

**INGHAM TOWNSHIP  
INGHAM COUNTY, MICHIGAN**

**ORDINANCE NO. \_\_\_\_\_**

**ORDINANCE AMENDING THE INGHAM TOWNSHIP ZONING ORDINANCE TO  
REGULATE ENERGY STORAGE FACILITIES**

At a regular meeting of the Township Board of Ingham Township, Ingham County, Michigan, held at the Ingham Township Hall on \_\_\_\_\_, 2024, at \_\_\_\_\_ p.m., Township Board Member \_\_\_\_\_ moved to adopt the following Ordinance, which motion was seconded by Township Board Member \_\_\_\_\_.

*An Ordinance to amend the Ingham Township Zoning Ordinance to define and regulate the development and use of Energy Storage Facilities in the Township.*

**THE TOWNSHIP OF INGHAM ORDAINS:**

**SECTION 1. AMENDMENT TO ARTICLE TWO, SECTION 202 OF THE ZONING ORDINANCE.** Section 202 of the Ingham Township Zoning Ordinance (the “Township Zoning Ordinance”) shall be amended to add the following definitions:

1. **Abandoned Energy Storage Facility.** Any energy storage facility that remains nonfunctional or inoperative to the extent that it is not used to absorb, store, or discharge energy for a period of 18 months will be considered abandoned and subject to abandonment and decommissioning provisions.
2. **Dark Sky-Friendly Lighting Technology.** A light fixture that is designed to minimize the amount of light that escapes upward into the sky.
3. **Energy Storage Facility.** A system that absorbs, stores, and discharges electricity (e.g., using batteries) generally to be transmitted to off-site customers.

**SECTION 2. AMENDMENT TO ARTICLE THREE, SECTION 313(C):** The Township Zoning Ordinance, Article 3, Section 313 Wind Energy Overlay District, subsection (C) is amended to allow Energy Storage Facilities by special use permit. The following shall be added to subsection 313(C) as subpart 3:

3. Energy Storage Facility

**SECTION 3. AMENDMENT TO ARTICLE THREE, SECTION 314(C):** The Township Zoning Ordinance, Article 3, Section 314 Solar Energy Overlay District, subsection (C) is amended to allow Energy Storage Facilities by special use permit. The following shall be added to subsection 314(C) as subpart 2:

2. Energy Storage Facility

**SECTION 4. AMENDMENT TO ARTICLE FIVE TO ADD SECTION 511 ENERGY STORAGE FACILITIES:** The Township Zoning Ordinance, Article 5 shall be amended to add Section 511 that states as follows:

**Section 511 Energy Storage Facilities:**

**A. Intent & Purpose.**

The purpose of this Section is to promote the effective and efficient use of energy storage facilities. It is the intent of the Township to permit these systems by regulating their siting, design, and installation to protect the public health, safety, and welfare, and to ensure their compatibility with adjacent land uses. Energy storage facilities, as defined in this Ordinance, shall comply with the provisions of this section and are only permitted as authorized by this section.

**B. Permitting.**

1. Energy storage facilities shall be authorized as special uses in the AG Agricultural Enterprise district.
2. Energy storage facilities are subject to the general requirements for special use permitting and approval under Article 5 of this Zoning Ordinance in addition to the regulations in this Section.

**C. Additional Application Requirements for Utility-Scale Energy Storage Facilities.**

1. All applications for energy storage facilities must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information, in addition to the information required for other special use permits:
  - i. Site Plan. A site plan.
  - ii. Contact Information. The complete name, address, and telephone number of the applicant.
  - iii. Description. A description of the energy storage facility, including:
    1. The location and a description of the energy storage facility.
    2. A description of the anticipated effects of the energy storage facility on the natural environment, natural resources, and solid waste disposal capacity, which may include records of consultation with relevant state, tribal, and federal agencies.
    3. A description of the expected use of the energy storage facility.
    4. Additional information required by the Township as it relates to the site plan.

- iv. Public Benefits. Expected public benefits of the proposed energy storage facility.
- v. Environment Impacts. The expected direct impacts of the proposed energy storage facility on the environment and natural resources and how the applicant intends to address and mitigate these impacts.
- vi. Public Health and Safety. Information on the effects of the proposed energy storage facility on public health and safety.
- vii. Agency Consultation. Evidence of consultation, before submission of the application, with the Department of Environment, Great Lakes, and Energy and other relevant state and federal agencies before submitting the application, including, but not limited to, the Department of Natural Resources and the Department of Agriculture and Rural Development.
- viii. Alternative Sites. If the proposed site of the energy storage facility is undeveloped land, a description of feasible alternative developed locations, including, but not limited to, vacant industrial property and brownfields, and an explanation of why they were not chosen.
- ix. Agricultural Impact. Each applicant must commission and submit a study at their own expense, on the impacts of the energy storage facility on prime farmland with the Township, including whether such a facility will result in the conversion of any prime farmland, whether such land may be simultaneously used for animal grazing and/or farming in addition to housing the facility, the availability of other prime farmland to support the Township's farms and the economic impact of conversion of such prime farmland on the Township. Such study shall indicate how: (1) an applicant selected the project location and layout in a manner that minimizes impacts to prime farmland and utilizes project lands for, if applicable, continued agricultural activities; and (2) how project restoration and decommissioning plans enable project lands that were prime farmland or used for agricultural purposes to still be prime farmland or suitable for agricultural purposes. Applicants shall ensure that any facility sited on lands used for agricultural purposes or prime farmland can be maintained and returned to a state to continue to be used for agricultural purposes after project decommissioning and all costs associated with such maintenance and restoration of lands back to a state suitable to continue agricultural purposes or to still be considered prime farmland is included in any decommissioning security submitted to the Township.
- x. Interference. If the energy storage facility is reasonably expected to have an impact on television signals, microwave signals, agricultural global position systems, military defense radar, radio reception, or weather and doppler radio, a plan to minimize and mitigate that impact.

- xi. Stormwater. A stormwater assessment and a plan that will require approval by the Ingham County Drain Commissioner to minimize, mitigate, and repair any drainage impacts at the expense of the applicant. All stormwater assessment and plans must include content on how an applicant will take measures to either not disturb and maintain existing private drainage infrastructure including drain tile, or will upon decommissioning repair such private drainage infrastructure to allow lands to continue to be suitable for agricultural use, if applicable.
- xii. Emergency and Fire Response. An emergency response plan addressing how emergency services providers (EMS, fire, and law enforcement) can respond to emergencies that could occur on a facility. Applicants shall demonstrate how their emergency response plan is consistent with industry practices and standards for similar facilities including compliance with NFPA 855: “Standard for the Installation of Stationary Energy Storage Systems” or successor standard. The emergency response plan shall also be provided by the applicant to Township emergency medical services, fire protection, and law enforcement providers for an opportunity to comment, and comments from the providers above must be submitted to the Township for review. Should an emergency response plan identify any necessary resources or training not possessed by a Township emergency services provider, the applicant must identify how it will provide such resources or training to the applicable provider.
- xiii. Decommissioning Plan. A decommissioning plan drafted by a professional engineer that is consistent with the requirements of this Ordinance. The decommissioning plan shall include, but is not limited to, financial assurance in the form of a bond, a parent company guarantee, or an irrevocable letter of credit, but excluding cash. The amount of the financial assurance shall not be less than the estimated cost of decommissioning the energy storage facility, without deducting salvage value, as calculated by a third party with expertise in decommissioning, hired by the applicant. Moreover, an applicant for an energy storage facility, prior to construction, must enter into a decommissioning agreement with the Township specifying the obligations of decommissioning and notes that: (1) such decommissioning must be assigned to any future owner or operator of the energy storage facility; and (2) the Township will have land rights to perform decommissioning itself with a posted financial assurance should it need to decommission a project. Applicants shall enter into a decommissioning agreement with the Township in a form acceptable to the Township Board to govern the use of the financial assurance. The decommissioning agreement must specify: (1) the anticipated life of the project before decommissioning; (2) how the Township will receive land access rights to decommission a project should it be required to

decommission the project; and (3) periodic updates to the financial assurance in five year periods to increase the amount of the financial assurance.

- xiv. Construction Schedule. An anticipated construction commencement date and anticipated completion date for project construction.
- xv. Application Escrow. An escrow account shall be funded by an applicant when an applicant applies for a special use permit for an energy storage facility. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with the zoning review and approval process (including site plan review), which costs include, but are not limited to, reasonable fees of a Township attorney, planner, and/or engineer, as well as costs for any other outside consultants or reports or studies that the Township determines are reasonably related to the zoning review process for a particular application. Such escrow amount shall be in addition to any non-refundable application fees determined by the Township. At any point during the zoning review process, the Township may require that the applicant place additional monies in escrow with the Township should the existing escrow amount filed by the applicant be insufficient. If the escrow account needs replenishing and the applicant refuses to do so within 45 days, the zoning review and approval process shall cease until and unless the applicant makes the required escrow deposit. Such application escrow shall be held by the Township Treasurer in a separate bank account, and upon completion of Township zoning review, all excess escrow funds must be returned to an applicant without interest.
- xvi. Sound. A document indicating anticipated sound generated by the energy storage facility and that demonstrates how the proposed project will meet sound requirements.
- xvii. Material Safety Data Sheets and Manufacturer's Manuals. Upon submission of an application, an applicant must provide all material safety data sheets and manufacturer's instructions/manuals for substantive project components (e.g., batteries) for Township review and inspection. Should any of the above information be considered confidential or a trade secret, the applicant shall indicate a process to allow inspection of such materials upon request by the Township while at the same time protecting disclosure of the documents to the extent permitted by Michigan public record statutes.
- xviii. Community Impacts Analysis. A study that identifies all impacts of a proposed project on community resources and services, including, but not limited to, roads, fire protection (including any necessary training or equipment), police protection, emergency medical services, and public drainage systems including culverts. Applicants shall demonstrate in an

application for an energy storage facility, how they will ensure impacts from a proposed project on community resources and services will be addressed by the applicant and not be borne on the Township.

xix. Other information reasonably required by the Township.

**D. Energy Storage Facility Performance Standards and Obligations.** Energy storage facilities shall meet the following performance standards and obligations.

1. **Setbacks.** Energy storage facilities shall be subject to the following setback requirements, which shall be measured from required fencing. No setbacks shall apply between participating properties hosting the same project. Further, nothing in this ordinance, prohibits: (1) the erection of a structure or structures in these setbacks if the structure or structures is/are not used in the operation of the utility-scale solar energy system and authorized by the Zoning Ordinance; and (2) prohibits the placement of underground electrical collection lines or necessary drainage infrastructure within required setback areas should such collection lines or drainage infrastructure be of sufficient space from non-participating properties to allow maintenance, repair, and removal of lines or infrastructure (e.g., during decommissioning) to entirely occur on participating properties and not result in any spoils being stored on or other activities occurring on non-participating properties.

Setback Description	Setback Distance
Buildings commonly occupied and used by humans (e.g., dwellings, churches, places of business).	500 feet.
Public road right-of-way.	100 feet measured from the nearest edge of a public road right-of-way.
Property lines.	250 feet.

2. **Installation.** The energy storage facility shall comply with the version of NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems” in effect at the time of this amendment or any applicable successor standard as reasonable and consistent with the purposes of this subdivision.
3. **Liability Insurance.** The owner or operator of any energy storage facility shall maintain a current insurance policy with insured amount to be acceptable for the Township to cover installation and operation of the project and name the Township including its officers, agents, and employees as an additional insured. The amount of the policy shall be established as a condition of special use permit approval.

4. **Noise.** No utility-scale solar energy systems shall cause noise in excess of forty-five (45) dBA (using Leq-10 minute or other acceptable scale to the Township, but not Lmax) as measured at the property line of a non-participating parcel. Applicants must provide a pre-construction and post-construction sound study to the Township demonstrating compliance with this standard.
5. **Lighting and Security Plan.** The energy storage facility shall implement dark sky-friendly lighting solutions and shall have a security plan to limit unauthorized access.
6. **Fencing.**
  - i. Fencing for the energy storage facility shall comply with the latest version of the National Electric Code or any applicable successor standard approved by the Planning Commission as reasonable and consistent with the purposes of this subsection. Areas that host visible energy storage facility components shall be completely enclosed by a perimeter security fence to restrict unauthorized access. Such fencing perimeter and the fencing must utilize fabric screening or other acceptable methods to the Township to screen the energy storage facility from visibility.
7. **Screening.** An energy storage facility shall be completely enclosed by perimeter security fencing to restrict unauthorized access.
  - i. Unless screened and buffered at all times by natural forest vegetation meeting the minimum spacing and height requirements and having a substantially similar obscuring effect of an evergreen vegetative buffer installed pursuant to this section, a continuous evergreen vegetative buffer shall be installed and maintained at all times at the perimeter of the energy storage facility and adjacent residential or agricultural areas and/or public highways or streets. Nothing contained herein shall be construed to prevent reasonable access to the energy storage facility as approved by the special use permit.
  - ii. The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be a minimum of four feet in height and shrubs two feet in height. The evergreen trees shall be spaced no more than 15 feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than 30 feet apart on center and shrubs shall be spaced no more than seven feet apart on center. All unhealthy (60% dead or greater) and dead material shall be replaced by the applicant within six months, or the next appropriate planting period, whichever occurs first, but under no circumstances should the applicant allow unhealthy or dead material to remain in place for more than six consecutive months. Failure to maintain the required evergreen vegetative buffer as required by this section shall constitute a violation of

this Ordinance and sufficient grounds for revocation of any special use permit previously granted.

- iii. All plant materials shall be installed between March 15 and November 15. If the applicant is unable to plant during the installation period, the applicant will provide the Township with a letter of credit, surety, or corporate guarantee for an amount equal to 1.5 times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee.
- iv. The Township may waive any and all screening requirements should it determine screening may not be necessary such as neighboring lands being vacant or should an applicant prepare plans for alternative screening that is sufficient to screen the property from neighboring land uses.

#### **8. Complaint Resolution.**

- i. From construction until project decommissioning, an owner or operator of an energy storage facility must maintain a complaint resolution process that includes a publicly available permanent phone number and contact information for residents to make complaints regarding the project related to violations of the Zoning Ordinance or any zoning approvals. Such process must include a form available to the public to submit complaints which shall also be made available online and be provided to the Township for distribution to residents. An energy storage facility owner or operator shall acknowledge receipt of such complaints within five (5) business days and shall resolve complaints within 30 days unless impractical in which case the owner or operator must notify the Township and complainant of an estimated timeframe to resolve the complaint. The complaint resolution process may not require a complainant or the Township to post a monetary deposit or otherwise pay for the owner or operator to resolve or investigate a complaint. The energy storage facility owner or operator must notify the Township of any received complaints and resolutions to complaints on a monthly or bi-monthly basis.

#### **9. Inspection.**

- i. The Township shall have the right to inspect an energy storage facility for consistency with the requirements of the Zoning Ordinance and all zoning approvals. The owner or operator shall provide the Township and any of its officials, employees, or retained consultants access to the project for such inspections, but may accompany the Township on such inspections and require individuals inspecting the project to adhere to required safety protocols. The Township shall give reasonable advance notice of an inspection, which in no case shall be less than three (3) business days.



**10. Project Appearance and Good Repair.**

- i. Until project decommissioning, the owner and operator must maintain the energy storage facility and its components in good repair. The fenced area and the area immediately surrounding the project shall be kept free of refuse, waste, and debris, and shall be neat, clean, and free of unsightly/unkept, hazardous, or unsanitary conditions.

**11. Abandonment or Decommissioning.**

- i. Any energy storage facility which has reached the end of its useful life or has been abandoned consistent with this section of the Zoning Ordinance shall be removed and parcel owners shall be required to restore the site to its original condition. The owner/operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner/operator shall notify the Township and the Planning Commission by certified mail of the proposed date of discontinued operations and plans for removal.
- ii. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the energy storage facility shall be considered abandoned when it remains nonfunctional or inoperative to the extent that it is not used to generate electric energy for a continuous period of 18 months. If the owner/operator fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment, the Township is permitted to enter the property and physically remove the installation at the owner's expense.
- iii. Decommissioning shall consist of:
  - 1. Physical removal of all structures, equipment, security barriers, concrete, and transmission lines (including underground lines) from the site. Underground components shall be removed to four feet from the site.
  - 2. Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations.
  - 3. Stabilization or re-vegetation of the site as necessary to minimize erosion and to return the site to a substantially similar condition compared to after development of an energy storage facility.

- 12. Compliance.** All energy storage facilities shall comply with all applicable local, state, and federal laws and regulations including obtaining any required permits.

**SECTION 4. SEVERABILITY:** The provisions of this Ordinance are declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

**SECTION 5. REPEAL AND FORM:** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed. Further, the Township may use the content of this Ordinance and compile/insert it into the existing Ingham Township Zoning Ordinance document including making any technical provision numbering or clerical revisions as necessary for the compilation. See MCL 41.186 (ability of Township to codify its ordinances).

**SECTION 6. EFFECTIVE DATE:** This Ordinance shall take effect seven days after publication of a notice of adoption of this Ordinance, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, this Ordinance will take effect in accordance with MCL 125.3402.

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ORDINANCE DECLARED ADOPTED.

\_\_\_\_\_  
Bruce Harris, Township Supervisor

**CERTIFICATION**

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Ingham Township Board at a duly scheduled and noticed meeting of that Township Board held on \_\_\_\_\_, 2024, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the \_\_\_\_\_ newspaper, a newspaper that circulates within Ingham Township, on \_\_\_\_\_, 2024.
3. Within one week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the township board voting, and how each member voted.
4. I filed an attested copy of the above Ordinance with the Ingham County Clerk on \_\_\_\_\_, 2024.

ATTESTED:

\_\_\_\_\_  
Kathy LaGrow, Township Clerk