

**WHITE RIVER TOWNSHIP
TOWNSHIP BOARD**

RESOLUTION NO. 73 - 2024

**RESOLUTION TO ADOPT ZONING ORDINANCE AMENDMENTS
REGARDING SOLAR ENERGY SYSTEMS**

At a meeting of the Township Board for White River Township, Muskegon County, Michigan, held on September 10, 2024, at 7:00 p.m. at Nellie B. Chisholm Middle School, 4700 Stanton Boulevard, Montague, MI 49437.

PRESENT: George Dufresne, Laura Anderson, Deb Harris, Patti Sargent, Ronald Bailey Jr.

ABSENT: None

The following preamble and resolution were offered by Harris and seconded by Dufresne.

WHEREAS, the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101 *et seq.*, as amended, authorizes townships to adopt and amend zoning ordinances to regulate the use of land and structures within their zoning jurisdictions; and

WHEREAS, White River Township (“Township”) has adopted such a zoning ordinance (“Zoning Ordinance”); and

WHEREAS, the Township Board desires to amend the zoning regulations for solar energy systems in the Township to be compatible with Public Act 233 of 2023 in order to retain local control over the zoning regulations for solar energy systems; and

WHEREAS, the Township Planning Commission held a duly noticed public hearing at a meeting on August 12, 2024 to consider amendments to the Zoning Ordinance regarding solar energy systems (“Proposed Amendments”); and

WHEREAS, the Township Planning Commission recommended adoption of the Proposed Amendments, as described in Ordinance No. 61-2024, An Ordinance to Amend the Zoning Ordinance to Regulate Solar Energy Systems in Accordance with PA 233 (the “Ordinance”); and

WHEREAS, the Township Board finds that undeveloped brownfield properties are especially conducive sites for solar energy projects because they provide an opportunity for renewable energy production while making use of otherwise vacant land; and

WHEREAS, the Township Board finds that certain brownfield properties in the Township are located near substations and existing transmission infrastructure necessary for solar energy projects; and

WHEREAS, the Township Board finds that amending the Zoning Ordinance with regard to solar energy regulations so that the Zoning Ordinance complies with PA 233 is necessary to ensure continued local control over the siting of solar energy projects; and

WHEREAS, the Township Board finds that the adopting the Ordinance is in the best interest of the health, safety, and welfare of the Township’s residents and the general public.

NOW, THEREFORE, the Township Board of the Township of White River resolves as follows:

1. Ordinance No. 61-2024, An Ordinance to Amend the Zoning Ordinance to Regulate Solar Energy Systems in Accordance with PA 233, attached as **Exhibit A**, is hereby adopted.
2. The Ordinance shall be filed with the Township Clerk.
3. The Township Clerk is directed to publish a notice of adoption within 15 days after adoption of the Ordinance.
4. A copy of the Ordinance shall be available for examination at the office of the Township Clerk, and copies may be provided for a reasonable charge.

5. Any resolutions that conflict with this Resolution are repealed to the extent necessary to give this Resolution full force and effect.

A vote on the above Resolution was taken and was as follows:

YEAS: Dufresne, Anderson, Harris, Sargent, Bailey

NAYS: None

ABSENT/ABSTAINING: None

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)
)
COUNTY OF MUSKEGON)

I, the undersigned, the duly qualified and acting Clerk for the Township of White River, Muskegon County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Township Board of said Township at a meeting held pursuant to the Open Meetings Act on September 10, 2024.


Patti Sargent, Township Clerk

EXHIBIT A

**WHITE RIVER TOWNSHIP
MUSKEGON COUNTY
MICHIGAN**

ORDINANCE NO. 61-2024

AN ORDINANCE TO AMEND THE ZONING ORDINANCE TO REGULATE UTILITY-SCALE SOLAR ENERGY SYSTEMS IN ACCORDANCE WITH PA 233

The Township of White River ordains:

Section 1. Addition of New Subsection 29 to Section 16.06(MM).

A new subsection 29 is added to Section 16.06(MM) of the White River Township Zoning Ordinance and reads in its entirety as follows:

29. Utility-Scale Solar Energy Systems under PA 233. On or after November 29, 2024, once PA 233 of 2023 is in effect, then the following provisions apply to Utility-Scale Solar Energy Systems with a nameplate capacity of 50 megawatts or more. Utility-Scale Solar Energy Systems with a nameplate capacity of 50 megawatts or more shall only be permitted as a special land use in the Renewable Energy Overlay District.

To the extent the following provisions conflict with the provisions in subsections 1 through 28 above, these provisions control as to Utility-Scale Solar Energy Systems with a nameplate capacity of 50 megawatts or more. All provisions in subsections 1 through 28 above that do not conflict with this subsection remain in full force and effect and shall be applicable to all Utility-Scale Solar Energy Systems regardless of nameplate capacity. The following provisions do not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect, and do not apply to Utility-Scale Solar Energy Systems with a nameplate capacity of less than 50 megawatts.

- a. Setbacks. Utility-Scale Solar Energy Systems must comply with the following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

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

- b. Fencing. Fencing for Utility-Scale Solar Energy Systems must comply with the latest version of the National Electric Code as November 29, 2024, or as subsequently amended.

- c. Height. Solar panel components must not exceed a maximum height of 25 feet above ground when the arrays are at full tilt.
- d. Noise. The Utility-Scale Solar Energy System must not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
- e. Lighting. The Utility-Scale Solar Energy System must implement dark sky-friendly lighting solutions.
- f. Environmental regulations. The Utility-Scale Solar Energy System must comply with applicable state or federal environmental regulations.
- g. Host community agreement. The applicant for a land use permit for a Utility-Scale Solar Energy System shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the Utility-Scale Solar Energy System owner must pay the Township \$2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the local unit and the applicant.

Section 2. Validity and Severability.

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

Section 3. Repealer.

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

Section 4. Effective Date.

This Ordinance/ordinance amendment shall become effective seven (7) days after the adoption of this Ordinance/ordinance amendment (or summary thereof) appears in the newspaper as provided by law.

The vote to adopt this ordinance/ordinance amendment was as follows:

YEAS: Dufresne, Anderson, Harris, Sargent, Bailey

NAYS: None

ABSENT/ABSTAINING: None

THIS ORDINANCE/ ORDINANCE AMENDMENT IS HEREBY DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance/ordinance amendment adopted by the Township Board for White River Township at a meeting of said Board held on September 10, 2024.

Dated: September 10, 2024.


Patti Sargent, White River Township Clerk