

**Danby Township Regular Meeting
May 30, 2019**

The regular meeting was called to order at 7:01 p.m. at the Danby Township Hall, 13122 Charlotte Hwy.

The meeting was opened with the Pledge of Allegiance.

Roll Call Board Members: Supervisor Platte, Trustee Schafer, Trustee Nurenberg, Treasurer Kolarik
Absent: Clerk K.Platte

Approval of Regular Board Meeting Minutes April 25, 2019

Motion by Kolarik Seconded by Nurenberg CARRIED
Motion to approve minutes with correction to Planning Commission meeting date (August 21, 2019).

Approval of Agenda:

Motion by D. Platte Seconded by Schafer CARRIED
Motion to approve the agenda as amended.

Communications:

Motion by Kolarik Seconded by D. Platte CARRIED
Motion to place communications on file.

Public Comment: none

Unfinished Business:

Cemetery Fees – Supervisor to confirm the following changes to the Cemetery Fee Schedule:

Hand Dug Openings for Infants	\$150.00
Cremation Ashes Resident and Non-Resident	\$200.00

New Business:

**Ordinance – Amendment to Mining Setback Section –
DANBY TOWNSHIP**

ORDINANCE NO. _____

Adopted _____

Effective Date _____

**AN ORDINANCE TO AMEND THE DANBY TOWNSHIP ZONING
ORDINANCE OF CHAPTER 13, SECTION 13.07 K a-b, SHOWN BELOW
IN ITS ENTIRETY.**

THE TOWNSHIP OF DANBY ORDAINS:

SECTION 1:

The section 13.07 K a-b as shown below is the current language.

Section 13.07 K.2 a-b

- 2. Setbacks, Buffers, and Separation.
 - a. Setbacks for excavation areas shall be no less than 100 feet from lot lines. Separation of excavation areas from off-site residential dwellings shall be no less than 200 feet.
 - b. The Township Board may approve requests for setbacks and separations less than those required by this section if the owners of abutting property where the reductions are proposed provide written support of the request. However, setbacks shall not be reduced less than 50 feet from any lot line. When considering requests for reduction, the Township Planning Commission and Board shall consider the health, safety, and welfare of the community.

The above language being replaced is shown below as the amendment.

- 2. Setbacks, Buffers and Separation.
 - a. No excavation shall occur within 100 feet of a road right-of-way; within 200 feet of an off-site residence, housing development or residential district; and within 100 feet of a property line other than the above limits.
 - b. The special land use permit may allow mineral extraction within the required setback area set forth above if a property owner, or owners, abutting that portion of the site affected by the minimum setbacks provide written consent prior to the Planning Commission's recommendation of the site plan. However, in no case shall an excavation occur within 200 feet of an off-site residence or 100 feet of a property owned by a non-consenting party.

SECTION 2:

Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

SECTION 3:

Repealer Clause. Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION 4:

Effective Date. This Ordinance shall be effective seven (7) days after publication.

ADOPTED:

Yeas: Schafer, Nurenberg, Kolarik, D. Platte

Nays: none

Absent: K.Platte

STATE OF MICHIGAN)

)

COUNTY OF IONIA)

I, the undersigned, the duly elected Clerk of Danby Township, Ionia County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete representation of certain proceedings conducted by the Board of Trustees of said Township at a meeting held on this 30th day of May, 2019.

Kristina Platte

Danby Township Clerk

**Ordinance - Geothermal Energy System –
DANBY TOWNSHIP**

ORDINANCE NO. _____

Adopted _____

Effective Date _____

**AN ORDINANCE TO AMEND CHAPTER 3 OF THE DANBY TOWNSHIP
ZONING ORDINANCE TO ADD A NEW SECTION 3.24 SHOWN BELOW
IN ITS ENTIRETY.**

THE TOWNSHIP OF DANBY ORDAINS:

SECTION 1:

Insert the following definitions into Section 2.08 Definitions- G in alphabetical order:

GEOHERMAL ENERGY SYSTEM - A system that uses a heat pump to extract heat from the earth in a heating mode and/or reject heat into the earth in a cooling mode.

GEOHERMAL ENERGY SYSTEM, CLOSED-LOOP - A type of geothermal heating and/or cooling system that incorporates a pressurized heat exchanger consisting of pipe, a circulating pump, and a water-source heat pump in which the heat transfer fluid is not exposed to the atmosphere. The heat transfer fluid is potable or beneficial reuse water and may have approved antifreeze added.

GEOHERMAL ENERGY SYSTEM, OPEN-LOOP - A type of geothermal heating and/or cooling system that incorporates a water-supply well and a water pump to deliver ground water to a water-source heat pump. The discharge water from the water-source heat pump may be returned to the subsurface through a recharge well or infiltration bed, or may be discharged into a pond, lake, or stream. A spring may also be the source of the ground water supply.

SECTION 2:

Add the following Section 3.24 to Chapter 3, General Provisions:

Section 3.24 Geothermal Energy Systems

- A. Purpose. Danby Township supports and promotes the use of renewable energy systems that are sensitive to neighboring property and those that do not result in negative environmental or community impacts. As such, this section limits the allowable types of geothermal energy systems in the Township and regulates those systems determined to have lesser impacts on public health, safety, and welfare, and environmental quality.
- B. General Requirements. Geothermal energy system components shall conform to applicable industry standards, building codes, and this section.
- C. Open-Loop Geothermal Energy Systems. Open-loop geothermal energy systems are prohibited in Danby Township.
- D. Closed-Loop Geothermal Energy System. Closed-loop geothermal energy systems shall only be approved when an applicant demonstrates compliance with this section, and construction shall only commence after approval by the Zoning Administrator and after the issuance of a mechanical permit by the Ionia County Building Official. Specific requirements include the following:
 1. All above-ground equipment shall be a minimum of 10 feet from a side and rear lot line.
 2. All components of a closed-loop geothermal energy system, including associated equipment, shall be located outside of easements, unless allowable per the easement restriction, and shall be outside of all public rights-of-way.
 3. A site plan shall be provided to the Zoning Administrator to show setback compliance and type of system being proposed.

SECTION 2:

Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

SECTION 3:

Repealer Clause. Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION 4:

Effective Date. This Ordinance shall be effective seven (7) days after publication.

ADOPTED: DANBY TOWNSHIP

Yeas: Kolarik, Schafer, D. Platte, Nurenberg ORDNANCE NO. _____

Nays: none (Adopted 5-31-18) - Revised On 5-30-2019

Absent: K. Platte Effective Date June 1st 2019

STATE OF MICHIGAN (TO BE PRINTED IN FULL)
ORDINANCE OF CHAPTER 2, DEFINITIONS, CHAPTER 2
SECTION 203 AGRICULTURE DISTRICT (SPECIAL USE) AND
CHAPTER 13 SECTION 13.07 SPECIAL LAND USE SECTION 2
COUNTY OF IONIA (TO BE PRINTED IN FULL)
SHOWS BELOW IN ITS ENTIRETY.

I, the undersigned, the duly elected Clerk of Danby Township, Ionia County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete representation of certain proceedings conducted by the Board of Trustees of said Township at a meeting held on this 30th day of May 2019.

_____ Add the following definitions to section 1.18 Definitions - 2

Kristina Platte SOLAR ENERGY

Danby Township Clerk
B. COMMERCIAL SOLAR ENERGY SYSTEM - A solar energy system installed on a parcel with the primary purpose of wholesale or retail sales of generated electricity. Commercial solar energy systems may also include electricity to the agricultural or commercial use of the parcel in which they are established. Also known as a solar farm.

SECTION 2:

Amend uses in Section 2.03 Special Land Use (AG Agricultural)

A. Commercial solar energy system as a principal use or accessory use to a dwelling or agricultural parcel or accessory use.

SECTION 3:

Amend Solar Energy Collector Requirements in Section 13.07 (Special Use Section)

AA. Solar Energy Collector Standards section

1. Applicability. This section applies to ground-mounted solar energy collectors and commercial solar energy systems. This section does not apply to smaller-scale solar energy collectors mounted on leased poles or on the ground with collector surface areas less than five (5) square feet and less than five (5) feet above the ground.

2. General Requirements.

Ordinance – Amendments to 2018-2-22 Adopted Solar Energy-

DANBY TOWNSHIP

ORDINANCE NO. _____

(Adopted 2-22-18) - Revised On 5-30-2019

Effective Date June 16, 2019

**AN ORDINANCE TO AMEND THE DANBY TOWNSHIP ZONING
ORDINANCE OF CHAPTER 2, DEFINITIONS; CHAPTER 5
SECTION 5.03 AGRICULTURE DISTRICT SPECIAL USES, AND
CHAPTER 13 SECTION 13.07 SPECIAL LAND USES SECTION AA
SHOWN BELOW IN ITS ENTIRETY.**

Note – these amendments are to the 2018-2-22 adopted solar energy sections.

THE TOWNSHIP OF DANBY ORDAINS:

SECTION 1:

Add the following definitions to Section 2.18 Definitions – S

SOLAR ENERGY

- B. **COMMERCIAL SOLAR ENERGY SYSTEM** - A utility-scale facility of solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity. Commercial solar energy systems may also provide electricity to the agricultural or commercial use of the parcel on which they are established. Also known as a solar farm.

SECTION 2:

Amend uses to Section 5.03 Special Land Uses (AG Agriculture))

- Z. Commercial solar energy system as a principal use or accessory use to a dwelling or agricultural principal or accessory use.

SECTION 3:

Amend Solar Energy Collector Requirements in Section 13.07 (Special Use Section)

AA. Solar Energy Collectors (standards section)

1. **Applicability.** This section applies to ground-mounted solar energy collectors and commercial solar energy systems. This section does not apply to smaller-scale solar energy collectors mounted on fences, poles, or on the ground, with collector surface areas less than five (5) square feet and less than five (5) feet above the ground.
2. **General Requirements.**

- a. Applications. In addition to all other required application contents, equipment and unit renderings or plans shall be submitted for review.
 - b. Glare and Reflection. The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light. A unit may not be installed or located so that sunlight or glare is reflected into neighboring residences or onto adjacent streets.
 - c. Location. Solar energy equipment shall be located in the area least visibly obtrusive to adjacent residential properties while remaining functional.
 - d. Installation.
 - i. A solar energy collector shall be permanently and safely attached to the ground. Solar energy collectors, and the installation and use thereof, shall comply with building codes and other applicable Township, County, State and Federal requirements.
 - ii. Solar energy collectors shall be installed, maintained and used only in accordance with the manufacturer's directions. Upon request, a copy shall be submitted to the Township prior to installation.
 - e. Power lines. On site power lines between solar panels and inverters shall be placed underground.
 - f. Abandonment. Solar energy collection systems that cease to produce energy on a continuous basis for 12 months will be considered abandoned unless the responsible party (or parties) with ownership interest in the system provides substantial evidence every six (6) months after 12 months of no energy production to the Township of the intent to maintain and reinstate the operation of that facility. The responsible party shall remove all equipment and facilities and restore the site to its condition prior to development of the facility within one (1) year of abandonment.
3. Ground-Mounted Solar Energy Collectors. These systems may be established as accessory uses to principal dwellings on the same parcel. The following requirements apply:
- a. Location.
 - i. The unit may be located in the rear yard and/or the side yard but shall be subject to the setbacks for principal buildings. -
 - ii. The unit may be located in the front yard only if permitted by the Planning Commission in its approval of the special land use provided that the unit is no less than 150 feet from the front lot line.
 - b. Maximum Number. One (1) ground-mounted solar energy collector structure per whole acre.
 - c. Maximum Size.-1,500 square feet of collector panels per ground-mounted solar energy collector structure.
 - d. Minimum Spacing. 15 feet between ground-mounted solar energy collector structures, when multiple structures are established on a parcel.
 - e. Maximum Height. 16 feet, measured from the natural grade below the unit to the highest point at full tilt.
 - f. Minimum Acreage. Two (2) acres.
 - g. Screening. Screening may be required in cases where a ground-mounted unit impacts views from adjacent residential properties.

4. Commercial Solar Energy System. Commercial systems may be established as principal or accessory uses. The following requirements apply:
- a. Minimum Setbacks. 100 feet minimum.
 - b. Maximum Height. 20 feet measured from the natural grade below the unit to the highest point at full tilt.
 - c. Minimum Acreage. Five (5) acres.
 - d. Screening. Views of collectors and equipment from residential properties or public right-of-way may be required to be screened. Screening methods may include the use of materials, colors, textures, screening walls, and landscaping, that will blend the facility into the natural setting and existing environment.
 - e. Decommissioning. A decommissioning plan signed by the responsible party and the landowner (if different) addressing the following shall be submitted prior to approval:
 - i. Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, abandonment, etc.)
 - ii. Removal of all utility owned equipment and non-utility owned equipment, conduit, structures, fencing, roads, solar panels, and foundations.
 - iii. Restoration of property to condition prior to development of the system.
 - iv. The timeframe for completion of decommissioning activities.
 - v. Description of any agreement (e.g. lease) with landowner regarding decommissioning, if applicable.
 - vi. The entity or individual responsible for decommissioning.
 - vii. Plans for updating the decommissioning plan.
 - viii. A performance guarantee shall be posted in the form of a bond, letter of credit, cash, or other form acceptable to the Township, to ensure removal upon abandonment. As a part of the decommissioning plan, the responsible party shall provide at least two (2) cost estimates from qualified contractors for full removal of the equipment, foundations, and structures associated with the facility. These amounts will assist the Township when setting the performance guarantee amount. The performance guarantee shall be valid throughout the lifetime of the facility. Bonds and letters of credit shall be extended on a regular basis with expiration dates never less than two (2) years from the annual anniversary of special land use approval.

SECTION 4:

Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

SECTION 5:

Repealer Clause. Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION 6:

Effective Date. This Ordinance shall be effective seven (7) days after publication.

