GRATIOT COUNTY BOARD OF COMMISSIONERS

RESOLUTION TO AUTHORIZE OFFICIAL STATEMENT REGARDING COMPATIBLE RENEWABLE ENERGY ORDINANCE

RESOLUTION NUMBER 26-450
ADOPTED AUGUST 11, 2026

WHEREAS on August 6, 2018, the Gratiot County Board of Commissioners amended the Gratiot County Zoning Ordinance to include requirements for solar energy systems and solar farms for county-zoned townships including Sumner Township; and

WHEREAS on December 31, 2023, House Bill 5120 was signed into law as Public Act 233 of 2023, the Clean and Renewable Energy and Energy Waste Reduction Act (the Act), to in part authorize certification by the State of Michigan before the construction of certain solar energy facilities, and to regulate certain local ordinances; and

WHEREAS in a July 14, 2026, certified letter, ibV Energy Partners offered to meet with Board of Commissioners Chairperson Dave Owens to discuss the proposed Honeyoey Creek, LLC solar energy project in Sumner and Seville Townships as required under section 223 of the Act; and

WHEREAS Chairperson Owens, along with several other Gratiot County officials, met with representatives of the Honeyoey Creek project on July 22, 2026, to review their proposed solar energy facility; and

WHEREAS to Act defines a "compatible renewable energy ordinance" as an ordinance that provides for the development of energy facilities within the local unit of government, the requirements of which are no more restrictive than the provisions included in section 226(8) of the Act; and

WHEREAS, at the July 22 meeting, Honeyoey Creek project representatives identified four instances where renewable energy provisions of the Gratiot County Zoning Ordinance are in fact more restrictive than the provisions included in section 226(8) of the Act; and

WHEREAS within 30 days following the July 22 meeting with Honeyoey Creek representatives, the Act requires that the Chairperson notify Honeyoey Creek project representatives that the County has a compatible renewable energy ordinance; and

WHEREAS the Board desires to create an official record of its finding of non-compliance with the Act.

THEREFORE, BE IT RESOLVED, that the Gratiot County Board of Commissioners hereby determines that certain solar energy system and solar farm provisions of the Gratiot County Zoning Ordinance are more restrictive than the provisions included in section 226(8) of the Clean and Renewable Energy and Energy Waste Reduction Act.

BE IT FURTHER RESOLVED that the Chairperson of the Board of Commissioners is authorized to sign any notification to Honeyoey Creek, LLC consistent with this resolution.

The resolution set forth was offered by Commissioner _____ and supported by Commissioner_____.

A vote was thereupon taken on the foregoing resolution and the vote for such resolution was as follows:

AYES: _____

NAYS:_____

A majority of the members-elect having approved such resolution deems the resolution APPROVED.

STATE OF MICHIGAN)
)ss
COUNTY OF GRATIOT)

I certify that the foregoing is a true and accurate copy of the resolution adopted by the Gratiot County Board of Commissioners, that such resolution was duly adopted at a regular meeting held on the 11th day of August 2026, and that notice of such meeting was given as required by law.

_____
Angie Thompson, Gratiot County Clerk

CLEAN AND RENEWABLE ENERGY AND ENERGY WASTE REDUCTION ACT (EXCERPT)

Act 295 of 2008

460.1221 Definitions.

Sec. 221.

As used in this part:

(a) "Affected local unit" means a unit of local government in which all or part of a proposed energy facility will be located.

(b) "Aircraft detection lighting system" means a sensor-based system designed to detect aircraft as they approach a wind energy facility and that automatically activates obstruction lights until they are no longer needed.

(c) "Applicant" means an applicant for a certificate.

(d) "Certificate" means a certificate issued for an energy facility under section 226(5).

(e) "Community-based organization" means a workforce development and training organization, labor union, local governmental entity, Michigan federally recognized tribe, environmental advocacy organization, or an organization that represents the interests of underserved communities.

(f) "Compatible renewable energy ordinance" means an ordinance that provides for the development of energy facilities within the local unit of government, the requirements of which are no more restrictive than the provisions included in section 226(8). A local unit of government is considered not to have a compatible renewable energy ordinance if it has a moratorium on the development of energy facilities in effect within its jurisdiction.

(g) "Construction" means any substantial action taken constituting the placement, erection, expansion, or repowering of an energy facility.

(h) "Dark sky-friendly lighting technology" means a light fixture that is designed to minimize the amount of light that escapes upward into the sky.

(i) "Energy facility" means an energy storage facility, solar energy facility, or wind energy facility. An energy facility may be located on more than 1 parcel of property, including noncontiguous parcels, but shares a single point of interconnection to the grid.

(j) "Energy storage facility" means a system that absorbs, stores, and discharges electricity. Energy storage facility does not include either of the following:

(i) Fossil fuel storage.

(ii) Power-to-gas storage that directly uses fossil fuel inputs.

(k) "Independent power producer", or "IPP", means a person that is not an electric provider but owns or operates facilities to generate electric power for sale to electric providers, this state, or local units of government.

(l) "Light intensity dimming solution technology" means obstruction lighting that provides a means of tailoring the intensity level of lights according to surrounding visibility.

(m) "Light-mitigating technology system" means an aircraft detection lighting system, a light intensity dimming solution technology, or a comparable solution that reduces the impact of nighttime lighting while maintaining night conspicuity sufficient to assist aircraft in identifying and avoiding collision with the wind energy facilities.

(n) "Local unit of government" or "local unit" means a county, township, city, or village.

(o) "Maximum blade tip height" means the nominal hub height plus the nominal blade length of a wind turbine, as listed in the wind turbine specifications provided by the wind turbine manufacturer. If not listed in the wind turbine specifications, maximum blade tip height means the actual hub height plus the actual blade length.

(p) "Nameplate capacity" means the designed full-load sustained generating output of an energy facility. Nameplate capacity shall be determined by reference to the sustained output of an energy facility even if components of the energy facility are located on different parcels, whether contiguous or noncontiguous.

(q) "Nonparticipating property" means a property that is adjacent to an energy facility and that is not a participating property.

(r) "Occupied community building" means a school, place of worship, day-care facility, public library, community center, or other similar building that the applicant knows or reasonably should know is used on a regular basis as a gathering place for community members.

(s) "Participating property" means real property that either is owned by an applicant or that is the subject of an agreement that provides for the payment by an applicant to a landowner of monetary compensation related to an energy facility regardless of whether any part of that energy facility is constructed on the property.

(t) "Person" means an individual, governmental entity authorized by this state, political subdivision of this state, business, proprietorship, firm, partnership, limited partnership, limited liability partnership, co-partnership, joint venture, syndicate, business trust, labor organization, company, corporation, association, subchapter S corporation, limited liability company, committee, receiver, estate, trust, or any other legal entity or combination or group of persons acting jointly as a unit.

(u) "Project labor agreement" means a prehire collective bargaining agreement with 1 or more labor organizations that establishes the terms and conditions of employment for a specific construction project and does all of the following:

(i) Binds all contractors and subcontractors on the construction project through the inclusion of appropriate specifications in all relevant solicitation provisions and contract documents.

(ii) Allows all contractors and subcontractors on the construction project to compete for contracts and subcontracts without regard to whether they are otherwise parties to collective bargaining agreements.

(iii) Contains guarantees against strikes, lockouts, and similar job disruptions.

(iv) Sets forth the effective, prompt, and mutually binding procedures for resolving labor disputes arising during the term of the project labor agreement.

(v) Provides other mechanisms for labor-management cooperation on matters of mutual interest and concern, including productivity, quality of work, safety, and health.

(vi) Complies with all state and federal laws, rules, and regulations.

(v) "Repowering", with respect to an energy facility, means replacement of all or substantially all of the energy facility for the purpose of extending its life. Repowering does not include repairs related to the ongoing operations that do not increase the capacity or energy output of the energy facility.

(w) "Solar energy facility" means a system that captures and converts solar energy into electricity, for the purpose of sale or for use in locations other than solely the solar energy facility property. Solar energy facility includes, but is not limited to, the following equipment and facilities to be constructed by an electric provider or independent power producer: photovoltaic solar panels; solar inverters; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and

anchors; substations; interconnection or switching facilities; circuit breakers and transformers; energy storage facilities; overhead and underground control; communications and radio relay systems and telecommunications equipment; utility lines and installations; generation tie lines; solar monitoring stations; and accessory equipment and structures.

(x) "Wind energy facility" means a system that captures and converts wind into electricity, for the purpose of sale or for use in locations other than solely the wind energy facility property. Wind energy facility includes, but is not limited to, the following equipment and facilities to be constructed by an electric provider or independent power producer: wind towers; wind turbines; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; energy storage facilities; overhead and underground control; communications and radio relay systems and telecommunications equipment; monitoring and recording equipment and facilities; erosion control facilities; utility lines and installations; generation tie lines; ancillary buildings; wind monitoring stations; and accessory equipment and structures.

History: Add. 2023, Act 233, Eff. Nov. 29, 2024

CLEAN AND RENEWABLE ENERGY AND ENERGY WASTE REDUCTION ACT (EXCERPT)

Act 295 of 2008

460.1223 Public meetings; site plan; application for approval; remedies upon denial.

Sec. 223.

(1) An electric provider or independent power producer that, at its option or as required by the commission, proposes to obtain a certificate for and construct an energy facility shall hold a public meeting in each affected local unit. At least 30 days before a meeting, the electric provider or IPP shall notify the clerk of the affected local unit in which a public meeting will be held of the time, date, location, and purpose of the meeting and provide a copy of the site plan as described in section 224 or the address of an internet site where a site plan for the energy facility is available for review. At least 14 days before the meeting, the electric provider or IPP shall publish notice of the meeting in a newspaper of general circulation in the affected local unit or in a comparable digital alternative. The notice shall include a copy of the site plan or the address of an internet site where the site plan is available for review. The commission shall further prescribe the format and content of the notice. For the purposes of this subsection, a public meeting held in a township is considered to be held in each village located within the township.

(2) At least 60 days before a public meeting held under subsection (1), the electric provider or IPP planning to construct an energy facility shall offer in writing to meet with the chief elected official of each affected local unit, or the chief elected official's designee, to discuss the site plan.

(3) If, within 30 days following a meeting described in subsection (2), the chief elected official of each affected local unit notifies the electric provider or IPP planning to construct the energy facility that the affected local unit has a compatible renewable energy ordinance, then the electric provider or IPP shall file for approval with each affected local unit, subject to all of the following:

(a) An application submitted under this subsection shall comply with the requirements of section 225(1), except for section 225(1)(j) and (s). An affected local unit may require other information necessary to determine compliance with the compatible renewable energy ordinance.

(b) A local unit of government with which an application is filed under this subsection shall approve or deny the application within 120 days after receiving the application. The applicant and local unit of government may jointly agree to extend this deadline by up to 120 days.

(c) The electric provider or IPP may submit its application to the commission if any of the following apply:

(i) An affected local unit fails to timely approve or deny an application.

(ii) The application complies with the requirements of section 226(8), but an affected local unit denies the application.

(iii) An affected local unit amends its zoning ordinance after the chief elected official notifies the electric provider or IPP that it has a compatible renewable energy ordinance, and the amendment imposes additional requirements on the development of energy facilities that are more restrictive than those in section 226(8).

(d) An electric provider or IPP that submits an application to the commission pursuant to this subsection is not required to comply with subsection (1) or section 226(1), or the requirement to submit a summary of community outreach and education efforts pursuant to section 225(1)(j).

(4) If a local unit of government approves an application pursuant to subsection (3), construction of the proposed energy facility must begin within 5 years after the date the permit is granted and any challenges to the grant of the permit are concluded. The local unit of government may extend this timeline at the request of the electric provider or IPP without requiring a new application. The local unit shall not revoke a permit issued under subsection (3) except for material noncompliance with the permit by the electric provider or IPP.

(5) If the commission approves an applicant for a certificate submitted under subsection (3)(c), the local unit of government is considered to no longer have a compatible renewable energy ordinance, unless the commission finds that the local unit of government's denial of the application was reasonably related to the applicant's failure to provide information required by subsection (3)(a).

(6) Nothing in this section shall be construed to limit remedies available to an applicant to appeal a denial by a local unit of government under any other law of this State.

History: Add. 2023, Act 233, Eff. Nov. 29, 2024

CLEAN AND RENEWABLE ENERGY AND ENERGY WASTE REDUCTION ACT (EXCERPT)

Act 295 of 2008

460.1226 One-time grant to affected local unit; local intervenor compensation fund; proceedings; fees; issuance of certificate; commencement requirements.

Sec. 226.

(1) Upon filing an application with the commission, the applicant shall make a 1-time grant to each affected local unit for an amount determined by the commission but not more than $75,000.00 per affected local unit and not more than $150,000.00 in total. Each affected local unit shall deposit the grant in a local intervenor compensation fund to be used to cover costs associated with participation in the contested case proceeding on the application for a certificate.

(2) Upon filing an application with the commission, the applicant shall provide notice of the opportunity to comment on the application in a form and manner prescribed by the commission. The notice shall be published in a newspaper of general circulation in each affected local unit or a comparable digital alternative. The notice shall be written in plain, nontechnical, and easily understood terms and shall contain a title that includes the name of the applicant and the words "NOTICE OF INTENT TO CONSTRUCT _____ FACILITY", with the words "WIND ENERGY", "SOLAR ENERGY", or "ENERGY STORAGE", as applicable, entered in the blank space. The commission shall further prescribe the format and contents of the notice.

(3) The commission shall conduct a proceeding on the application for a certificate as a contested case under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. An affected local unit, participating property owner, or nonparticipating property owner may intervene by right.

(4) The commission may assess reasonable application fees to the applicant to cover the commission's administrative costs in processing the application, including costs for consultants to assist the commission in evaluating issues raised by the application. The commission may retain consultants to assist the commission in evaluating issues raised by the application and may require the applicant to pay the cost of the services.

(5) The commission shall grant the application and issue a certificate or deny the application not later than 1 year after a complete application is filed.

(6) In evaluating the application, the commission shall consider the feasible alternative developed locations described under section 225(1)(n), if applicable, and the impact of the proposed facility on local land use, including the percentage of land within the local unit of government dedicated to energy generation. The commission may condition its grant of the application on the applicant taking additional reasonable action related to the impacts of the proposed energy facility, including, but not limited to, the following:

(a) Establishing and maintaining for the life of the facility vegetative ground cover. This subdivision does not apply to an application for an energy facility that is proposed to be located entirely on brownfield land.

(b) Meeting or exceeding pollinator standards throughout the lifetime of the facility, as established by the "Michigan Pollinator Habitat Planning Scorecard for Solar Sites" developed by the Michigan State University Department of Entomology in effect on the effective date of

the amendatory act that added this section or any applicable successor standards approved by the commission as reasonable and consistent with the purposes of this subdivision. Seed mix used to establish pollinator plantings shall not include invasive species as identified by the Midwest Invasive Species Information Network, led by researchers at the Michigan State University Department of Entomology and supporting regional partners. This subdivision does not apply to an application for an energy facility that is proposed to be located entirely on brownfield land.

(c) Providing for community improvements in the affected local unit.

(d) Making a good-faith effort to maintain and provide proper care of the property where the energy facility is proposed to be located during construction and operation of the facility.

(7) The commission shall grant the application and issue a certificate if it determines all of the following:

(a) The public benefits of the proposed energy facility justify its construction. For the purposes of this subdivision, public benefits include, but are not limited to, expected tax revenue paid by the energy facility to local taxing districts, payments to owners of participating property, community benefits agreements, local job creation, and any contributions to meeting identified energy, capacity, reliability, or resource adequacy needs of this state. In determining any contributions to meeting identified energy, capacity, reliability, or resource adequacy needs of this state, the commission may consider approved integrated resource plans under section 6t of 1939 PA 3, MCL 460.6t, renewable energy plans, annual electric provider capacity demonstrations under section 6w of 1939 PA 3, MCL 460.6w, or other proceedings before the commission, at the applicable regional transmission organization, or before the Federal Energy Regulatory Commission, as determined relevant by the commission.

(b) The energy facility complies with the standard in section 1705(2) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.1705.

(c) The applicant has considered and addressed impacts to the environment and natural resources, including, but not limited to, sensitive habitats and waterways, wetlands and floodplains, wildlife corridors, parks, historic and cultural sites, and threatened or endangered species.

(d) The applicant has met the conditions established in section 227.

(e) All of the following apply:

(i) The installation, construction, or construction maintenance of the energy facility will use apprenticeship programs registered and in good standing with the United States Department of Labor under the national apprenticeship act, 29 USC 50 to 50c.

(ii) The workers employed for the construction or construction maintenance of the energy facility will be paid a minimum wage standard not less than the wage and fringe benefit rates prevailing in the locality in which the work is to be performed as determined under 2023 PA 10, MCL 408.1101 to 408.1126, or 40 USC 3141 to 3148, whichever provides the higher wage and fringe benefit rates.

(iii) To the extent permitted by law, the entities performing the construction or construction maintenance work will enter into a project labor agreement or operate under a collective bargaining agreement for the work to be performed.

(f) The proposed energy facility will not unreasonably diminish farmland, including, but not limited to, prime farmland and, to the extent that evidence of such farmland is available in the evidentiary record, farmland dedicated to the cultivation of specialty crops.

(g) The proposed energy facility does not present an unreasonable threat to public health or safety.

(8) An energy facility meets the requirements of subsection (7)(g) if it will comply with the following standards, as applicable:

(a) For a solar energy facility, all of the following:

(i) 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

(ii) Fencing for the solar energy facility complies with the latest version of the National Electric Code as of the effective date of the amendatory act that added this section or any applicable successor standard approved by the commission as reasonable and consistent with the purposes of this subsection.

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

(iv) The solar energy facility does 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.

(v) The solar energy facility will implement dark sky-friendly lighting solutions.

(vi) The solar energy facility will comply with any more stringent requirements adopted by the commission. Before adopting such requirements, the commission must determine that the requirements are necessary for compliance with state or federal environmental regulations.

(b) For a wind energy facility, all of the following:

(i) The following minimum setback distances, measured from the center of the base of the wind tower:

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

(ii) Each wind tower is sited such that any occupied community building or nonparticipating residence will not experience more than 30 hours per year of shadow flicker under planned operating conditions as indicated by industry standard computer modeling.

(iii) Each wind tower blade tip does not exceed the height allowed under a Determination of No Hazard to Air Navigation by the Federal Aviation Administration under 14 CFR part 77.

(iv) The wind energy facility does 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.

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

(A) The purpose of the exemption.

(B) The proposed length of the exemption.

(C) A description of the light-mitigating technologies submitted to the Federal Aviation Administration.

(D) The technical or economic reason a light-mitigating technology is not feasible.

(E) Any other relevant information requested by the commission.

(vi) The wind energy facility meets any standards concerning radar interference, lighting, subject to subparagraph (v), or other relevant issues as determined by the commission.

(vii) The wind energy facility will comply with any more stringent requirements adopted by the commission. Before adopting such requirements, the commission must determine that the requirements are necessary for compliance with state or federal environmental regulations.

(c) For an energy storage facility, all of the following:

(i) 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

(ii) The energy storage facility complies with the version of NFPA 855 "Standard for the Installation of Stationary Energy Storage Systems" in effect on the effective date of the amendatory act that added this section or any applicable successor standard adopted by the commission as reasonable and consistent with the purposes of this subdivision.

(iii) The energy storage facility does 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.

(iv) The energy storage facility will implement dark sky-friendly lighting solutions.

(v) The energy storage facility will comply with any more stringent requirements adopted by the commission. Before adopting such requirements, the commission must determine that the requirements are necessary for compliance with state or federal environmental regulations.

(9) The certificate shall identify the location of the energy facility and its nameplate capacity.

(10) If construction of an energy facility is not commenced within 5 years after the date that a certificate is issued, the certificate is invalid, but the electric provider or IPP may seek a new certificate for the proposed energy facility. If the certificate is appealed in proceedings before the commission or to a court of competent jurisdiction, the running of the 5-year period is tolled from the date of filing the appeal until 60 days after issuance of a final nonappealable decision. The commission may extend the 5-year period at the request of the applicant and upon a showing of good cause without requiring a new contested case proceeding.

History: Add. 2023, Act 233, Eff. Nov. 29, 2024

Amendment of Gratiot County Zoning Ordinance

AN ORDINANCE TO AMEND THE GRATIOT COUNTY ZONING ORDINANCE REQUIREMENTS FOR SOLAR ENERGY SYSTEMS AND SOLAR FARMS FOR THE COUNTY-ZONED TOWNSHIPS OF ELBA, HAMILTON, LAFAYETTE, NEWARK, NORTH STAR, AND SUMNER. THIS ORDINANCE AMENDMENT WAS ADOPTED BY THE GRATIOT COUNTY BOARD OF COMMMISSIONERS ON August 6, 2018 .

PREAMBLE

It is hereby determined by the Gratiot County Board of Commissioners that good and reasonable cause exists to amend the Gratiot County Zoning Ordinance as ordained below:

THE COUNTY OF GRATIOT HEREBY ORDAINS

That the Gratiot County Zoning Ordinance be amended as follows:

CHAPTER 1 DEFINITIONS, SECTION 1.19 DEFINITION "S"

Insert the following new definitions:

SOLAR ENERGY SYSTEM: A single residential or small business-scale solar energy conversion system consisting of building-mounted panels, ground-mounted solar arrays, or other solar energy fixtures, and associated control or conversion electronics that will be used to produce utility power primarily for on-site use.

SOLAR FARM: A utility-scaled commercial facility that converts sunlight into electricity, whether by photovoltaics, concentrating solar thermal devices or any other various experimental solar technologies for the primary purpose of wholesale or retail sales of generated electricity off-site.

Alphabetize accordingly

CHAPTER 2 GENERAL PROVISIONS, SECTION 2.11 ACCESSORY USES

Insert the following under Accessory Uses

C. Solar energy systems are permitted as an accessory use in all zoning districts.

An on-site use solar energy system (see Section 1.19 for definition) is intended to first serve the needs of the private owner. Systems may be building-mounted or ground-mounted. Small systems may be approved through the issuance of both, a zoning compliance permit and a building permit, provided the applications and installations meet the requirements set forth in this section. If the zoning administrator believes that the solar energy system may have an adverse

impact on the health and safety of the public, it may require the applicant to apply for Site Plan Approval to the Planning Commission.

1. General Requirements:

    a. Setbacks: All small solar energy systems shall maintain a minimum setback of twenty (20) feet from all property lines.

    b. Mechanical equipment must be screened from street and neighboring residences by fencing or landscaping.

    c. A site plan, drawn to scale, shall show all existing and proposed structures, driveways, adjacent structures within 100 feet, and any other information required by the Zoning Administrator, Building Inspector or Planning Commission that is necessary to determine compliance with this ordinance.

    d. Complete prepared site plans signed by the responsible parties shall not apply to applications proposing:

        i. Building-mounted solar panels

        ii. Ground-mounted solar panels that do not exceed 8,000 square feet.

2. Building-mounted solar panels:

    a. An Administrative Review is required of all building-mounted solar energy collectors permitted as an accessory use. The application should include the following:

        i. Photographs of the property's existing conditions.

        ii. Plot plan to indicate where the solar energy equipment is to be installed on the property.

    b. Solar energy collectors that are mounted on the roof of a building shall not project more than five (5) feet above the highest point of the roof but, in any event, shall not exceed the maximum building height limitation for the zoning district in which it is located, and shall not project beyond the eaves of the roof.

    c. Solar energy collectors that are wall-mounted shall not exceed the height of the building wall to which they are attached.

    d. Solar energy collectors shall not be mounted on a building wall that is parallel to an adjacent public right-of-way.

e. Solar energy collectors, and the installation and use thereof, shall comply with the County construction code, the electrical code, and other applicable County construction codes.

3. Ground-mounted solar panels:

   a. Shall not be installed on parcels less than one (1) acre in size.

   b. Shall only be located in the side or rear yard.

   c. The maximum ground area occupied by solar panels and associated paved surfaces is twenty (20) percent of lot size.

   d. If more than 4,000 square feet of impervious surface is proposed, a drainage plan must be submitted with the permit application.

   e. The maximum ground-mounted panel height is eight (8) feet, measured from grade to the top of the panel.

   f. Panels shall be screened from residential districts and public rights-of-way by a greenbelt and/or six (6) foot privacy fence.

CHAPTER 4 AG-AGRICULTURAL DISTRICT, SECTION 4.4 SPECIAL LAND USES

Insert to the List of Special Land Uses

Solar Farms permitted by special land use in the AG districts.

CHAPTER 5 RP-RURAL PRESERVATION DISTRICT, SECTION 5.3 SPECIAL LAND USES

Insert to the List of Special Land Uses

Solar Farms permitted by special land use in the RP districts.

CHAPTER 6 RR-RURAL RESIDENTIAL DISTRICT, SECTION 6.3 SPECIAL LAND USES

Insert to the List of Special Land Uses

Solar Farms permitted by special land use in the RR districts.

CHAPTER 12 I-1-INDUSTRIAL DISTRICT, SECTION 12.3 SPECIAL LAND USES

Insert to the List of Special Land Uses

Solar Farms permitted by special land use in the I-1 districts.

CHAPTER 14 SITE PLAN REVIEW, SECTION 14.4 SITE PLAN REVIEW

Insert the following:

F. Solar Farm Special Use Site Plan Review Required

1. Solar farms shall be located only in the AG, RP, RR, or I-1 Districts, and shall be approved only as a special land use in accordance with the procedures set forth in Chapter 16, Special Land Uses. They shall be subject to review and approval under Chapter 14, Site Plan Review. In addition to the applicant procedures of Chapter 14, an applicant seeking approval for a solar farm shall also provide the following application materials:

    a. Site Plan: A site plan must include the proposed number, location and spacing of solar panels; proposed height of panels; location of access road roads; planned location of underground or overhead electric lines connecting the Farm to the substation or other electric load; proposed storm water management facilities; proposed erosion and sediment control measures; and other related facilities or appurtenances.

    b. Landowner Authorization: The applicant shall provide the following information with respect to the Site:

        i. A legal description of the Participating Property(ies) on which the Solar Farm will be located.

        ii. The name, address and phone number of the applicant, including the name of the authorized representative of the applicant, the owner of all equipment proposed to be installed, and the owner(s) of the Participating Property(ies).

        iii. Written authorization from the Participating Property owners to seek land use approval for the Solar Farm

        iv. A copy of the applicant's letter of intent with any Participating Property owner.

c. Liability Insurance: The applicant shall maintain a current general liability policy covering bodily injury and property damage with limits of at least $1 million per occurrence and $1 million in the aggregate, and provide proof that it meets the insurance requirement to the Zoning Administrator prior to approval.

d. Review Expenses: In addition to any application fees, an escrow fee may be requested by the Zoning Administrator, Planning Commission or County Board. The amount of the escrow fee shall be based on an estimate of the County's expenses, and shall be maintained or reestablished until all expenses have been paid in full. The applicant shall be entitled to a refund of any unused escrow foes and shall pay any balance due which exceeds the escrow fees.

e. Decommissioning Plan: The applicant shall submit a decommissioning plan that adheres to the requirements set out in Chapter 16, Section 16.7, Paragraph II, Subparagraph L.

CHAPTER 16 SPECIAL LAND USES, SECTION 16.7 SPECIFIC SPECIAL LAND USE STANDARDS

Insert the following to the list:

II. Solar Farm

Alphabetize accordingly

CHAPTER 16 SPECIAL LAND USES, SECTION 16.7 SPECIFIC SPECIAL LAND USE STANDARDS

Insert

II. Solar Farm

Purpose: Gratiot County promotes the effective and efficient use of solar energy collection systems. It is the intent of the County to permit these systems by regulating the siting, design, and installation of such systems to protect the public health, safety, and welfare, and to ensure compatibility of land uses in the vicinity of solar energy collectors, as defined in this Ordinance, shall comply with the provisions of this Section.

1. Such facilities are permitted by special land use in the AG, RP, RR, and I-1 Districts.

2. In addition to the applicable information required by Chapter 14, the site plan application shall include:

a. Identify the type, size, rated power output, performance, safety and noise characteristics of the proposed system including the transmission line/grid connection for the project.

b. The estimated construction timeline.

c. A graphical demonstration of the visual impact of the project using photos or renditions of the project with consideration given to setbacks and proposed landscaping.

d. Details of the access road to the solar farm including dimensions, composition and maintenance.

e. Planned security measures to prevent unauthorized trespass and access,

f. An environmental analysis identifying any impacts on the surrounding environment. Including the identification of any solid or hazardous waste generated by the project.

g. Identify potential hazards to adjacent properties, public roadways and to the general public that may be created. Include emergency and normal shutdown procedures.

h. Identify noise levels at the property lines of the project when completed and operational.

i. Identify any electromagnetic interference that may be generated by the project.

j. A copy of the manufacturer's installation instructions shall be provided. Included as part of or as an attachment to the installation instructions shall be standard drawings of the structural components of the solar farm, including base and footings provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the County Building Code; drawings and engineering calculations shall be certified by a registered engineer licensed to practice in the State of Michigan.

k. A detailed description of the complaint resolution process developed by the applicant to resolve complaints from nearby residents concerning the construction or operation of the solar farm. The process shall not preclude the County from acting on the complaint. During construction the applicant shall maintain and make available to nearby residents a telephone number where the project representative can be reached during normal business hours.

1. The solar farm application shall contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of project life, inoperability of the solar farm, or facility abandonment. Decommissioning shall include the removal of all structures, fencing and equipment, foundations, footings and debris to a depth of four (4) feet, as well as restoration of the soil and vegetation. The decommissioning including restoration shall be completed within one (1) year of the end of project life, inoperability of the solar farm or facility abandonment, at the owners or operators expense. Extensions may be granted upon written request to the Planning Commission prior to expiration of the one (1) year decommissioning period. The site shall be restored to as natural condition as possible within six (6) months of the removal. A site will be considered decommissioned when, after inspection and approval by the County, all structures and equipment are removed and the site is in natural condition. The Decommissioning Plan shall state (a) how the facility will be decommissioned, (b) the Professional Engineer's estimated cost of decommissioning, and (c) the financial resources to be used to accomplish decommissioning.

    1. The financial resources for decommissioning shall be in the form of a surety bond or letter of credit, which shall be deposited in an escrow account with an escrow agent acceptable to the County.

    2. The County shall have access to the escrow account funds for the express purpose of completing the decommissioning, if decommissioning is not completed by the applicant within one (1) year of the end of project life, inoperability of the solar farm, or facility abandonment, or upon expiration of any extension granted by the Planning Commission. Escrow funds may be used for administrative fees and costs associated with decommissioning.

    3. The County is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning as necessary.

    4. The County is also granted the right to seek and obtain injunctive relief to effect or complete decommissioning, as well as the right to collect reimbursement from applicant or applicant's successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess costs, and to take all steps allowed by law to enforce the lien.

3. All photovoltaic panels and support structures located in a solar farm shall be restricted to a maximum height of twenty (20) feet when oriented at maximum tilt.

4. All photovoltaic solar panels and support structures excluding perimeter fencing and landscaping associated with a solar farm shall be setback a minimum of fifty (50) feet from right-of-way and twenty-five (25) feet from adjacent property lines.

5. Solar farms are exempt from the maximum lot coverage requirements of the ordinance.

6. A security chain-link fence of eight (8) feet in height shall be placed around the perimeter of the solar farm and electrical equipment. Additionally, a sign shall be posted at the entrance containing the following information: emergency contact, emergency phone number, and emergency shutdown procedures.

7. Noise emanating from the solar farm shall not exceed 50 dB(A) (not calculated as an average) at the property line.

8. A ten (10) foot area clear of trees, bushes, or brush is required surrounding all ground-mounted photovoltaic arrays. Vegetation in the area must be kept trimmed to less than 18 inches.

9. Solar farms shall be sited so that concentrated solar glare shall not be directed toward or onto nearby properties or roadways at any time of day.

10. Solar farms shall include a landscaping and screening/buffering plan. The plan will be reviewed through the approval process to assure that the proposed solar farm is appropriately landscaped in relation to adjacent land uses and road right-of-ways. The use of berms and evergreen plantings along property lines adjacent to residential land uses is strongly encouraged. Exceptions to landscaping requirement may be granted by the planning commission on a case by case basis if there is perceived environmental or contamination issues on the land.

11. The solar farm shall comply with all applicable state construction and electrical codes including local building permit requirements. The interconnection of the solar farm with the utility company shall adhere to the State Electrical Code as adopted by the County.

12. An approved special use permit for a solar farm project shall expire if construction of the solar farm has not commenced within twenty-four (24) months from the date of issuance. An applicant may request an extension of the approval of the special use permit by letter addressed to the Zoning Administrator. The Zoning Administrator may grant or deny an extension of up to twenty-four (24) months for the construction to commence provided the written request to extend the special use

permit is submitted prior to the expiration of the special use permit and provided that the proposed use continues to satisfy the applicable standards set forth within the ordinance.

13. An approved special use permit for a solar farm shall constitute approval to operate and use the solar farm twenty-four (24) hours per day.

14. The County hereby reserves the right upon issuing any solar farm special land use permit to inspect the premises on which the solar farm is located. If a solar farm is not maintained in operational condition and poses a potential safety hazard, the owner shall take expeditious action to correct the situation.

Alphabetize accordingly.

This Amendment of the Gratiot County Zoning Ordinance shall become effective eight (8) days after the notice of adoption is published as required by the Michigan Zoning Enabling Act (PA 110 of 2006, as amended).

The motion was made by Commissioner Lambrecht, supported by Commissioner Smith. :

The motion carried 5-0.

George Bailey, Chairperson
Gratiot County Commission

Date signed 8.21.18

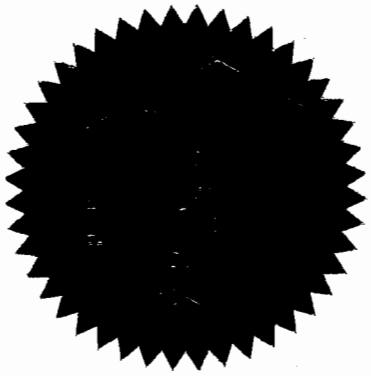
Angie Thompson,
Gratiot County Clerk

8-21-2018

Date signed

STATE OF MICHIGAN
COUNTY OF Gratiot

I do hereby certify that the above Amendment of the Gratiot County Zoning Ordinance is a true and correct copy of the Ordinance adopted by the Gratiot County Commissioners present on August 6, 2018.



Angie Thompson,
Gratiot County Clerk

CODE ANALYSIS

- **CREO standards, if adopted, would increase the distance from dwellings on non-participating properties to 300'**
- **Concerning the other PA233 Sec. 226(8)(a) standards, Gratiot County's ordinance exceeds state framework**
- **Decommissioning: Gratiot County's ordinance deviates on financial assurance timing, the amount, & scope**
- **PA233 mandates a rigorous process: public outreach, environmental impact review, stormwater review, emergency planning, & agency coordination**

PA 233 Requirement	Section 226(8)(a) Standard	Gratiot County Ordinance	Gratiot Co. CREO Compliant?
Setback from Occupied Buildings/ Dwellings	300 ft. from nearest point on outer wall of occupied community buildings and dwellings on nonparticipating properties	No specific 300 ft. setback from occupied buildings/dwellings on nonparticipating properties identified	**No — Does not address**
Setback from Public Road ROW	50 ft. from nearest edge of public road right-of-way	50 ft. from right-of-way (Ch. 16.7, § II.4)	Yes — Matches PA 233
Setback from Non-participating Property Lines	50 ft. from nearest shared property line of nonparticipating parties	25 ft. from adjacent property lines (Ch. 16.7, § II.4)	Yes — Less restrictive than PA 233
Fencing	Complies with latest version of the National Electric Code (NEC)	Mandatory 8 ft. chain-link fence around perimeter with signage (Ch. 16.7, § II.6)	**No — More Restrictive (prescriptive mandate beyond NEC compliance)**
Maximum Panel Height	25 ft. above ground when arrays are at full tilt	20 ft. maximum at maximum tilt (Ch. 16.7, § II.3)	**No — More Restrictive**
Sound/Noise	55 dB(A) average hourly, measured at outer wall of nearest dwelling on adjacent nonparticipating property (A-weighted, per ANSI)	50 dB(A) (not averaged) at the property line (Ch. 16.7, § II.7)	**No — More Restrictive (lower threshold; measured at property line, not dwelling)**
Lighting	Dark sky-friendly lighting solutions	No specific dark sky-friendly lighting requirement identified	**No — Does not address**
Zoning District Limitations	No zoning district limitations on where solar may be sited	Permitted only by special land use in AG, RP, RR, and I-1 Districts (Ch. 16.7, § II.1)	**No — More Restrictive (limits to specific districts)**

GRATIOT COUNTY
BOARD OF COMMISSIONERS

Dave Owens, Chairperson, District 1
Timothy Gay, District 3
George Bailey, District 5

Janice Bunting, Vice Chairperson, District 2
Steve Sopocy, District 4

August 11, 2026

Mr. Eric Wedesky, Senior Project Developer
ibV Energy Partners, LLC
8604 Turtle Creek Boulevard
P.O. Box 25329
Dallas, TX 75225

RE: Honeyoey Creek, LLC Solar Energy Project
Sent via Certified US Mail and Email to eric.wedesky@ibvenergy.com

Dear Mr. Wedesky:

The Gratiot County Board of Commissioners met in special session on August 11, 2026, to consider whether requirements for solar energy systems and solar farms for Gratiot County-zoned townships, including Sumner Township, are consistent with the definition of "compatible renewable energy ordinance" as presented in the Michigan Clean and Renewable Energy and Energy Waste Reduction Act (Public Act 233 of 2023).

After deliberation, the Board concurred with your finding of four instances where renewable energy provisions of the Gratiot County Zoning Ordinance are in fact more restrictive than the provisions included in section 226(8) of the Act. Therefore, the Ordinance does not conform with the definition of a "compatible renewable energy ordinance" as cited in the Act. This notice is issued in compliance with section 223(3) of the Act.

Respectfully,

Dave Owens, Chairperson
Gratiot County Board of Commissioners