market conditions at the time of execution of the installment contract for the tax-exempt status of such interest.

(3) The Board of Trustees is further authorized to contract with recognized and legally established nonprofit land trusts (for example, American Farmland Trust and Washtenaw Land Trust) or other experienced and qualified nonprofit groups to participate jointly in the acquisition of interests in eligible lands.

(4) The Township may contract with recognized and legally established nonprofit land trusts or other experienced and qualified nonprofit groups or consultants that would share in the process of negotiating easements and establishing both the baseline studies and the procedures for monitoring of any conservation easements acquired under this Ordinance and would be done in accordance with "The Standards and Practices Guidebook" by the Land Trust Alliance.

SECTION 4: Eligible Lands and Priority of Acquisition

Funds shall be used to purchase property interests in the following lands in the following order of their priority subject to the provisions of Section 7.

Primary Criteria that all properties must meet:
Voluntary application by the property owner and those lands shown in the Township Master Plan as being zoned for agricultural uses, or as rural residential where agriculture is practiced on larger parcels, as adopted and amended from time to time by the Township Planning Commission.

Criteria for Selection:
The following criteria shall be used in determining the order in which applications will be prioritized in any Selection Round to purchase development rights on all eligible lands for which complete applications have been received by the Township. This numerical ranking system has been developed to prioritize farm sites for the purchase of conservation easements. It is the intention of the users of this system to direct efforts toward high quality farmland in areas of the Township where its preservation is most appropriate.
Appropriateness is determined by favorable natural conditions and location factors which make farming a viable undertaking both currently and in the future. Areas targeted for preservation are those lands shown in the Township General Development Plans as being zoned for agricultural uses, as adopted and amended from time to time by the Township Planning Commission.

DESCRIPTION OF THE SYSTEM. The farmland ranking system consists of four sections as follows. The maximum point value is 100, with some additional points possible in the event of a tie.

PART	TOTAL POINTS
I – Characteristics of the Land	44
II – Stewardship of the Land	18
III – Context	12
IV – Acquisition Considerations	26

PRIORITIES. The point value arrived at through the use of this system will be used to prioritize farm sites for purchase of conservation easements. Higher point values indicate higher priority for purchase. All property in a single ownership may be included in one application. Contiguous properties under the same ownership will be treated as a single entity.

PART I

CHARACTERISTICS OF THE LAND
MAXIMUM POINTS = 44

A. Type of Agricultural Land

Multiply the percentage of the nominated parcel featuring prime, unique or locally important agricultural soils by 20.

B. Size of Parcel Offered for Development Rights Purchase

Acreage	Score
>80 acres	8
40-80 acres	5
<40 acres	2

C. Proximity to Protected Land

Distance	Score
Adjacent	8
One mile or less	5
More than one mile	2

D. Farm Buildings

Buildings	Score
Usable, functional farm buildings on site	4

E. Amount of Road Frontage

Frontage	Score
1,000 feet or more	4
500 to 999 feet	2

PART II

STEWARDSHIP OF THE LAND
MAXIMUM POINTS = 18

A. Conservation Plans

Extent of Conservation Plan	Score
Conservation plan fully implemented or conservation practices used to the fullest extent necessary	8
Conservation plan partially implemented or some practices used	4

B. Commitment to Farming

Enrollment in P.A. 116 or Duration of Ownership	Score
Farm is enrolled in P.A. 116 and land has been in the same ownership for at least 50 years	10
Farm is enrolled in P.A. 116 or has been in the same ownership for at least 50 years	6

PART III

CONTEXT
MAXIMUM POINTS = 12

A. Current Adjacent Zoning Classification

Percent of Perimeter in Agricultural Zoning	Score
90% or more	4
50-89%	2
<50%	1

B. Current Adjacent Land Use

Percent of Perimeter in Agricultural Use	Score
90% or more	4
50-89%	2
<50%	1

C. Groundwater Recharge Area

Percent of Property Serving as Groundwater Recharge	Score
>75%	4
50-75%	2
<50%	1

PART IV

ACQUISITION CONSIDERATIONS
MAXIMUM POINTS = 26

A. Matching Funds

Percent of Appraised Value	Score
>50%	16
20-50%	10
<20% (but >0)	5

B. Landowner Donation

Percent of Appraised Value	Score
>20%	10
10-20%	6
<10% (but >0)	2

SECTION 5: Farmland Preservation Board

(1) A five-member Farmland Preservation Board (the "Preservation Board") shall be appointed by the Board of Trustees. The Board of Trustees shall seek the names of nominees for the Preservation Board by the means usually employed for other boards and commissions. The Preservation Board shall determine the selection of eligible lands on which development rights are offered for acquisition by their owners. Selection of eligible lands shall be made by a majority of Preservation Board members.

(2) The Preservation Board shall consist of residents of the Township. The Preservation Board shall include a representative of the Township Board of Trustees, a natural resources professional, a citizen and two representatives who own agricultural land or operate agricultural businesses. The Board of Trustees may appoint ex-officio members.

(3) The Preservation Board may consult experts as it may desire and the Board of Trustees may appropriate funds for that purpose.

(4) Members shall serve three-year terms, except that the initial term of three members shall be three years and terms of two members shall be two years. Members may be removed by the Board of Trustees for good cause as determined by the Board of Trustees. Members shall not be compensated for their services but shall be reimbursed for expenses

actually incurred in the performance of their duties. Members may be reappointed to successive terms.

(5) No member shall vote on the selection of individual parcels in which they have an interest or on individual parcels adjacent to property in which they have an interest.

SECTION 6: Selection

The Farmland Preservation Board shall conduct a voluntary property selection process (herein called the "Selection Round") generally as follows:

(1) In each selection round the development rights on all eligible land properties shall be eligible for purchase. In all selection rounds, properties of higher priority shall be purchased with available funds before properties of lower priority are purchased, provided:

a. The Preservation Board may negotiate for a lower price and/or seek outside funding for the purchase of development rights on any parcel offered.

b. In the interest of protecting a significant amount of agricultural land, the Preservation Board may determine not to buy all of any of the development rights on a particular parcel if the Preservation Board makes a finding that it is in the best interest of the program to protect a larger number of acres rather than a smaller number of acres of higher valued development rights.

c. The Preservation Board may receive and act on appeals of any factual nature by affected property owners.

(2) The Preservation Board shall begin each selection round by giving notice in one newspaper of general circulation in Dexter Township. The notice shall describe the properties eligible for purchase in the selection round; the general procedure to be followed in the selection process (including an estimated time schedule for the steps in the process); and shall invite the owners of such properties to make application for purchase of development rights by the Township and to describe the property interest which the owner is willing to sell. Applications shall be submitted to a location to be specified by the Preservation Board and stamped with the date of receipt.

(3) Upon closing of the application period, the Preservation Board shall review each application received to determine the eligibility and priority classification of each property interest and to verify ownership by tax records.

(4) For those properties which meet the requirements of Section 4, the Preservation Board shall cause an appraisal of the applicant's property interest to be made. A "before and after" appraisal shall be made to determine the value of development rights. One appraisal shall determine the fair market value of full ownership of the land (excluding buildings thereon) and one shall determine the fair market value of the agricultural rights plus any specifically retained residential development rights.

(5) Appraisals shall be made by State certified appraisers selected by the Preservation Board. The selected appraiser shall not have a property interest, personal interest or financial interest in eligible lands. The same appraiser shall conduct the before and after appraisals.

(6) Appraisals shall be in writing and shall be furnished to the respective owners for review. Errors of fact in any appraisal may be called to the attention of the appraiser by the Preservation Board or by owners of the property appraised, but corrections of the appraisal may be made only by the appraiser.

(7) Terms and conditions of sale and information on the effect of the sale may be discussed by the entire Preservation Board with owners prior to the submission of written applications.

(8) Written applications by owners who desire to have their development rights purchased by the Township shall be submitted on forms provided by the Preservation Board. These written offers shall include any development options desired to be retained by the owners.

(9) Upon receiving the recommendations of the Preservation Board, the Board of Trustees shall take final action on such recommendations.

(10) Once action to select properties for the purchase of development rights has been taken by the Board of Trustees, the Preservation Board shall draft a baseline documentation report describing through photographic, pictorial and narrative means the condition of the property at the time of the grant and a development rights easement. The baseline report shall contain a signature page where the Owner and the Supervisor sign to state that the report is an accurate description of the property at the time of grant. The easement shall similarly feature a page where the signatures of the Owner and the Supervisor are notarized, following which the easement shall be recorded with the county register of deeds so that it is effective on all current and future owners.

(11) Upon the completion of a purchase of development rights transaction, the Township assessor will be notified of the development rights purchase.

(12) Additional residential dwellings are not permitted on lands from which development rights have been purchased.

SECTION 7: Duration of Acquired Interests

(1) Development rights acquired pursuant to this Ordinance shall be held in trust by the Township for the benefit of its citizens in perpetuity. After 50 years have passed, however, the owner may make application to the Preservation Board that farmland described in this Ordinance has (a) become landlocked with non-agricultural uses, (b) farming is no longer feasible and (c) the release is for the public good. The Preservation Board evaluate the feasibility of farming by determining whether the land is no longer and never will be suitable for any kind of agriculture, with wooded land left fallow not necessarily to be considered unsuitable.

(2) Upon receiving the recommendations of the Preservation Board, the Board of Trustees shall take final action on such recommendations. The Board of Trustees must support the request by an owner to repurchase development rights by a five-member majority of the total seven Trustees.

(3) For those properties for which the Board of Trustees approves the return of development rights as specified in Subsection (1), the Preservation Board shall cause an appraisal of the applicant's property interest to be made at the owner's expense. Payment for this appraisal shall be made by the owner in advance. A "before and after" appraisal shall be made to determine the value of development rights. One appraisal shall determine the fair market value of full ownership of the land (excluding buildings thereon) and one shall determine the fair market value of the agricultural rights plus any specifically retained residential development rights.

(4) Appraisals shall be made by State certified appraisers selected by the Preservation Board. The selected appraiser shall not have a property interest, personal interest or financial interest in eligible lands.

(5) Appraisals shall be in writing and shall be furnished to the respective owners

for review. Errors of fact in any appraisal may be called to the attention of the appraiser by the Preservation Board or by owners of the property appraised, but corrections of the appraisal may be made only by the appraiser.

(6) At any time in this process, the owner may choose to withdraw the request for the return of development rights without penalty, while still being responsible for the Township's appraisal of the property as specified in Subsection (2).

(7) If the Board of Trustees approves the return of development rights, the Township shall have a right of first refusal to purchase the remaining rights at the fair market value of the agricultural rights plus any retained development rights, as determined by a State certified appraiser. Upon receiving the recommendations of the Preservation Board, the Board of Trustees shall take final action on such recommendations. If the Board of Trustees chooses to exercise this right of first refusal, an offer to purchase the remaining rights at the appraised value shall be submitted. Acquisition of lands shall not be made with funds authorized for development rights acquisition pursuant to this Ordinance. The owner may at that time choose to not sell the remaining rights and instead retain ownership of the property.

(8) If (a) a request to re-purchase development rights is denied by the Board of Trustees, or (b) the landowner chooses not to sell the remaining rights the Township chooses to exercise its right of first refusal or (c) more than a year passes from the Board of Trustees' authorization for the re-purchase of development rights, the landowner must wait five years before re-applying to re-purchase development rights.

(9) The Township may convey development rights acquired pursuant to this Ordinance to a conservation, open space preservation, historic preservation or similar organization under terms ensuring that the public benefits for which the Township purchased the development rights will be maintained.

SECTION 8: Related Costs

The costs of appraisal, easement development, baseline documentation, legal and other services lawfully incurred incident to the acquisition of interests in eligible lands by the Township shall be paid by the Township. The Township shall not be responsible for expenses incurred by the owner incident to this transaction.

SECTION 9: Supplemental Funds

Supplemental or matching funds from other governmental agencies or private sources may become available to pay a portion of the cost of acquiring development rights, or some lesser interest in eligible lands or to supplement or enlarge such acquisition. The Farmland Preservation Board is hereby authorized to utilize such funds to purchase interests in eligible lands or to otherwise supplement Township funds in the manner provided by this Ordinance and in accordance with the applicable laws or terms governing such grant.

SECTION 10: Purpose

The Board of Trustees finds and declares that the use of Township funds for the purpose of paying in whole or in part the cost of acquisition of interests in eligible lands as set forth herein, including any costs necessarily incident to such acquisition, and the monitoring and enforcement of development rights easements, or to participation with any party for such purposes will promote the public health, safety and general welfare of the people of Dexter Township.

SECTION 11: Development Rights Acquisition Fund

The funds for purchasing development rights on farmland shall be placed in a designated Development Rights Acquisition Fund to be hereafter created in the office of the Treasurer of Dexter Township (here and after "Acquisition Fund"). Money in such acquisition fund may be temporarily deposited in such institutions or invested in such obligations as may be lawful for the investment of Township money.

The funds and any interest received from the deposit or investment of such funds shall be applied and used solely for the purposes set forth in this Ordinance.

SECTION 12: Severability.

In the event any provision of this Ordinance shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provisions hereof.

This ordinance shall be effective seven (7) days after publication.

Made and passed by the Board of Trustees of the Township of Dexter, County of Washtenaw, State of Michigan, at a duly noticed Special Meeting of the Dexter Township Board of Trustees on the 29th day of August, 2005.

Date of First Reading:	Tuesday, August 16, 2005
Date of Second Reading:	Monday, August 29, 2005
Date of Adoption by Township Board:	Monday, August 29, 2005
Date of Publication:	Thursday, September 8, 2005
Date Ordinance Shall Take Effect:	Thursday, September 15, 2005

Harley B. Rider, Clerk
Dexter Township

PENINSULA TOWNSHIP
PURCHASE OF DEVELOPMENT RIGHTS

ORDINANCE #23

Approved by Peninsula Township Board May 4, 1994
Revised August 25, 2003 amending Section 8 to provide a process for amending easements and adding Section 14 Severability.

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ORDINANCE NO.23

AN ORDINANCE relating to the acquisition of voluntarily offered interests in Farmland and Open Space Land in Peninsula Township: calling an election by the voters of the Township on August 2, 1994, to authorize the cash purchase and/or installment purchase contracts under Act 99 of 1933 and for the purpose of providing funds for such acquisition. The principal and interest on such contracts shall be payable out of annual tax levies to be made upon all of the taxable property within the Township in excess of constitutional and statutory limits and from any other money which may become legally available and used for such purposes.

BE IT ORDAINED BY THE PENINSULA TOWNSHIP BOARD:

SECTION 1 Findings and Declaration of Purpose

The Township Board finds that:

(1) Peninsula Township is a desirable place to live and visit because of its panoramic views of agricultural acreage interspersed with stands of trees, open fields and rolling terrain. The framing of many of these views with the sight of clean, open bay waters, creates a spectacularly spacious effect. The views, agriculture and open spaces, woodlands, wetlands and dark night sky are all considered valuable natural and aesthetic resources which should be protected.

(2) The climate, significant changes in elevation and proximity to water make this a unique area where certain crops can be grown as well as or better than anywhere else. These resources not only include more than seven thousand acres of land suitable for farming they also include other woodland, wetlands and open lands adjacent to these farmlands. Such lands provide unique, aesthetic and economic benefits to the citizens of the Township and are an important part of the Township's heritage. However, Peninsula Township is experiencing substantial development pressure because of its location adjacent to Traverse City. The same characteristics which have made this area so desirable for fruit production also make it attractive for residential sites.

(3) The agricultural industry in Peninsula Township provides the opportunity to harvest locally grown fruit and vegetables to sell at roadside stands and other local outlets in the Township. Land suitable for farming is an irreplaceable natural resource with soil and topographic characteristics that have been enhanced by generations of agricultural use. When such land is converted to residential or other urban uses which do not require those special characteristics, an important community resource is permanently lost to the citizens of Peninsula Township.

(4) It is the policy of the State of Michigan and Peninsula Township to protect, preserve and enhance agricultural and open space lands as evidenced by the Peninsula Township Comprehensive Plan including open space policies, the Farmland and Open Space Preservation Act of 1974 (P. A. 116), the Historic and Conservation Easement Act and the Township Ordinances regulating land use by zoning and subdivision control. However, these policies and regulations, by themselves, have not been effective in providing long-term protection of farmland, shoreline and open space lands under the pressure of increasing urban development.

(5) Agriculture on Old Mission Peninsula is predominantly fruit production; the majority of the nation's tart cherries are grown within this region. Of the 17,000 acres of land in Peninsula Township, there are currently 12,000 acres in the Agricultural District of which some 7,000 acres provide the basis for the township's currently active agricultural enterprises.

(6) Generally, Farmland and Open Space Lands which are close to urban centers have a greater market value for future urban development than their market value for farming or open space, and prime fruit land has the same features of high elevations and proximity to water that are components of desirable residential areas. This fact encourages the speculative purchase of these lands at high prices for future development, regardless of the current zoning of such lands. Farmland which has a market value greater than its agricultural value does not attract sustained agricultural investment and eventually this land is sold by farmers and removed from agricultural uses.

(7) The permanent acquisition by the Township of voluntarily offered interests in Farmland and Open Space Lands within the Township, as provided in this Ordinance and as authorized by the Constitution and statutes of the State of Michigan, will permit these lands to remain in farmland and open space in a developing urban area and provide long-term protection for the public interests which are served by Farmlands and Open Space Lands within the Township.

(8) Properties on which the Township has purchased the Development Rights should remain substantially undeveloped in order to promote their "Agricultural Use".

(9) The acquisition of interests in Farmland and Open Space Lands as provided in this Ordinance is a public purpose of Peninsula Township and financing such acquisition requires that the Township enter into purchases or installment purchases not to exceed statutory limits.

SECTION 2 Definitions

(1) "Agricultural Use" means substantially undeveloped land devoted to the production of plants and animals useful to man, including fruits; grapes; nuts; vegetables; green house plants; Christmas trees; forages and sod crops; grains and feed crops; dairy and dairy products; livestock, including breeding and grazing; and other similar uses and activities.

(2) "Agricultural Rights" means an interest in and the right to use and possess land for purposes and activities related to open space, horticultural and other agricultural uses.

(3) "Appendix A" of this Ordinance means the maps which describe designated areas of Eligible Lands for purposes of priority of acquisition as provided in this Ordinance. Official large scale maps describing such areas in detail are hereby filed with the Peninsula Township Clerk and incorporated herein by this reference. Smaller scale maps generally illustrating such areas are appended to this Ordinance for more readily accessible public reference.

(4) "Chairperson" means the member of the Selection Committee who is elected Chairperson by the Selection Committee.

(5) "Development" means an activity which materially alters or affects the existing conditions or use of any land.

(6) "Development Rights" means an interest in and the right to use and subdivide land for any and all residential, commercial and industrial purposes and activities which are not incident to agriculture and open space.

(7) "Development Rights Easement" means a grant, by an instrument, whereby the owner relinquishes to the public in perpetuity, the right to develop the land as may be expressly reserved in the instrument, and which contains a covenant running with the land, not to develop, except as this right is expressly reserved in the instrument.

(8) "Eligible Land" means Farmland and Open Space Land for which the purchase of "Development Rights Easements" with tax funds are authorized pursuant to this Ordinance.

(9) "Farmland and Open Space Land" means those lands shown in the Township Master Plan as an Agricultural Preserve Area as adopted and amended from time to time by the Peninsula Township Planning Commission.

(10) "Full Ownership" means fee simple ownership.

(11) "Governmental Agency" means the United States or any agency thereof, the State of Michigan or any agency thereof, any Township, City or municipal corporation.

(12) "Owner" means the party or parties having the fee simple interest, a real estate contract vendor's or vendee's interest, or a mortgagor's or mortgagee's interest in land.

(13) "Parcel" means contiguous property under one ownership that is included in an application.

(14) "Permitted Use" means any use contained within a development rights easement essential to the farming operation or which does not alter the open space character of the land.

(15) "Selection Committee" means the Committee formed pursuant to Section 6 of this Ordinance to advise the Township Board in the selection of Eligible Lands for purchase.

(16) "Substantially Undeveloped Land" means land on which there is no more than 1 residential dwelling unit (exclusive of migrant housing units) for each 20 acres of land.

(17) "Supervisor" means the Peninsula Township Supervisor.

(18) "Township Board" means the Peninsula Township Board.

(19) "Value of Development Rights" means the difference between the fair market value of Full Ownership of the land (excluding the buildings thereon) and the fair market value of the Agricultural Rights plus any Residential Development Rights to be retained by the owner.

SECTION 3 Authorization

(1) The Township Board is hereby authorized to expend tax revenues to acquire property interests in the Farmlands and Open Space Lands described and prioritized in Section 5 of this Ordinance. The property interest acquired may be either the Development Rights, or any lesser interest, easement, covenant or other contractual right. Such acquisition may be accomplished by purchase, gift, grant, bequest, devise, covenant or contract but only at a price which is equal to or less than the appraised value determined as provided in this Ordinance. The collected tax revenues shall be used to acquire such property interests only upon application of the Owner and in a strictly voluntary manner.

(2) The Township is authorized to enter into cash purchase and/or installment purchase contracts consistent with applicable law. When installment purchases are made, the Township is authorized to pay interest on the declining unpaid principal balance at a legal rate of interest consistent with prevailing market conditions at the time of execution of the installment contract and adjusted for the tax-exempt status of such interest.

(3) The Township Board is further authorized to contract with other parties, for example American Farmland Trust, to participate jointly in the acquisition of interests in Eligible Lands.

(4) The Township shall contract with a recognized and legally established non-profit land conservancy or other experienced and qualified individual that would share in the process of negotiating easements and establishing both the baseline studies and the procedures for monitoring of any conservation easements acquired under this Ordinance and would be done in accordance with "The Standards and Practices Guidebook" issued in 1989 by the Land Trust Alliance.

(5) Interest which the Township owns in property other than Eligible Lands may be exchanged for property interests in Eligible Lands on an equivalent appraised value basis. If the property interest exchanged is not exactly equal in appraised value, cash payments may be made to provide net equivalent value in the exchange.

(6) The Township Board shall budget on an annual basis for monitoring of all Development Rights Easements purchased under the authority of this Ordinance (Not to exceed $1000.00 annually from General Fund Money).

SECTION 4 Retained Residential Development Rights

(1) To promote the "Agricultural Use" of properties on which the Township has purchased the Development Rights, it has been determined that such properties should remain substantially undeveloped.

(2) It is in the best interest of property owners and of the Program to Purchase Development Rights that property owners retain some residential development rights so long as the land remains substantially undeveloped. When property owners retain some development rights their land value remains higher than it would be if they sold all their Development Rights and the value of the Development Rights to be purchased is correspondingly reduced.

(3) Applications for the sale of Development Rights may include a provision to retain the right to build residential dwellings (Residential Development Rights), provided, that no retained residential development rights would result in more than one dwelling unit per twenty (20) acres of land (exclusive of approved migrant housing units). This is not to preclude the sale of all the remaining Development Rights on a property that has existing dwelling units in excess of one dwelling unit per twenty acres of land.

(4) The building locations for retained Residential Development Rights may be restricted in the negotiated "Development Rights Easement" in order to protect Scenic Views identified in the Township Comprehensive Plan.

SECTION 5 Eligible Lands and Priority of Acquisition

The tax revenues shall be used to purchase property interests in the following lands in the following order of their priority subject to the provisions of Section 7.

Primary Criteria that all properties must meet:

Voluntary application by the property owner and included in the Agriculture Preservation Area Map adopted by the Peninsula Township Planning Commission as it may from time to time be amended.

Criteria for Selection Within Same Priority.

The following criteria shall be used in determining which offers to accept in the event that funds are not adequate in any Selection Round to purchase Development Rights on all Eligible Lands of equal priority for which valid offers have been received by the Township:

Cumulative Points

21-30 1. Parcel by class is shown on Prime Scenic View Map adopted by the Peninsula Township Planning Commission.
   a. Class I - (30)
   b. Class II - (27)
   c. Class III - (24)
   d. Class IV - (21)

20-30 2. Parcels with percentages of green and/or yellow rated sites as shown on the Red Tart Cherry Site Inventory for Grand Traverse County published by the Soil Conservation Service.
   a. 90 % or more - (30)
   b. 50% to 89.9% - (25)
   c. 30% to 49.9% - (20)

10 3. Contiguous with other properties currently being farmed.

10 4. Parcel which is greater than 10 acres and is adjacent to agricultural lands that are permanently preserved or on which Development Rights have been offered for sale.

5 5. Parcels offered for development rights purchase that are 10 acres or more in size.

5 6. Parcels which are less than 10 acres in size and adjacent to agricultural lands that are permanently preserved or on which Development Rights have been offered for sale.

Up to 25 points for Physical Characteristics based on PROFESSIONALLY QUALIFIED site analysis to be used when other point totals are equal (Tie Breaker).

(25) 7. Physical Characteristics
   a. Soil Factors
      (1) Texture
2 (a) Coarse loamy sand
1 (b) Fine loamy sand
      (2) Drainage
2 (a) Well drained
1 (b) Moderately well drained
      (3) Depth/rooting restrictions
2 (a) No restrictions to 48 inches
1 (b) Coarse fragments

b. Physiographic Factors

(1) Slope

2 (a) 2-12%

1 (b) 0-2%

(2) Elevation

2 (a) Minimum 640 feet above sea level.

(3) Air Drainage

2 (a) Uninterrupted airflow to major air storage basin.

1 (b) Minor obstruction of air flow to major air storage basin.

SECTION 6 Selection Committee

(1) A seven-member Selection Committee shall be appointed by the Township Board within ninety (90) days following the approval of the Millage by the voters. The Selection Committee shall advise the Township Board in the selection of Eligible Lands on which Development Rights are offered for acquisition by their owners. Selection Committee recommendations for the selection of Eligible Lands shall be made by a majority of its members.

(2) The Selection Committee shall consist of residents and/or property owners of the Township chosen to provide equitable representation of geographical and agricultural interests. The Township Board may appoint ex-officio members.

(3) The Selection Committee may consult experts as it may desire and the Township Board may appropriate funds for that purpose.

(4) Members shall serve three-year terms, except that the initial term of three members shall be two years and terms of four members shall be three years. Members may be removed by the Township Board for good cause as determined by the Township Board. Members shall not be compensated for their services but shall be reimbursed for expenses actually incurred in the performance of their duties. Members may be reappointed to successive terms but the Selection Committee shall be terminated when the proceeds of the Millage vote have been spent and in any event no later than eight years after the Millage election.

(5) No member shall vote on the selection of individual parcels in which they have an interest or on individual parcels adjacent to property in which they have an interest.

SECTION 7 Selection

Beginning in the first year following the Millage election and continuing at least once a year until all proceeds of the Millage election have been expended, the Township Board shall conduct a voluntary property selection process (herein called "Selection Round") generally as follows:

(1) In each Selection Round the Development Rights on all Eligible Land properties offered shall be eligible for purchase. In all Selection Rounds properties of higher priority shall be purchased with available funds before properties of lower priority are purchased, provided:

a. If the average appraised value per acre of Development Rights on a given parcel deviates by 30% or more from the median appraised value of all appraised properties, then the Township Board may renegotiate for a lower price and/or seek outside funding for the purchase of Development Rights on that parcel.

b. In the interest of protecting a significant amount of agricultural land, the Township Board may determine not to buy all or any of the development rights on a particular parcel if the Board makes a finding that it is in the best interest of the program to protect a larger number of acres rather than a smaller number of acres of higher valued development rights.

c. In the event that points are assigned to properties based on a viewshed and the whole scenic view is not protected because either some of the properties in the viewshed are not offered or an easement that protects the scenic view cannot be successfully negotiated, then the Selection Committee shall determine and remove those scenic view points from all parcels that might be obstructed by development on the non-protected parcel.

d. The selection committee shall remove points that were given because the property was adjacent to properties with offered development rights and those adjacent development rights are no longer offered.

e. The selection committee may receive and act on appeals of any factual nature by affected property owners, and any appeal may be reviewed by the Township Board.

(2) The Township Board shall begin each Selection Round by giving notice in one newspaper of general circulation in Peninsula Township. The notice shall describe the properties eligible for purchase in that Selection Round, the general procedure to be followed in the selection process, including an estimated time schedule for the steps in the process, and shall invite the Owners of such properties to make application for purchase of Development Rights by the Township and to describe the property interest which the Owner is willing to sell, such document shall include any residential development rights to be retained by the owner.

(3) Upon closing of the application period, the Selection Committee shall review each application which has been received to determine the eligibility and priority classification of each property interest and to verify ownership by title search. For properties located within a Prime Scenic View as shown on the Map adopted and as may from time to time be amended by the Peninsula Township Planning Commission as part of the Township Comprehensive Plan the Selection Committee shall request the Planning Commission to provide recommended building and/or vegetation restrictions as necessary to protect the scenic view.

(4) For those applications which meet the requirements of SECTION 5. Eligible Lands and Priority of Acquisition above, the Selection Committee shall cause an appraisal of the applicant's property interest to be made. A "before and after" appraisal shall be made to determine the Value of Development Rights. One appraisal shall determine the fair market value of Full Ownership of the land (excluding buildings thereon) and one shall determine the fair market value of the Agricultural Rights plus any specifically retained Residential Development Rights.

(5) Appraisals shall be made by State Certified Appraisers selected by the Selection Committee on a bid basis. The selected appraiser shall not have a property interest, personal interest or financial interest in Eligible Lands. In the event that the low bidder has a conflict of interest associated with a potential easement, the second low bidder will conduct that appraisal. In any event, the same appraiser shall conduct the before and after appraisals.

(6) Appraisals shall be in writing and shall be furnished to the respective owners for review. Errors of fact in any appraisal may be called to the attention of the appraiser by the Township or by Owners of the property appraised but corrections of the appraisal may be made only by the appraiser. If an Owner of property believes it has not been adequately appraised, such Owner may, within the time allowed on the selection schedule have a review appraisal be made at the Owner's expense by a State Certified appraiser. The appraisal shall then be filed with the Selection Committee. The Selection Committee shall use both appraisals to reach an agreement as to the appropriate value of the development rights.

(7) Terms and conditions of sale and information on the effect of the sale may be discussed by the entire Selection Committee with Owners prior to the submission of written applications.

(8) Written applications by owners who desire to have their Development Rights purchased by the Township shall be submitted on forms provided by the Township. These written offers shall include any development options desired to be retained by the owners.

(9) Upon receiving the recommendations of the Selection Committee, the Township Board shall take final action on such recommendations.

SECTION 8A. Duration of Acquired Interests and Relinquishment of Any Interest.
Development Rights acquired pursuant to this Ordinance shall be held in trust by the Township for the benefit of its citizens in perpetuity, subject to the following: If the Township Board shall find that Farmland and Open Space Land described in this Ordinance can no longer reasonably be used for "Agricultural Use" as to any interest in land acquired with Millage proceeds, the Township Board shall submit to the voters of the Township a proposition to approve of the disposition of such interest. Only upon a majority vote approving such proposition can such interest be disposed of by the Township and the proceeds of such disposition shall only be used for the acquisition of interests in "Eligible Lands" as provided in this Ordinance. A "before and after" appraisal shall be made to determine the Value of Development Rights, and the Township shall not sell the Development Rights for an amount less than the appraised value of the Development Rights determined as follows: One appraisal shall determine the fair market value of Full Ownership of the land (excluding buildings thereon) and one shall determine the fair market value of the Agricultural Rights plus any retained development rights. Appraisals of the fair market value of Full Ownership or of a property interest other than Development Rights shall be made by State Certified Appraisers selected by the Selection Committee on a bid basis. The selected appraiser shall not have a property interest, personal interest or financial interest in Eligible Lands. In the event that the low bidder has a conflict of interest associated with a potential easement, the second low bidder will conduct that appraisal. In any event, the same appraiser shall conduct the before and after appraisals.

SECTION 8B. Amendment of Conservation Easement. Because of the public trust that is inherently involved with the Purchase of Development rights and the corresponding intent that all conservation easements endure in perpetuity, amendments of conservation easements are to be discouraged and can only be amended in compliance with strict standards. An application for an amendment of a Conservation Easement and any amendment of the terms and conditions of a Conservation Easement shall proceed in accordance with the following provisions:

(1) Application. Application for amending a recorded Conservation Easement shall be made to the Township Clerk on a form approved by the Township Clerk, along with a non-refundable fee as determined by the Township Board by resolution.

(2) Application Costs.

a. The Township shall not be responsible for any expenses incident to the request for amendment.

b. All costs associated with the requested amendment, including appraisals, attorney fees and publication fees, shall be paid by the applicant.

c. Prior to undertaking any direct expenses related to the request, the Township Board shall require a deposit to cover the estimated costs associated with consideration of the request. All unexpended funds shall be returned to the applicant.

(3) Public Hearing. The Township Board shall hold a public hearing prior to consideration of an amendment to a Conservation Easement. The notice shall meet the same time requirements as a notice for a Planning Commission public hearing for a Zoning Ordinance amendment.

(4) Notice. All property owners within 1,320 feet of the property shall be given written notice of the application for amendment of an existing Conservation Easement. The notice shall include the existing and proposed conditions. It shall also state where the public hearing will be held and where the application can be viewed. The notice shall also include the legal description and the street address of the parcel to allow the public to locate the property.

(5) Standards. An amendment to a Conservation Easement shall not be granted by the Township Board if the amendment causes any of the conditions set forth in Section 8B.(5) a. i-vii to occur, unless a finding is made that the standards in both Section 8B.(5) b. and c. have been satisfied:

a.

i. The amendment increases the number of future dwelling units.

ii. The amendment increases the probability of parcel fragmentation.

iii. The amendment results in a scattering of residences more than prior to the amendment.

iv. The amendment increases the amount of driveway across prime and unique agricultural land necessary to access dwellings.

v. The amendment reduces the net amount or quality of productive agricultural land as a result of the amendment.

vi. The amended building sites interfere with air drainage.

vii. The amendment results in new buildings located in identified scenic views.

b. The possible adverse effects on adjacent property, particularly adverse visual effects on adjacent conservation easement parcels, shall be determined to be less than the positive benefits of the proposed amendment.

c. The amendment enhances the Conservation Easement program as described in the Findings and Declaration of Purpose in the Ordinance. Examples of enhancement include:

a residence or reserved building is moved from the current location to a location further away from land being actively farmed;

a residence or future building site is moved and placed in an area of existing buildings;

a residence or future building site is moved to a location on adjacent property that consolidates residences in a cluster;

an existing building is moved from a prime scenic view and relocated to another site that is out of prime scenic view;

a building or reserved building site is moved from a location that creates an adverse impact on farming operations due to its location or access to a site that has less of an adverse impact;

the amendment will result in a larger block of agricultural land without an existing residence or future building site.

The Township Board shall make written findings of fact as to the foregoing conditions and standards.

(6) Appraisal of Changes in Value: Prior to a final decision on a proposed amendment to a recorded Conservation Easement, the Township shall obtain an appraisal of the property (paid for by the property owner) to determine if the value of the retained development rights is increased as a result of the amendment. If the appraisal indicates that the value of the retained development rights is increased as a result of the proposed amendment, the property owner shall pay to the Township Purchase of Development Rights Fund an amount equal to the amount of the increase in the event the amendment is approved.

(7) Publication. The Township Board shall publish its decision to amend a Conservation Easement in the same manner as an amendment to the Township Zoning Ordinance.

(8) Referendum. A decision by the Township Board to amend a Conservation Easement shall be subject to a referendum with the same standards and procedures for a referendum on a Zoning Ordinance amendment. A petition for referendum shall stay any action until the decision has been approved by the voters.

(9) Recording. All approved amendments that are no longer subject to referendum shall be recorded at the Grand Traverse County Register of Deeds Office along with written findings of fact which explain the reasons for the amendment.

SECTION 9 Related Costs

The costs of appraisal, engineering, surveying, planning, financial, legal and other services lawfully incurred incident to the acquisition of interests in Eligible Lands by the Township shall be paid from the proceeds of the Millage, however, the Township shall not be responsible for expenses incurred by the Owner incident to this transaction.

SECTION 10 Supplemental Funds

Supplemental or matching funds from other Governmental Agencies or private sources may become available to pay a portion of the cost of acquiring Development Rights, or some lesser interest in Eligible Lands or to supplement or enlarge such acquisition. The Township Board is hereby authorized to utilize such funds to purchase interests in Eligible Lands or to otherwise supplement the proceeds of the Millage in the manner provided by this Ordinance and in accordance with the applicable laws or terms governing such grant.

SECTION 11 Township Purpose

The Township Board finds and declares that the use of Township funds for the purpose of paying in whole or in part the cost of acquisition of interests in Eligible Lands as set forth herein, including any costs necessarily incident to such acquisition, and the monitoring and enforcement of development rights easements, or to participation with any party for such purposes will promote the public health, safety, and general welfare of the people of Peninsula Township.

SECTION 12 Development Rights Acquisition Fund

The revenues from the Millage shall be deposited in a Farmland Development Rights Acquisition Fund to be hereafter created in the office of the Treasurer of Peninsula Township (here and after "Acquisition Fund"). Money in such Acquisition Fund may be temporarily deposited in such institutions or invested in such obligations as may be lawful for the investment of Township money.

The revenues from the Millage and any interest received from the deposit or investment of such revenues shall be applied and used solely for the purposes set forth in this Ordinance.

SECTION 13 Development Rights Enforcement Fund

The Township Board shall establish a Development Rights Enforcement Fund (here and after "Enforcement Fund") from the proceeds of the Millage vote in an amount of not less than $40,000.00 to be used for enforcement expenses, including initial follow-up with the landowner, review and inspection of remedial measures, and legal, engineering, and other professional services. Money in such Enforcement Fund may be temporarily deposited in such institutions or invested in such obligations as may be lawful for the investment of Township money.

The interest received from the deposit or investment of such revenues shall be applied and used solely for the purposes set forth in this Section.

SECTION 14 SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this Ordinance other than said part or portion thereof.

MARION TOWNSHIP
KENNEL ZONING ORDINANCE AMENDMENT

An amendment the Marion Township Zoning Ordinance to amend and add definitions related kennels and amend kennel standards.

Marion Township Ordains:

SECTION 1. PURPOSE & INTENT

The purpose of this Ordinance is to establish the standards and maintenance of operating a kennel within the Township in order to protect the general health, safety, and welfare of residents and property owners and to preclude any harmful effects of such land use from occurring in any zoning district where such use may be permitted.

SECTION 2. AMENDMENT OF ARTICLE III: DEFINITIONS

Section 3.02 Definitions of the Zoning Ordinance is hereby amended by deleting the following definitions:

~~Kennel, Commercial: Any lot or premises used for breeding, commercial sale, boarding or keeping of 11 or more dogs over six months of age.~~

~~Kennel, Hobby: Any lot or premises used for breeding, commercial sale, or keeping of more than 3 but less than 11 dogs over six months of age.~~

SECTION 3. AMENDMENT OF ARTICLE III: DEFINITIONS

Section 3.02 Definitions of the Zoning Ordinance is hereby amended by adding the following definitions to read, in their entirety, as follows:

Kennels: The following definitions shall apply in the application of this Ordinance:

Dog Nuisance Barking: Barking that is unreasonably annoying, disturbing, offensive, or which unreasonably interferes with the comfortable enjoyment of one (1) or more person's occupying property next to or in reasonable proximity ~~to~~ of the ~~property where the dogs are kept~~kennel. The barking must be continuously audible for ten (10) minutes or intermittently audible for thirty (30) minutes within a three (3) hour period.

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Dog Run: A locked and fenced-in outdoor area where dogs can run and exercise in a controlled manner.

Kennels: Any lot or premises on which five (5) or more dogs of more than ~~four~~ six (46) months ~~in~~ of age are kept temporarily or permanently, as pets, or any lot or premises for the purpose of caring for, dog rescue, boarding, training or sporting purposes, breeding, for sale, or otherwise, excluding a facility that is exclusive to only grooming services. This definition shall not be deemed to apply to a litter of puppies with their mother and under six (6) months of age.

[COUNTY DEFINITION FOR COMPARISON: KENNEL means any establishment, except a pet shop, animal shelter or pound licensed pursuant to MCL 287.331 to 287.340, wherein or whereon three (3) or more dogs are confined and kept for sale, boarding, breeding or training purposes, for remuneration, constructed so as to prevent the public or stray dogs from obtaining entrance thereto and gaining contact with dogs lodged therein. This definition shall not be deemed to apply to a litter of puppies with their mother and under six (6) months of age.
~~Note: This definition provides for five (5) or more dogs. For those residents that have between one (1) and four (4) dogs, each dog must be vaccinated and licensed as required in conformance to the Livingston County Animal Control Ordinance, Article IV – Licensing and Vaccination, Sections 1 – 7.~~

Kennel Indoor Area: Any building that is fully enclosed with permanent walls, roof, and floor where dogs are housed either temporarily or permanently on any lot or premises.

Kennel Outdoor Area: Any area on any lot or premises outside of the Kennel Indoor Area used for any type of exercising of dogs. This area includes dog run enclosures that are attached to the Kennel Indoor Area by either a door or gate.

SECTION 4. AMENDMENT OF ARTICLE VI: GENERAL PROVISIONS

Section 6.02(C) Household Pets of the Township's Zoning Ordinance is hereby amended to read, in its entirety, as follows:

C. Household pets: The keeping of household pets, such as dogs, cats, and other animals generally regarded as household pets is permitted as an accessory use in any residential zoning district provided that the number of pets, except as provided below for dogs, does not exceed eleven (11). If more than ~~three~~ five (~~3~~5) dogs are kept as household pets, none of the dogs kept shall be counted as a household pet nor be considered a permitted accessory use but instead the owner must obtain ~~a hobby~~special land use approval for a kennel ~~permit~~ as provided herein.

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SECTION 5. AMENDMENT OF ARTICLE VI: GENERAL PROVISIONS

Section 6.02(D) Hobby Kennels and Section 6.02(E) Commercial Kennels of the Township's Zoning Ordinance are hereby amended to read, in their entirety, as follows:

D. ~~Hobby kennels~~Kennels: The keeping of more than ~~three~~ five (~~3~~5) dogs~~, but less than eleven (11) shall only be allowed subject to the hobby kennel provisions of this ordinance and issuance of an appropriate permit by the Township. Hobby kennels are permitted subject to the special conditions in the Rural Residential (Section 8.01) and Suburban Residential District (Section 8.02). Hobby kennels are permitted only by special use permit in the Urban Residential District (Section 8.03) and are~~ is subject to the requirements of Section 17.19~~.B~~ Kennels.

~~E. Commercial kennels: The keeping of eleven (11) or more dogs shall be subject to the commercial kennel provisions of this ordinance. Commercial kennels are only permitted by special use permit in the Rural Residential (Section 8.01.E) and Suburban Residential (Section 8.02.E) Districts and are subject to the requirements of Section 17.19A.~~

SECTION 6. AMENDMENT OF ARTICLE VIII: RESIDENTIAL DISTRICTS

Section 8.01(D)(2) of the Zoning Ordinance is hereby deleted.

~~2. Hobby kennels subject to the following conditions:~~

~~a. A hobby kennel shall be on a lot with a minimum size of 1 acre for the first three (3) animals and one-third (1/3) acre shall be required for each additional dog with a limit of ten (10) dogs.3~~

~~b. Hobby kennels shall only house dogs owned by the occupant of the dwelling unit.~~

~~c. All kennels shall be operated in conformance with all applicable county, state, and federal regulations.~~

~~d. Habitual barking or unusual noise from the kennel, which results in a nuisance to neighboring landowners or residents, is prohibited. The intensity of level of sounds shall not exceed seventy-five (75) decibels at the lot line of industrial uses; sixty-five (65) decibels at the lot line of commercial uses; and fifty-five (55) decibels at the common lot line when adjacent to residential uses and residential districts. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards.~~

~~e. All dogs must be licensed and maintained in a healthful manner.~~

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f. ~~Dogs shall be kept confined and not allowed to run at large on the property, except as part of supervised training.~~

g. ~~Runs and/or exercise areas and buildings where the dogs are maintained shall be located in the side and/or rear yard only. Kennel runs shall be screened by a solid fence, evergreen screen or wall, which is at least six (6) feet in height. The wall of the principle building or an accessory structure may be submitted for the required screening wall if such wall screens the view of the kennel run from adjacent property.~~

h. ~~Accessory buildings where dogs are kept, runs, and exercise areas shall not be located nearer than fifty (50) feet to any adjacent residential lot line.~~

i. ~~The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease, or offensive odor.~~

j. ~~Dog odors shall not be detectable beyond the lot lines of the property in which the kennel is located.~~

k. ~~Dust and drainage from the kennel enclosure shall not create a nuisance or hazard to adjoining property or uses.~~

l. ~~Exercise yards, when provided for training or exercising, shall not be used between the hours of 10:00 p.m. and 7:00 a.m. During the hours between 7:00 a.m. and 10:00 p.m., dogs shall be permitted in outdoor runs or pens. Dogs shall be confined and not allowed to run at large on the property, except as part of supervised training~~

SECTION 7. AMENDMENT OF ARTICLE VIII: RESIDENTIAL DISTRICTS

Section 8.01(E)(9) of the Zoning Ordinance is amended to read, in its entirety, as follows:

9. ~~Commercial k~~Kennels.

SECTION 8. AMENDMENT OF ARTICLE VIII: RESIDENTIAL DISTRICTS

Section 8.02(D)(2) of the Zoning Ordinance is hereby deleted.

~~2. Hobby kennels subject to the following conditions:~~

~~a. A hobby kennel shall be on a lot with a minimum size of 1 acre for the first three (3) dogs and one-third (1/3) acre shall be required for each additional dog with a limit of ten (10) dogs.~~

~~b. Hobby kennels shall only house dogs owned by the occupant of the dwelling unit.~~

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c. All kennels shall be operated in conformance with all applicable county, state, and federal regulations.

d. Habitual barking or unusual noises from the kennel, which results in a nuisance to neighboring landowners or residents, is prohibited. The intensity of level of sounds shall not exceed seventy-five (75) decibels at the lot line of industrial uses; sixty-five (65) decibels at the lot line of commercial uses; and fifty-five (55) decibels at the common lot line when adjacent to residential uses and residential districts. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards.

e. All dogs must be licensed and maintained in a healthful manner.

f. Dogs shall be kept confined and not allowed to run at large on the property, except as part of supervised training.

g. Runs and/or exercise areas and building where the dogs are maintained shall be located in the side and/or rear yard only. Kennel runs shall be screened by a solid fence, evergreen screen or wall, which is at least six (6) feet in height. The wall of the principle building or an accessory structure may be submitted for the required screening wall if such wall screens the view of the kennel run from adjacent property.

h. Accessory buildings where dogs are kept, runs and exercise areas shall not be located nearer than fifty (50) feet to any adjacent residential lot line.

i. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease, or offensive odor.

j. Dog odors shall not be detectable beyond the lot lines of the property in which the kennel is located.

k. Dust and drainage from the kennel enclosure shall not create a nuisance or hazard to adjoining property or uses.

l. Exercise yards, when provided for training or exercising, shall not be used between the hours of 10:00 pm and 7:00 am. During the hours between 7:00 am and 10:00 pm, dogs shall be permitted in outdoor runs or pens. Dogs shall be confined and not allowed to run at large on the property, except as part of supervised training.

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SECTION 9. AMENDMENT OF ARTICLE VIII: RESIDENTIAL DISTRICTS

Section 8.02(E)(10) of the Zoning Ordinance is amended to read in its entirety, as follows:

10. ~~Commercial~~ Kennels.

SECTION 10. AMENDMENT OF ARTICLE VIII: RESIDENTIAL DISTRICTS

Section 8.03(D) Uses Permitted By Special Right of the Zoning Ordinance is amended to read, in its entirety, as follows:

D. Uses Permitted By Special Use Permit:

1. Public facilities, including cemeteries, parks, schools, libraries, and recreational facilities, similar uses and activities.
2. Public, parochial, and private elementary, intermediate and/or high schools, and institutions of higher learning, offering courses in general education.
3. Adult foster care small group homes.
4. Adult foster care large group homes.
5. Bed and breakfast establishments.
6. Churches and religious buildings.
7. Child care centers.
8. Communication towers.
9. Golf courses and country clubs.
10. Group child care homes.

~~11. Hobby kennels.~~

~~12.~~11. Hospitals.

~~13.~~12. Multiple-family dwellings.

~~14.~~13. Nursing or convalescent homes.

~~15.~~14. Private recreational facilities.

SECTION 11. AMENDMENT OF ARTICLE XVII: SPECIAL USE SPECIFIC DESIGN STANDARDS

Article XVII Standards for Specific Land Uses of the Zoning Ordinance is hereby amended to merge Section 17.19(A) Commercial Kennels and 17.19(B) Hobby Kennels to 17.19 Kennels to read, in its entirety, as follows:

17.19 Kennels

A. **Locational Requirements:** Kennels are permitted by special use permit in the Rural Residential and Suburban Residential Districts.

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B. **Site Requirements:** A kennel shall be on a lot with a minimum lot size of two (2) acres for the first five (5) dogs and an additional one-third (1/3) acre for each additional animal thereafter.

C. **Buffering Requirements:** Accessory buildings where dogs are kept, runs, exercise areas, and any other place where dogs are kept outside, shall be located at least fifty (50) feet from any lot lines.

D. **Barrier Requirements:** The dog runs or enclosures, exercise yards, and any places where the dogs are kept either fulltime or part time must be enclosed with a view obstruction noise barrier, such as a sound fence, to prohibit the escape of dogs. The fence or barrier shall have a minimum height of six (6) feet, a maximum height of eight (8) feet ~~high~~, be at least three (3) feet from any of the runs, exercise areas, places where the dogs are kept, or any exterior property lines, wetlands, or ponds.

E. **Performance Standards:**

1. All kennels shall be operated in conformance with all applicable county, state, and federal regulations.

2. ~~The main kennel building~~Kennel indoor areas and any building used to house the ~~animals~~ dogs shall be insulated to minimize animal noises.

3. Dog nuisance barking that results in a nuisance to neighboring landowners or residents is prohibited. ~~The intensity level of sounds shall not exceed seventy-five (75) decibels at the lot line of industrial uses, sixty-five (65) decibels at the lot line of commercial uses, and fifty-five (55) decibels at the common lot line when adjacent to residential uses and residential districts. The sound levels shall be measured with a type of audio output meter.~~ Sounds created by a kennel shall be subject to the Marion Township Nuisance Ordinance.

4. Exercise yards, when provided for training or exercising, shall not be used between the hours of 10:00 p.m. and 8:00 a.m.

5. Dog runs, exercise yards, and any places where the dogs are kept either fulltime or part time must be located in the rear yard only.

6. ~~The kennel~~ Kennel outdoor areas shall be screened from view by appropriate screening as determined by the Planning Commission in conformance with Section 6.13 Landscaping, Fencing, Walls, and Screens.

7. All dogs must be licensed, vaccinated, and maintained in a healthful and careful manner, in conformance with the Livingston County Animal Control Ordinance, Article LV, Sections 1-7, Licensing~~,~~ and Vaccination.

8. The building, heating, water supply, electricity and sanitary facilities shall meet the requirements of ~~the township~~ Township ordinances and the County Building Department. In addition, all kennels shall be regulated, inspected, and licensed by the Livingston County Animal Control Ordinance, Article IV, Sections 1-7, Licensing and Vaccination.

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9. The kennel shall be owned or operated by the owner of the property.

10. Kennel Indoor Area:

    a. Indoor animal housing areas shall be provided with sufficient heating and cooling to protect animals from extreme temperatures and to provide for adequate care at all times. The ambient temperature shall be consistent with the needs of the canines and their life stage and medical condition. Adequate fresh drinking water must be present at times for each animal.

    b. Housing, whelping, and husbandry areas must be of sufficient size to allow room for each animal to stand and walk around freely, and exercise normal postural movements as well as allowing adequate room for bedding, food/water bowls, and the birth and care of any offspring.

    c. The minimum size of the indoor enclosures ~~within the required kennel building~~ shall be at least four (4) feet by four (4) feet square and four (4) feet high. There shall be a door or gate to each enclosure that allows easy access for inserting and removing the dogs. There shall be a minimum of one (1) enclosure per animal.

    d. Each indoor enclosure shall have a door that allows access of the dog to an outdoor exercise area that is only accessible by a single indoor enclosure.

    e. All floors within each enclosure shall be made of sealed or coated concrete to facilitate cleaning, drainage, and sanitation.

    f. Indoor animal play areas shall be of sufficient size to allow for maintenance of sanitary conditions and to avoid overcrowding of animals.

    g. Convenient toilet and hand washing facilities with hot and cold running water shall be available to maintain personal hygiene of kennel staff.

11. Kennel Outdoor Area:

    a. Outdoor areas and exercise areas shall have enclosed walls or fences to keep animals secured and to restrict the entry of dangerous animals from the outside.

    b. Outdoor areas and exercise areas shall have adequate drainage to prevent standing water.

    c. Animals shall not be allowed in outside areas unless they are able, in the environmental conditions present at that time, to maintain the normal body temperature appropriate for that species.

    d. The exterior run or enclosure for each indoor enclosure shall be a minimum of four (4) feet wide and twelve (12) feet long and have direct access to the kennel building. The opening into the ~~required~~ kennel building shall have a sliding or other type of closable door.

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e. Outdoor areas and exercise areas shall be provided with areas of shade and adequate shelter to protect from rain, snow, and weather detrimental to the health of the animal. Adequate fresh drinking water must be present at all times for each animal while in the outdoor or exercise areas.

f. Dogs shall be supervised at all times when outdoors.

g. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease, or offensive odor.

h. Dog odors shall not be detectable beyond the lot lines of the property in which the kennel is located.

i. Dust and drainage from the kennel building, exterior runs or enclosures, or exercise areas shall not create a nuisance or hazard to adjoining properties or uses.

j. All waste shall be disposed of according to state, county, and federal regulations.

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ARTICLE XIV: OFF-STREET PARKING AND LOADING

Section 14.01 Intent of Parking Provisions

It is the intent of this Ordinance that parking spaces shall be provided and adequately maintained by each property owner in every zoning district for the off-street storage of motor vehicles for the use of occupants, employees and patrons of each building and premise constructed, altered or enlarged under the provisions of this Ordinance. All **NONRESIDENTIAL** vehicles shall be stored on the lot occupied by the principal building.

A. **Fractional Space:** When units of measurement determining the number of required parking spaces result in a fractional space, any fraction to and including one-half (½) shall be disregarded and fractions over one-half (½) shall require one (1) parking space.

B. **Requirements for a Use Not Mentioned:** In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is mentioned and which is most similar to the use not listed shall apply. The Planning Commission shall make this determination and a record of the rationale applied documented in a file established for that purpose. An appeal may be taken to the Zoning Board of Appeals.

C. **Use of Parking Areas:** No commercial repair work, servicing or selling of any kind shall be conducted in any parking area or parking garage. Parking spaces shall be used only for the parking of vehicles used to service the establishment to which it is accessory and by its patrons.

   1. No sign shall be erected in parking areas other than not more than one (1) directional sign at each point of ingress or egress, which sign may also bear the name of the enterprise, the lot is intended to serve and signs identifying reserved parking spaces. Such signs shall not exceed twenty (20) square feet in area and shall not project beyond the property line of the premises.

D. **Building Additions or Other Increases in Floor Area:** Whenever a use requiring off-street parking is increased in floor area, or when interior building modifications result in an increase in capacity for any premise use, additional parking shall be provided and maintained in the proper ratio to the increased floor area or capacity.

E. **Joint Use of Parking Areas:** The joint use of parking facilities by two or more uses may be granted by the Planning Commission whenever such use is practical and satisfactory to each of the uses intended to be served, and when all requirements for location, design, and construction are met.

   1. **Computing Capacities:** In computing capacities of any joint use, the total space requirement is the sum of the individual requirements that will occur at the same time. If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint or collective use may be reduced below the sum total of the individual space requirements.

   2. **Record of Agreement:** A copy of an agreement between joint users shall be filed with the application for a land use permit, the building permit, and recorded with the Register of Deeds of the County. The agreement shall include a guarantee for continued use of the parking facility by each party.

Section 14.02 Parking Space Requirements

The number of required off-street parking spaces in the RR, SR, UR, ERS, HS, LI, PL and PUD districts

shall be provided with the following:

Type of Use	Required Number of Spaces
A. Single and Two-Family Dwellings	Two (2) spaces for each dwelling unit.
B. Multiple-Family Dwellings	Two (2) spaces for each multiple-family dwelling unit, plus one space per five (5) units for guest parking.
C. Adult Foster Care Facilities	One (1) space per employee on the largest work shift, plus the spaces required for the dwelling unit.
D. Auditoriums (incidental to schools), Churches, Stadiums, Gyms, Theaters, and Buildings of Similar Use with Fixed Seats	One (1) space for each four (4) seats, plus one (1) space for each two (2) employees.
E. Automobile Service and Repair Stations	Two (2) spaces for each repair and service stall (a service stall is not considered a parking space), plus one space for each two (2) employees.
F. Barber Shops and Beauty Parlors	Two (2) spaces for each beauty and/or barber chair.
G. Boarding and Lodging Houses	One (1) space for each bedroom or each two (2) occupants of the structure, whichever is greater, plus one (1) additional space for the owner or operator.
H. Bowling Alleys	Two (2) spaces for each alley, plus one (1) space for each employee on the largest shift.
I. Clinics	Two (2) spaces for each examination or treatment room, plus one (1) space for each doctor or dentist and other employees.
J. Commercial and Institutional Recreational Facilities	One space per three (3) patrons to the maximum capacity of the facility.
K. Convalescent Homes or Similar Uses	One (1) space for each six (6) beds, plus one (1) space for each employee on the largest working shift.
L. Dance Halls, Pool and Billiard Rooms	One (1) space for each three (3) persons allowed within maximum capacity load.
M. Day care facilities	One (1) space for each employee, plus a paved, unobstructed stacking space for pick-up and drop-off, plus one (1) space per eight (8) children of licensed capacity.
N. Drive-In Banks, Cleaners, Car Laundries, and Similar Businesses	Stacking space for five (5) cars between the sidewalk area and the drive-up window and one (1) space for each employee on the largest shift.
O. Drive-in Restaurants or Fast-Food Restaurants	One (1) space for each four (4) seats, plus one (1) space for each employee on the largest shift; plus sufficient area for eight (8) stacking spaces for drive-in windows.

Type of Use	Required Number of Spaces
P. Elementary and Middle Schools	One (1) space for each two (2) employees, plus one (1) space for each four (4) seats where the school contains an auditorium and/or stadium or gym.
Q. Funeral Homes and Mortuaries	One (1) space for each twenty-five (25) square feet of gross floor area of chapels and assembly rooms.
R. Golf Clubs, Swimming Pool Clubs, Tennis Clubs or Other similar Uses	Four (4) spaces for each green, plus one (1) space for every two (2) employees on the largest shift, plus fifty (50) percent of the spaces otherwise required for any accessory uses (e.g. restaurant, pro shop, etc.).
S. High Schools and Colleges	One (1) space for each employee, plus one (1) space for each five (5) students (based on the capacity of the facility as determined by the fire marshal), plus one (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym.
T. Hospitals, Sanitariums	One (1) space for each three (3) patient beds, plus one (1) space for each two (2) employees on the largest shift, plus one (1) space for each visiting doctor.
U. Industrial or Manufacturing Establishments	One (1) space for each employee in largest working shift.
V. Junk Yards	One (1) space for each two (2) employees.
W. Excavation Operations and Asphalt Batching Plants	One (1) space for each employee on the largest shift.
X. Laundromat	One (1) space for each three (3) washing or drying machines.
Y. Libraries, Museums, Post Offices	One (1) space for each eight hundred (800) square feet of floor area, plus one (1) space for every two (2) employees on the largest shift.
Z. Miniature or Par-3 Golf Courses	Three (3) spaces for each hole, plus one (1) space for each employee.
AA. Motels, Hotels, Bed and Breakfasts	One (1) space for each sleeping unit, plus two (2) spaces for each employee on the largest shift.
BB. Private Recreational Facilities	One (1) space for each six (6) potential members based on the capacity of the facility.
CC. Professional Offices and Banks	One (1) space for each three hundred (300) square feet of gross floor area.
DD. Standard Restaurants, Cafeterias, Taverns, Bars	One (1) space for each three (3) seats up to the capacity of the facility as determined by the fire marshal.
EE. Retail Stores, including furniture,	One (1) space for each three hundred (300) square feet of

Type of Use	Required Number of Spaces
appliance, automobile sales, machinery sales, and personal services (other than beauty and barber shops), except as otherwise specified herein.	gross floor area.
FF. Supermarket, Self-Service Food Store	One (1) space for each one hundred (100) square feet of gross floor area.
GG. Warehouses, Wholesale Stores	One (1) space for each eight hundred (800) square feet of floor area.

Section 14.03 Location of Parking Areas

All NON-RESIDENTIAL off-street parking areas shall be located on the same lot, or on the adjacent premises in the same district as the use they are intended to serve.

Section 14.04 Site Development Requirements

All off-street parking areas shall be designed, constructed and maintained in accordance with the following standards and requirements.

A. **Marking and Designation:** Parking areas shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles.

B. **Driveways:** Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided.

1. **Except for parking spaces provided for single-family and two-family residential lots**, drives for ingress and egress to the parking area shall be not less than thirty (30) feet wide and so located as to secure the most appropriate development of the individual property.

2. Each entrance to and exit from a**n NON-RESIDENTIAL** off-street parking area shall be at least twenty-five (25) feet from any adjacent lot within a residential district.

C. **Site Maneuverability:** Each parking space, within a**n NON-RESIDENTIAL** off-street parking area, shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited. The width of required maneuvering lanes may vary depending upon the proposed parking pattern, as follows. (See Figure 14-1.)

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length
0 degrees (parallel parking	12 feet	8 feet	**23 feet**
30 to 53 degrees	12 feet	8 feet 6 inches	**20 feet**
54 to 75 degrees	15 feet	8 feet 6 inches	**20 feet**
75 to 90 degrees	**20 feet**	**9 feet**	**20 feet**

All maneuvering lane widths shall permit one-way traffic movement, except for the 90 degree pattern, which may provide for two-way traffic movement.

Figure 14-1 Parking Graphic

D. **Surface: NON-RESIDENTIAL** Parking areas with a capacity of four (4) or more vehicles shall be surfaced with a material that shall provide a durable, smooth, and dustless surface and shall be graded and provided with adequate drainage.

E. **Lighting:** Except for single-family and two-family residential lots, adequate lighting shall be provided throughout the hours when the parking area is in operation.

1. Lighting shall be designed and constructed in such a manner to ensure that:

   a. direct or directly reflected light is confined to the development site.

   b. all light sources and light lenses are shielded and are not directly visible beyond the boundary of the site.

2. Unless otherwise approved by the Planning Commission, light sources shall be high-pressure sodium. Approved exceptions shall use warm white or natural lamp colors.

3. Specifications for lights, poles, fixtures, light sources, and lenses shall be reviewed and approved by the Planning Commission.

F. **Buffering:** Where a parking area with a capacity of four (4) or more vehicles adjoins a residential district, a landscaped buffer zone shall be provided between the parking area and the adjoining property pursuant to the requirements of 6.13.C.

Section 14.05 Loading and Unloading Space Requirements

A. **Intent:** In order to prevent undue interference with public use of streets and alleys, every manufacturing, storage, warehouse, department store, wholesale store, retail store, hotel, hospital, laundry, dairy, mortuary, and other uses similarly and customarily receiving or distributing goods by motor vehicle shall provide space on the premises for that number of vehicles that will be at the premises at the same time on an average day of full use.

B. **Additional Parking Space:** Loading space required under this Section shall be provided as area additional to off-street parking space as required under Section 14.02 and shall not be considered as supplying off-street parking space.

C. **Space Requirements:** There shall be provided adequate space for standing, loading, and unloading service not less than twelve (12) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height, open or enclosed, for uses listed in the following table, or for similar uses similarly involving the receipt or distribution by vehicles of material or merchandise.

Use	Space Required
Commercial uses, such as Retail Stores, Personal Services, Amusement, Automotive Service	First 2,000 square feet; none. Next 20,000 or fraction thereof; one (1) space. Each additional 20,000 or fraction thereof; one (1) space.
Hotels, Offices, Clinics	First 2,000 square feet; none. Next 50,000 or fraction thereof; one (1) space. Each additional 100,000 or fraction thereof; one (1) space.

Use	Space Required
Wholesale and Storage Contractor's Yards	First 20,000 square feet; one (1) space. Each additional 20,000 or fraction thereof; one (1) space.
Manufacturing uses	First 20,000 square feet or fraction thereof; one (1) space. Each additional 20,000 or fraction thereof; one (1) space.
Funeral Homes and Mortuaries	First 5,000 square feet or fraction thereof; one (1) space. Each additional 10,000 or fraction thereof; one (1) space.
Hospitals	First 20,000 square feet; one (1) space. Next 100,000 or fraction thereof; one (1) space. Each additional 200,000 or fraction thereof; one (1) space.
Schools, Churches, Clubs, Public Assembly Buildings, Auditoriums, Boarding Houses, Convalescent Homes	For each building, one (1) space.
For similar uses not listed	For each building 5,000 square feet or over; one (1) space.

D. **Access:** Access to a truck standing, loading, and unloading space shall be provided directly from a public street or alley and such space shall be so arranged to provide sufficient off-street maneuvering space as well as adequate ingress and egress to and from a street or alley.

E. **Screening:** All loading and unloading areas and outside storage areas, including areas for the storage of trash which face or are visible from residential properties or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials no less than five (5) feet in height. Where these standards are inadequate, the requirements of Section 6.13.B. shall apply.

MARION TOWNSHIP
2877 W. COON LAKE ROAD
HOWELL, MI 48843
Phone 517-546-1588
Fax 517-546-6622

TRANSMITTAL

TO Planning Commission

DATE November 15, 2022

PROJECT PC Budget

VIA attached

WE ARE SENDING: __X__ Herewith ____ Under Separate Cover

THE FOLLOWING:

- Carlisle Wortman invoices for the past year.
- Also, a summary for the Carlisle Wortman Master Plan Checks that have been issued

FOR YOUR: ____ approval ____ as requested
____ other __x__ review & comment

REMARKS:

This information is from the Clerk's Office from QuickBooks.

FROM: Dave Hamann
Zoning Administrator

Copy: file

Type	Date	Check Num.	Name	Memo	Amount
701-000 · PLANNING COMMISSION - 701-956 · MASTERPLAN 2018					
Check	5/17/2018	9877	CARLISLE/WORTMAN, Inc.	INVOICE# 2148692 - 2018 MASTER PLAN PREPARTION & MEETING	$255.00
Check	6/28/2018	9942	CARLISLE/WORTMAN, Inc.	INVOICE# 2149021 - 2018 MASTERPLAN	$947.50
Check	7/19/2018	9974	CARLISLE/WORTMAN, Inc.	INVOICE# 2149268 - 2018 MASTERPLAN	$1,050.00
Check	8/14/2018	10073	CARLISLE/WORTMAN, Inc.	INVOICE# 2149561 - 2018 MASTERPLAN	$2,405.00
Check	10/1/2018	10138	CARLISLE/WORTMAN, Inc.	INVOICE# 2149896 - 2018 MASTERPLAN	$70.00
Check	10/16/2018	10165	CARLISLE/WORTMAN, Inc.	INVOICE# 2150134 - 2018 MASTERPLAN	$80.00
Check	11/26/2018	10265	CARLISLE/WORTMAN, Inc.	INVOICE# 2150524 - 2018 MASTERPLAN	$85.00
Check	12/20/2018	10311	CARLISLE/WORTMAN, Inc.	INVOICE# 2150858 - 2018 MASTERPLAN	$420.00
Check	2/28/2019	10395	CARLISLE/WORTMAN, Inc.	INVOICE# 2151503 - 2018 MASTERPLAN	$490.00
Check	3/20/2019	10421	CARLISLE/WORTMAN, Inc.	INVOICE# 2151845 MASTERPLAN	$1,166.05
Check	3/20/2019	10422	CARLISLE/WORTMAN, Inc.	INVOICE# 2151184 MASTERPLAN	$1,085.00
Check	5/22/2019	10520	CARLISLE/WORTMAN, Inc.	INVOICE# 2152642 Master Plan	$385.00
Check	6/20/2019	10562	CARLISLE/WORTMAN, Inc.	INVOICE# 2153049 MASTER PLAN 2018	$85.00
Check	7/17/2019	10597	CARLISLE/WORTMAN, Inc.	INVOICE# 2153529 MASTER PLAN	$440.00
Check	8/19/2019	10633	CARLISLE/WORTMAN, Inc.	INVOICE 2153902 - 2018 MASTER PLAN	$272.50
Check	9/18/2019	10673	CARLISLE/WORTMAN, Inc.	INVOICE# 2154346 MASTER PLAN REVISIONS	$167.50
Check	3/17/2020	10923	CARLISLE/WORTMAN, Inc.	Invoice # 2156228	$685.00
Check	4/8/2020	10947	CARLISLE/WORTMAN, Inc.	Invoice # 2156547	$75.00
Check	5/13/2020	10983	CARLISLE/WORTMAN, Inc.	INVOICE# 2156929 Census and ACS data gathering	$300.00
Check	5/13/2020	10983	CARLISLE/WORTMAN, Inc.	Invoice# 2156929 Data collection and table creation	$412.50
Check	6/23/2020	11024	CARLISLE/WORTMAN, Inc.	INVOICE# 2157222 MASTER PLAN BACKGROUND SECTION COMPILATION	$450.00
Check	9/28/2020	11141	CARLISLE/WORTMAN, Inc.	INVOICE# 2158174 - MASTER PLAN	$27.50
Check	11/12/2020	11221	CARLISLE/WORTMAN, Inc.	INVOICE# 2158863 Export & Print plan for Future Land	$75.00
Check	3/25/2021	11381	CARLISLE/WORTMAN, Inc.	INVOICE# 2160125	$482.50
Check	4/27/2021	11424	CARLISLE/WORTMAN, Inc.	INVOICE# 2160284	$85.00
Check	6/10/2021	11484	CARLISLE/WORTMAN, Inc.	INVOICE#2161217	$157.50
Check	7/19/2021	11532	CARLISLE/WORTMAN, Inc.	INVOICE# 2161432	$497.50
Check	8/10/2021	11560	CARLISLE/WORTMAN, Inc.	INVOICE# 2161715	$222.50
Check	9/21/2021	11602	CARLISLE/WORTMAN, Inc.	INVOICE# 2161715 PC PUBLIC HEARING	$52.50
Check	10/12/2021	11636	CARLISLE/WORTMAN, Inc.	INVOICE# 2162422 - 2162421 MAPS, BOARD-PC MEET, PUBLIC HEARING, EDITS	$502.50
Check	6/22/2022	11952	CARLISLE/WORTMAN, Inc.	INVOICE# 2165477 / CLIENT# 266	$675.00
Check	8/23/2022	12043	CARLISLE/WORTMAN, Inc.	INVOICE# 216157 - MASTER PLAN	$315.00
Check	9/26/2022	12081	CARLISLE/WORTMAN, Inc.	INVOICE# 2166551 - MASTER PLAN	$540.00
Check	9/26/2022	12081	CARLISLE/WORTMAN, Inc.	INVOICE# 2166552-Master Plan	$257.50
Check	10/11/2022	12113	CARLISLE/WORTMAN, Inc.	INVOICE# 2166617 MASTER PLAN	$45.00
JOURNAL E	11/15/2022	JOURNAL ENT	CARLISLE/WORTMAN, Inc.	INVOICE# MASTER PLAN - CORRECTION TO INVOICE# 06/10/2021	$105.00
Total 701-956 · MASTERPLAN 2018					**$15,366.05**
Total 701-000 · PLANNING COMMISSION					

Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

INVOICE

Tammy Beal, Clerk
Marion Township
2877 West Coon Lake Road
Howell, MI 48843

Invoice No. 2167185
Client No.: 266
Date: 11/08/22
Period End: 10/31/2022

General Consultation

10/25/2022	ZM	Preparing for Planning Commission meeting: Solar energy and kennels.	0.50 @	95.00/hr	=	47.50
	ZM	**NIGHT MEETING [1]** - Planning Commission meeting Solar energy Kennels	3.50 @	95.00/hr	=	332.50
10/26/2022	ZM	Revisions to draft solar and kennel text amendments.	1.50 @	95.00/hr	=	142.50

AMOUNT DUE THIS INVOICE: **$522.50**

Carlisle | Wortman
ASSOCIATES, INC.
117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

INVOICE

Tammy Beal, Clerk
Marion Township
2877 West Coon Lake Road
Howell, MI 48843

Invoice No. 2167186
Client No.: 266
Date: 11/08/22
Period End: 10/31/2022

Kennel Ordinance

10/17/2022	SS	Administrative set-up.	0.50 @	65.00/hr	=	32.50
	AS	Make revisions from last PC meeting.	0.50 @	90.00/hr	=	45.00
	ZM	Preparing/revising ordinance draft of kennel amendments.	2.00 @	95.00/hr	=	190.00
10/31/2022	ZM	Revisions to draft kennel language per PC meeting. Forward draft to Hamann for review.	1.00 @	95.00/hr	=	95.00

AMOUNT DUE THIS INVOICE: **$362.50**

701-804 GF, PC, PLANNER

Robert Hanvey

Carlisle | Wortman
ASSOCIATES, INC.
117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

INVOICE

Tammy Beal, Clerk
Marion Township
2877 West Coon Lake Road
Howell, MI 48843

Invoice No. 2167187
Client No.: 266
Date: 11/08/22
Period End: 10/31/2022

Solar Energy

10/17/2022	SS	Administrative set-up.	0.50 @	65.00/hr	=	32.50
	AS	Create solar overlay map in GIS.	2.00 @	90.00/hr	=	180.00
	ZM	Preparing/revising amendments to draft solar language. Reviewing draft overlay map.	1.00 @	95.00/hr	=	95.00
10/26/2022	AS	Update solar ordinance amendments from PC meeting on 10.25.22, coordinating presentation from Sarah Mills.	0.50 @	90.00/hr	=	45.00

AMOUNT DUE THIS INVOICE: $352.50

701-804 GF, PC, PLANNER

Robert W. Darnay

Carlisle | Wortman
ASSOCIATES, INC.
117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

INVOICE

Tammy Beal, Clerk
Marion Township
2877 West Coon Lake Road
Howell, MI 48843

Invoice No. 2166618
Client No.: 266
Date: 10/06/22
Period End: 9/30/2022

General Consultation

9/15/2022	ZM	Quick review of emails and kennel Call with AS re Marion deliverables	0.50 @	95.00/hr	=	47.50
9/16/2022	ZM	Reviewing draft zoning ordinance text revisions Sketching solar energy overlay map	0.50 @	95.00/hr	=	47.50
9/19/2022	ZM	Reviewing kennel, solar energy, master plan, and overlay map.	1.00 @	95.00/hr	=	95.00
	AS	Reviewing Kennel ordinance submission from Township Board member and adding comments, reviewing and editing solar ordinance, and composing/creating map for solar overlay.	4.50 @	90.00/hr	=	405.00
9/27/2022	JE	Review and discuss revisions to ordinance and what constituted staying in and what could remain as policy.	1.00 @	115.00/hr	=	115.00
	ZM	Preparing for Planning Commission meeting.	0.50 @	95.00/hr	=	47.50
	ZM	**NIGHT MEETING [1]** - Planning Commission meeting: Master plan adoption	3.50 @	95.00/hr	=	332.50

		Solar farm text amendments Kennel text amendments				
9/30/2022	JE	Overview of Planning Commission meeting. Discuss kennels.	0.50 @	115.00/hr	=	57.50

AMOUNT DUE THIS INVOICE: **$1,147.50**

Carlisle | Wortman
ASSOCIATES, INC.
117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

REVISED

INVOICE

Tammy Beal, Clerk
Marion Township
2877 West Coon Lake Road
Howell, MI 48843

Invoice No. 2166552
Client No.: 266
Date: 9/19/22
Period End: 8/31/22

General Consultation

8/12/2022	AS	Update/send kennel ordinance.	0.5 hr. @ $90.00/hr.	=	$45.00
8/15/2022	AS	Run models for solar suitability and transmission line corridor access. Make map of transmission lines in GIS and create 1 miles and .5 miles buffer around transmission lines for PC.	4.0 hrs. @ $90.00/hr.	=	360.00
	ZM	Revisions of solar energy systems zoning amendment language. Reviewing maps with AS. Email material to Hamann.	5.5 hrs. @ $95.00/hr.	=	522.50
8/15/2022	MA	Generate transmission line buffers in GIS.	1.0 hr. @ $90.00/hr.	=	90.00
	GIS	Generate transmission line buffers in GIS.	1.0 hr. @ $25.00/hr.	=	25.00

	GIS	Generate transmission line buffers in GIS.	1.0 hr. @ $25.00/hr.	=	25.00
8/23/2022	ZM	Preparing for Planning Commission meeting: Master Plan Solar Kennel	0.5 hr. @ $95.00/hr.	=	47.50
	ZM	**NIGHT MEETING (1)** - Planning Commission meeting attendance: Master Plan Solar Kennel	3.5 hrs. @ $95.00/hr.	=	332.50
			SUBTOTAL:		**$1,447.50**

Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

INVOICE

Tammy Beal, Clerk
Marion Township
2877 West Coon Lake Road
Howell, MI 48843

Invoice No. 2166158
Client No.: 266
Date: 08/12/22
Period End: 7/31/2022

General Consultation

7/1/2022	ZM	Meetings with SA and JE re master plan, kennels, and solar.	1.00 @	95.00/hr	=	95.00
7/13/2022	AS	Searching Marion Township zoning ordinance for all "kennel" mentions and logging them for removal and replacement. Edited zoning ordinance to add "Kennel" changes and add on new language discussed at previous Planning Commission meeting.	3.00 @	90.00/hr	=	270.00
7/18/2022	ZM	Reviewing draft kennel language.	0.50 @	95.00/hr	=	47.50
	JE	Speak with attorney on process for review, development standards and planning commission.	0.50 @	115.00/hr	=	57.50
7/19/2022	AS	Sent Master Plan draft PDF and resolution of approval to Township. Master Plan was too large to send via email so it was uploaded onto DropBox and a link was sent over to the Township to access it in a Word Doc. Write solar ordinance draft and kennel draft, sent copies over for PC meeting this week.	4.00 @	90.00/hr	=	360.00

7/19/2022	ZM	Reviewing solar language	0.50	@ 95.00/hr	=	47.50
7/25/2022	ZM	Preparing materials for Planning Commission meeting. Quick review of Planning Commission materials. Email to Hamman and Anderson.	0.50	@ 95.00/hr	=	47.50
7/26/2022	ZM	Preparing for Planning Commission meeting	0.50	@ 95.00/hr	=	47.50

AMOUNT DUE THIS INVOICE: **$972.50**

Carlisle | Wortman
ASSOCIATES, INC.
117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

INVOICE

Tammy Beal, Clerk
Marion Township
2877 West Coon Lake Road
Howell, MI 48843

Invoice No. 2165759
Client No.: 266
Date: 07/12/22
Period End: 6/30/2022

General Consultation

6/8/2022	ZM	Reviewing Planning Commission agenda items with AS for June meeting.	0.50 @	95.00/hr	=	47.50
6/10/2022	JE	Meet with Planning Team, discuss planning commission issues, purchase of development rights, Master Plan and other issues.	1.00 @	115.00/hr	=	115.00
	ZM	Reviewing Marion projects with JE and AS.	0.50 @	95.00/hr	=	47.50
6/20/2022	ZM	Reviewing draft kennel language with AS.	0.50 @	95.00/hr	=	47.50
	AS	Revising kennel ordinance. Looking at other communities and comparing current language for improvements, meeting with Zach to discuss previous conversations and thoughts from Township. Comparing ordinance to Livingston county and adjusting as needed.	3.00 @	85.00/hr	=	255.00
6/23/2022	JE	Discuss and coordinate review of clubhouse for Marion Oaks.	0.50 @	115.00/hr	=	57.50
6/24/2022	AS	Clubhouse site plan meeting with Ralph Pasola.	0.50 @	85.00/hr	=	42.50

6/28/2022	JE	Review clubhouse site plan.	0.50 @	115.00/hr	=	57.50
	ZM	Preparing for Planning Commission meeting.	0.50 @	95.00/hr	=	47.50
	ZM	**NIGHT MEETING [1]** - Planning commission meeting: Master plan revisions Solar zoning ordinance amendments Kennel zoning ordinance amendments Clubhouse site plan	3.50 @	95.00/hr	=	332.50
6/30/2022	ZM	Email to JE and AS re planning commission meeting.	0.50 @	95.00/hr	=	47.50

AMOUNT DUE THIS INVOICE: **$1,097.50**

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117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

INVOICE

Tammy Beal, Clerk
Marion Township
2877 West Coon Lake Road
Howell, MI 48843

Invoice No. 2165478
Client No.: 266
Date: 06/17/22
Period End: 5/31/2022

General Consultation

5/13/2022	JE	Open space survey options and alternatives. Provide millage calculations. Speak with GIS on mapping for survey. Review natural features.	1.00 @	115.00/hr	= 115.00
5/14/2022	JE	Marion Oaks Clubhouse review. Pool, landscaping, recreational fields.	1.00 @	115.00/hr	= 115.00
5/16/2022	CN	Correspondence regarding data control options for online survey.	0.50 @	95.00/hr	= 47.50
5/23/2022	JE	Coordinate and speak with Zoning Administrator on variety of issues. Prep for PC meeting.	0.50 @	115.00/hr	= 57.50
5/24/2022	AS	Prep for 5/24 mtg. Review site plans and site plan reviews. Phone conversation with Zach to bring me up to speed. Reviewing pertaining ordinances for meeting	1.50 @	90.00/hr	= 135.00
	AS	**NIGHT MEETING (1)** - Planning Commission meeting attendance.	4.00 @	90.00/hr	= 360.00
	ZM	Call with AS to prepare for planning commission meeting	0.50 @	95.00/hr	= 47.50

5/25/2022	ZM	Call with AS re planning commission meeting/guidance	0.50 @	95.00/hr	=	47.50
	AS	Solar language sent to Planning Commission and reviewing Kennel Ordinance with Zach.	1.50 @	90.00/hr	=	135.00
5/27/2022	JE	Overview of Planning Commission provide direction to staff on Ordinance. Review and comment on survey questions. Storage container language.	1.00 @	115.00/hr	=	115.00

AMOUNT DUE THIS INVOICE: **$1,175.00**

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REVISED

INVOICE

Tammy Beal, Clerk
Marion Township
2877 West Coon Lake Road
Howell, MI 48843

Invoice No. **2165110 A**
Client No.: **266**
Date: **5/13/22**
Period End: **4/30/22**

General Consultation

4/5/2022	JE	Coordinate with Zoning on transition of duties and upcoming PC meeting issues.	0.5 @ 115.00/hr.	=	$57.50
4/20/2022	JE	**NIGHT MEETING** – Planning Commission meeting.	1.0 @ 115.00/hr.	=	115.00
			SUBTOTAL:		**$172.50**

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Tammy Beal, Clerk
Marion Township
2877 West Coon Lake Road
Howell, MI 48843

Invoice No. 2164809
Client No.: 266
Date: 04/15/22
Period End: 3/31/2022

General Consultation

3/8/2022	JE	Speak with Zoning on several issues. Coordinate PC meeting.	0.50 @ 105.00/hr	=	52.50
3/18/2022	JE	Speak with ZA on several issues.	0.50 @ 105.00/hr	=	52.50
3/25/2022	JE	Lo Rea Site Plan amendment, preparation of material for open space preservation options.	2.00 @ 105.00/hr	=	210.00
	J-GIS	Conservation map (40+ Acres)	0.50 @ 85.00/hr	=	42.50
	GIS	Conservation map (40+ Acres)	0.50 @ 25.00/hr	=	12.50
3/31/2022	JE	Meet with officers on planning issues and transition plans. Speak with planners and zoning administrator.	2.00 @ 105.00/hr	=	210.00

AMOUNT DUE THIS INVOICE: **$580.00**

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Tammy Beal, Clerk
Marion Township
2877 West Coon Lake Road
Howell, MI 48843

Invoice No. **2164375 A**
Client No.: **266**
Date: **3/11/22**
Period End: **2/28/22**

General Consultation

2/21/2022	ZM	Call with Hamman to prepare for Planning Commission meeting. Printing materials for Planning Commission meeting.	0.50 @ 90.00/hr	=	$45.00
2/22/2022	ZM	Preparing for Planning Commission meeting: Nuisance Home occupation Solar power Kennels	0.5 @ 90.00/hr	=	45.00
	ZM	**NIGHT MEETING (1)** - Planning Commission meeting: Violations; Solar energy; Home occupation/home-based business; Parking.	1.50 @ 90.00/hr	=	135.00

SUBTOTAL: **$225.00**

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REVISED

INVOICE

Tammy Beal, Clerk
Marion Township
2877 West Coon Lake Road
Howell, MI 48843

Invoice No. 2163853
Client No.: 266
Date: 2/3/22
Period End: 1/31/22

General Consultation

1/17/2022	ZM	Review of materials for Planning Commission meeting. 0.50 @ 90.00/hr	=	$45.00
	JE	Several amendments Review kennel language, review definitions and rezoning options. 1.0 @ 105.00/hr	=	105.00
1/18/2022	JE	Contact and coordinate land preservation workshop. 1.00 @ 105.00/hr	=	105.00
1/20/2022	JE	Discuss items for PC meeting with Z Michels. 0.50 @ 105.00/hr	=	52.50
1/25/2022	ZM	**NIGHT MEETING [1]** – Planning Commission meeting: Setting public hearing for zoning map amendment; Meeting date resolution; Sunridge Community PUD development agreement amendment; Municipal civil infractions; Home occupations; Kennels; Solar energy systems. 2.50 @ 90.00/hr	=	225.00
		SUBTOTAL:		**$532.50**

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Tammy Beal, Clerk
Marion Township
2877 West Coon Lake Road
Howell, MI 48843

Invoice No. 2163317
Client No.: 266
Date: 12/10/21
Period End: 11/30/2021

General Consultation

11/4/2021	JE	Draft meeting notes regarding October 28 team meeting:	1.00 @	105.00/hr	=	105.00
11/11/2021	JE	Rural definitions and Kennel Ordinance drafts, solar and wind energy ordinance examples.	2.50 @	105.00/hr	=	262.50
11/16/2021	JE	Kennel Ordinance	2.00 @	105.00/hr	=	210.00
11/17/2021	JE	Speak with Township on PC meeting issues.	0.50 @	105.00/hr	=	52.50
11/18/2021	JE	Finalize kennel language. Provide language for PC meeting and open space preservation.	1.00 @	105.00/hr	=	105.00
11/23/2021	JE	Planning Commission meeting. Review ordinances.	4.00 @	105.00/hr	=	420.00
11/30/2021	JE	Review ordinances.	0.50 @	105.00/hr	=	52.50

AMOUNT DUE THIS INVOICE: **$1,207.50**

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INVOICE

Tammy Beal, Clerk
Marion Township
2877 West Coon Lake Road
Howell, MI 48843

Invoice No.	2162995
Client No.:	266
Date:	11/10/21
Period End:	10/31/2021

General Consultation

10/1/2021	JE	Review PC notes. Plan meeting of Marion Team. Speak with engineer on new projects.	1.00 @	105.00/hr	=	105.00
10/26/2021	JE	**NIGHT MEETING** - Planning Commission meeting. Hobby Kennels.	4.00 @	105.00/hr	=	420.00
10/28/2021	JE	Meeting with Department Heads and Officers. Review hobby kennel information and other ordinances.	3.50 @	105.00/hr	=	367.50

AMOUNT DUE THIS INVOICE: **$892.50**