

**BOYNE VALLEY TOWNSHIP
RECREATION BOARD AND
PLANNING COMMISSION**

Minutes

October 7, 2019

Mark Felton called to Order Joint meeting of Recreation Board and Planning Commission at 7:00 pm

Roll Call: Vickie Skop, Joann Gibes, Anne Mills, Mark Felton, Mike Skop, Lenore Senter, Laurie Hodack, Marie Kelenske

Absent: Bill Aten and Eric Franckowiak

Also Present: Sue Hobbs Zoning Administrator and Rick Deuell

Approval of Minutes:

Recreation Board of August 14, 2019: Motion by Vickie Skop to approve the minutes as written second by Anne Mills. Motion approved

Planning Commission of August 5, 2019: Motion by Mark Felton to approve the minutes as written second by Mike Skop. Motion approved.

Mark Felton Opened Public meeting at 7:05 pm to review and discuss the changes to the Recreation Plan with Rick Deuell

There have been a few changes in the recreation plan page 1-1 a change in population according the Census Bureau the estimated population is 1,295 for the people in Boyne Valley Township. Section two page 2-2 the Village of Boyne Falls has submitted their recreation plan which will be added in final draft. Status Report Boyne Valley Township has received Trust Fund grants and recreation grants etc. page 2-3 **Public Input:** recreation committee has held two public meetings during the plan update. The meetings were held on August

14, 2019 and October 7, 2019. In addition, Boyne Valley township and the Village of Boyne Falls held public hearings.

Adoption Process: Boyne Valley Township held a public hearing on December 9, 2019 ____ attended the meeting. The Village of Boyne Falls held a public hearing on December 10, 2019 ____ attended the meeting. Copies of the public hearing minutes are included in appendix A.

Recreation Plan adoption Resolutions - Appendix A.

Recreation Plan Certification - Appendix B.

Section 3 Recreation Inventory Table 3-1 Size will be filled in by Mr. Deuell. Table 3-2 need to add old Boyne Falls School playground property to be upgraded.

Table 3-3 add the Boyne Valley Trailway to be completed by June 2020.

Page 3-5 Need to add Concord School to map and delete Aten Place. Add gravel parking on Cherry Hill Rd and bathroom facility at the Village Park on corner of M-75 and US 131.

Section 4: Planning and Public Input Process

Planning Process add: A recreation committee with representation from the Township, the Village and the local schools guided the planning process. The Recreation Committee worked with a consultant to prepare this plan during a series of meetings open to the public.

The draft plan sections of the plan were discussed and revised during public meeting held on August 10 and October 7, 2019. The preliminary draft plan was posted on the Township website and made available at the Township Hall. Boyne Valley Township held a public hearing on December 9, 2019 The Village of Boyne Falls held a public hearing on December 10, 2019. A legal notice in the Petoskey News Review as well as the posting of flyers and web posting announced the availability of the draft plan. Minutes from the public meetings are included in Appendix A and public hearing minutes are included in Appendix B

Section 5: Recreation Goal and Objectives: Need to add Property located on M-75 S and US 131 and the Old Boyne Falls Public School playground property located on First Street.

Page 5-2 Goal: need to add develop canoe/kayak launches on the Boyne River to support the establishment of a water trail from Boyne Falls to Boyne City.

Dredge the Mill Pond to improve the fishery and enhance recreational uses.
Construct a handicap fishing platform on the Mill Pond (ADA Compliant)
Develop the river parcel at the intersection of US 131 and M-75. Amenities would include improvements such as canoe launch, benches, picnic tables and foot bridge below the falls.

Page 5-3 Develop pickleball courts.

Section 6: Action Program: Years to be determined for completion of pickleball courts, improvements on basketball court, upgrade playground equipment security lighting at basketball court, and Park property on M-75 and US 131

Page 6-2: Rationale for planned Mill Pond Park Improvements add recent failure of the small dam upstream from the Mill Pond added considerable sediments to the pond. In order to improve the fishery and enhance recreational uses, the pond needs to be dredged.

Page 6-3: Add Develop a water trail on the Boyne River between Boyne Falls and Boyne City. This will require developing canoe launch sites at the Boyne Falls and Dam Road. Possible grants from DNR and foundations.

Page 6-4: Add: The non-motorized trail between Boyne City and Boyne Falls will provide safe non-motorized routes to the local schools, connect to local services and employment in communities, as well as promote a healthy lifestyle. A safe crossing for US 131 will be needed, possibly with a pedestrian activated light. The non-motorized routes are planned to provide connecting routes between trails, downtown areas, schools, recreation facilities, parks and places of interest.

Rationale for Other Trails and Pathways:

Add: Interest in quiet water sports such as canoeing and kayaking has been increasing in recent years. Water Trails have been established along the Great Lake Coastline and on many major rivers in Michigan. The Boyne River from Dam Road downstream to Boyne City currently has some use. The river is navigable from Boyne Falls to Dam road but has very limited use due to trees in the river and portage around the power dam. Canoe launch sites, clearing of river obstruction, and in improved portage around the dam would be needed to develop the water trail. The parallel bike and water trails sets the opportunity for a combined paddle and pedal tour of the Boyne River corridor.

A suggestion was made to have the Boyne Falls School students name the proposed park on US 131 and M-75.

Motion by Lenore Senter that the Boyne Valley Recreation Committee will transmit the draft 2020-2024 Boyne Valley Recreation Plan to the Boyne Valley Township Board and Village of Boyne Falls Council and recommends adoption of the plan update. Motion seconded by Mike Skop. Motion passed

Motion by Senter to close public hearing Second by Kelenske Motion carried. Public Hearing closed at 8:00 pm.

New Business

Accessory Building: Pole Building in front yard. Tabled until November meeting need to look at 2005 ordinance to see if this was lost in the new ordinance.

Zoning Administrator Report

Hobbs reported that the Bike trail is started and will be completed in June of 2020. There will be a ribbon cutting soon.

Old Business:

Reviewed the recommendation of the Charlevoix County Planning Commission on the Simon property in M-75. Property number 15-002-006-008-10 The Boyne Valley Commission does not consider this being spot zoning. The property as C-1 will stay as approved Motion passed

Adjourment

Motion by Felton to adjourn seconded by Skop. Motion passed
Meeting adjourned at 8:30 pm

Next meeting will be November 4th

Respectfully submitted by:

Marie Kelenske, Secretary

BOYNE VALLEY TOWNSHIP
PLANNING COMMISSION MINUTES

August 5, 2019

Call to order: Meeting called to order at 7:00 pm by Mark Felton

Roll Call: Mark Felton, Mike Skop, Laurie Hodack and Marie Kelenske

Absent: Lenore Senter

Also, present: Zoning Administrator Sue Hobbs, David Matelski, Matt Simon, and Brean Hoese

Approval of Minutes: Motion by Felton to approve the July 1, 2019 minutes as written seconded by Hodack. Motion carried

New Business: Rezone request from Matt Simon - DBA - Timber North Vacation Management Parcel 15-002-006-008-10 from R-1 to C-1

Open Public Hearing by Felton at 7:05 pm

Brean Hoese asked if the property was going to be turned into a laundromat? This property will not be turned into a laundromat.

Mr. Simon indicated that there will be no commercial activity at the building on M-75 S. Most rentals have a keyless code and the only activity would be to pick up towels or sheets and cleaning supplies for the rentals. Most of the rentals have washer and dryer in house so laundry is done at the residences. In the future there maybe a request for a pole building to house about 3-4 washers and dryers and extra supplies. The building would be about 30 X 50 and possibly request this in 1 -2 years. At the present time there are about 21 rental properties and would like to increase to 25 -30. Mr. Skop said this fits into our Master Plan of having the M-75 corridor become commercial.

Motion by Skop to rezone the property from R-1 to Resort Mixed Use on property 15-002-006-008-10 seconded by Hodack as requested by Matt Simon. Motion carried.

Following discussion Felton made a motion to close the public hearing second by Skop. Public hearing closed at 7:20 pm.

Zoning Administrator Report:

Dollar General is working with Kullik Family about the property on Thumb Lake and 131 S for a possible location of a new store. Recreation Board is having a meeting on August 14th to review the Rec Plan and updating the plan. Please think about any ideas that you have. We will be updating our Master Plan in the near future.

A suggestion for the Recreation Plan is to update the playground equipment behind the library, and also to think of a place to have a pickle ball court. Pickle Ball is the fastest growing sport in the states.

There is also a suggestion of enclosing the drive thru portion of the Township Hall and turning it into a museum. It would be opened when the office is open. Not sure if there is enough room to have one.

Dave Matelski requested the Township to think about contacting the DEQ to see if they would dredge the Mill Pond. Sue to contact the Tip of the Mitt Water Shed or DEQ.

Motion by Felton seconded by Hodack to adjourn meeting. Motion passed.

Meeting adjourned 7:30 pm

Next meeting will be held on September 3, 2019

Respectfully submitted by:

Marie Kelenske, Secretary

BOYNE VALLEY TOWNSHIP
PLANNING COMMISSION MINUTES

July 1, 2019

Call to order: Lenore Senter called the meeting to order at 7:00 p.m.

Roll Call: Lenore Senter, Mike Skop, Mark Felton, Laurie Hodack and Marie Kelenske

Absent:

Also present: Zoning Administrator Sue Hobbs, and Matt Simon

Approval of Minutes: Motion by Skop to approve the June 3, 2019 minutes as written seconded by Hodack. Motion carried

New Business: Matt Simon is interested in purchasing Norman Bearss property on M-75 property number 15-002-006-008-10 and converting it to a business for cleaning resort rentals.

The building would be used for housing cleaning supplies and place to pick up keys to the rentals. This will not be used for retail. Possibility of adding a pole building to house a laundry facility. Asking to change zoning from R-1 Single Family Residential to C-1 Resort commercial.

Zoning Administrator Report:

Lynn working with auditor from Traverse City on the ambulance issue. Bid opening for the trail will be August 9, 2019. OHM has put in a notice for cement work for bike trail on the DNR website. Rick Deuell will be hired to work on updating the Recreation Plan and Master Plan.

Old Business:

Solar Panel update: Cypress Creek is not ready to present a site plan for the Matelski property. They have not secured a contract with Consumers Power as of this date.

There will be a Zoning Board of Appeals meeting on July 24th at 7:00 pm for a request of a variance on lot line requested by Stacey McGeorge.

Motion by Skop seconded by Hodack to adjourn meeting. Motion passed.

Meeting adjourned 8:15 pm

Next meeting will be held on August 5, 2019

Respectfully submitted by:

Marie Kelenske, Secretary

BOYNE VALLEY TOWNSHIP
PLANNING COMMISSION MINUTES

June 3, 2019

Call to order: Lenore Senter called the meeting to order at 7:10 p.m.

Roll Call: Lenore Senter, Mike Skop, Laurie Hodack and Marie Kelenske

Absent: Mark Felton

Also present: Zoning Administrator/Supervisor Sue Hobbs, David Matelski and Lawrence Price

Approval of Minutes: Motion by Skop to approve the May 6, 2019 minutes as written seconded by Senter. Motion carried

New Business: Solar Energy Systems Ordinance

Open Public Hearing by Senter at 7:15 pm

There were no public comments.

Following discussion Senter made a motion to close the public hearing second by Skop. Public hearing closed at 7:25 pm.

Motion by Skop to approve Solar Energy Ordinance seconded by Hodack also recommended to present to Township Board at the June 10th meeting for their consideration. Motion Passed.

Zoning Administrator Report:

Bike Trail unsure when it will begin. Will contact OHM to see when bids will be going out. Met with the engineer for the bike trail on parking spots at the Dam Road Park the spaces were extended, and access was made available for future parking. Grants were obtained totaling \$42,000 for cement work. Cement work will be done for the handicap by the restroom, so the pumper doesn't destroy the black top.

Boyne Mountain entrance on M 75 to Soccer and Lacrosse fields needs to be updated along with the bathroom facilities, also the pond needs to be completed. Hobbs to contact Ed Grice from Boyne Mountain to see when the updates will be completed.

Phil Lewin will be planting trees and two more storage buildings are being constructed on Deer Lake Road.

Old Business:

Lynn working with auditor from Traverse City on the ambulance issue.

Motion by Skop seconded by Hodack to adjourn meeting. Motion passed.

Meeting adjourned 8:00 pm

Next meeting will be held on July 1, 2019

Respectfully submitted by:

Marie Kelenske, Secretary

BOYNE VALLEY TOWNSHIP
PLANNING COMMISSION MINUTES

May 6, 2019

Call to order: Mark Felton called the meeting to order at 7:00 p.m.

Roll Call: Lenore Senter, Mark Felton, Mike Skop, and Marie Kelenske

Absent: Laurie Hodack

Also present: Zoning Administrator/Supervisor Sue Hobbs, David Matelski, Geneva Towne and Patricia West

Approval of Minutes: Motion by Skop to approve the April 8, 2019 minutes as written seconded by Felton. Motion carried

New Business: Solar Energy Panels (attached is the proposed zoning ordinance)

A revised ordinance to amend the Boyne Valley Township Zoning Ordinance to implement regulation regarding solar energy systems was presented to the Board. Mike Skop worked with Bryan Graham on new verbiage on the following items: page 5 item 1 In addition to the data requirements etc. and c Waste: Identify any solid or hazardous waste etc. Also, changes were presented for page 8 item 2 in addition to standards for site plan approval contained in Section 5:05 and the general standards for special use permit approval contained in Section 6:03, an application for commercial ground-mounted SES shall comply with all the following standards. Item e if hazardous waste etc. and f All stormwater runoff for the property etc. Changes were also noted on page 10 item p. Any commercial ground-mounted SES that is not operated for a continuous period of twelve (12) month etc. continued on page 11. Another change was on page 7 last sentence of k. Solar panels are not considered an impervious surface. Remove not.

Senter made the motion to recommend the approval of the amended Ordinance seconded by Skop.

Roll call vote:

Senter Yes

Skop Yes

Kelenske Yes

Felton yes

Hodack absent

Motion passed.

The new ordinance will be sent to Charlevoix County Planning Commission for their approval. Their meeting is being held on June 6th.

Mr. Skop reported on the progress of Church Street hill he is working on a grant to pave the hill to the township line it will be up to the township to pave the top of the hill. Should hear from MDot by Thursday, May 9th about the issuing of the grant. As soon as the grant is awarded bids will be going out for the work to be completed.

Zoning Administrator Report – Hobbs reported she has been taking pictures of the property on Thumb Lake Rd owned by William Fitzpatrick on the business that he is running and of Eckers property on Thumb Lake Rd the large number of items on a small lot. Both properties are a mess and are not up to township standards.

A drawing for the parking at the Township Park was presented to the board but Mr. Skop had some changes that should be done before the parking is completed. There should be an area for bike drop off and parking. Grants have been obtained in the amount of \$42,000 for cement work to be completed on walk way to restroom and a walk way for the picnic area. As soon as we can get the plans finalized the bids will be going out for the work to be completed.

Motion by Felton seconded by Senter to adjourn meeting. Motion passed.

Meeting adjourned 8:30 pm

Next meeting will be held on June 3, 2019

Respectfully submitted by:

Marie Kelenske, Secretary

BOYNE VALLEY TOWNSHIP

Ordinance No. ____ of 2019

**AN ORDINANCE TO AMEND THE BOYNE VALLEY TOWNSHIP
ZONING ORDINANCE TO IMPLEMENT REGULATION REGARDING
SOLAR ENERGY SYSTEMS**

THE TOWNSHIP OF BOYNE VALLEY HEREBY ORDAINS:

Section 1. Amendment of Section 2.02.

Section 2.02 of the Boyne Valley Township Zoning Ordinance is hereby amended to add the following definitions in their appropriate alphabetical locations, which definitions shall read in their entirety as follows:

Photovoltaic (PV) Systems – A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells that generate electricity whenever light strikes them.

Solar Energy Systems (SES) – Any equipment and accessory buildings and structures necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation and distributed. Solar energy systems consist primarily of solar thermal, photovoltaic and concentrated solar but may include other various experimental solar technologies.

Commercial SES – Any solar energy system that is designed and built primarily to provide electrical energy for off-site use by any person or entity or for the wholesale or retail sale of that electrical energy to the electric utility's power grid. A commercial SES is a principal use of property and may occupy the same property as another principal use.

Commercial Ground-Mounted SES – Any commercial SES that is directly installed in the ground and is not attached or affixed to an existing structure.

Private SES – Any solar energy system that is accessory to a principal use located on the same lot, and is designed and built primarily to produce electrical energy for on-site use. These systems shall not be utilized for any commercial sale of energy, except for the sale of surplus electrical energy back to the electrical grid.

Private Ground-Mounted SES – Any private SES that is directly installed in the ground and is not attached or affixed to an existing structure.

Roof-Mounted SES – Any private SES in which solar panels are mounted on the roof of the structure either as a flush-mounted system or as modules fixed to frames which can be tilted toward the sun at an optimal angle.

Wall-Mounted SES – Any private SES in which solar panels are mounted on the wall of a structure either as a flush-mounted system or as modules fixed to frames which can be tilted toward the sun at an optimal angle.

Solar Glare – The effect produced by light reflecting from a solar panel with an intensity sufficient to cause annoyance, discomfort, or loss in vision performance and visibility.

Solar-Thermal Systems – A solar energy system which directly heats water or other liquids using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.

Section 2. Amendment of Section 2.02.

The definition of Essential Services within Section 2.02 of the Boyne Valley Township Zoning Ordinance is hereby amended to read in its entirety as follows:

Essential Services – The erection, construction, alteration, or maintenance by public utilities or municipal departments, commissions, or boards of underground or overhead gas, electrical, steam, water, or sewer transmission, distribution, collection, supply or disposal systems including poles, wires, mains, pipes, conduits, cables, hydrants, and other similar equipment and appurtenances necessary for such systems to furnish an adequate level of service. Telecommunication towers or facilities, alternative tower structures, wireless communication antenna, wind turbine generators, and commercial ground-mounted SES are not included within this definition.

Section 3. Amendment of Subsection 3.03.B.

Subsection Section 3.03.B of the Boyne Valley Township Zoning Ordinance is hereby amended to read in its entirety as follows:

- B. Telecommunication towers, alternative tower structures, antennas, wind turbine generators, anemometer towers, and commercial ground-mounted SES shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

Section 4. Amendment of Article 3.

Article 3 of the Boyne Valley Township Zoning Ordinance is hereby amended to add a new Section 3.24, which shall read in its entirety as follows:

SECTION 3.24 SOLAR ENERGY SYSTEMS

- A. Intent and Purpose. The intent and purpose of this section is to establish regulations for the placement, development, installation, and construction of

private and commercial solar energy systems and for solar-thermal systems. The township recognizes that it is in the public interest to promote solar energy systems as a clean alternative energy source within the township. The township also recognizes the need to protect the scenic beauty of Boyne Valley Township from unnecessary and unreasonable visual interference that solar energy systems may have upon adjoining and neighboring uses. As such, this ordinance seeks to:

1. Protect residential areas and uses from potential adverse impact of solar energy systems;
2. Encourage the location of commercial solar energy systems in nonresidential areas; and
3. Consider the public health and safety of solar energy systems.

B. **Solar Thermal Systems.** Solar thermal systems shall be an accessory use to any principal use within any zoning district, shall be subject to plot plan approval by the Zoning Administrator under Section 5.02.B of this Ordinance, and shall comply with all of the applicable regulations for a private SES, depending on whether the solar thermal system is ground-mounted, roof-mounted, or wall-mounted.

C. **Private SES.** A private SES shall be an accessory use to any principal use within any zoning district, shall be subject to plot plan approval by the Zoning Administrator under Section 5.02.B of this Ordinance, and shall comply with all of the following applicable regulations.

1. A private ground-mounted SES shall comply with all of the following regulations:
 - a. A private ground-mounted SES shall not be located in any front yard.
 - b. A private ground-mounted SES and the required landscaping shall comply with the rear and side setback requirements of the zoning district in which it is located.
 - c. The height of a private ground-mounted SES shall not exceed fifteen (15) feet above the ground when the solar panels are oriented toward the sun at maximum tilt.
 - d. A private ground-mounted SES shall occupy no more than 50% of the total rear yard area.

e. A private ground-mounted SES shall be landscaped with a buffer of plant materials that effectively screens the view of the private ground-mounted SES from adjacent property used for residential purposes and from public and private roads. The required landscaping shall consist of shrubbery, trees, or other non-invasive plant species and shall be maintained in a living and healthy condition. Existing natural land forms on the site which effectively screen the private ground-mounted SES shall be preserved to the maximum extent possible.

f. All power transmission or other lines, wires or conduits from a private ground-mounted SES to any building or other structure shall be located underground. If batteries are used as part of the private ground-mounted SES, those batteries shall be placed in a secured container or enclosure.

g. In the event that a private ground-mounted SES is not in operation for a period of one (1) year or more, the property owner shall notify the Zoning Administrator and shall remove the private ground-mounted SES from the property within six (6) months from the date the operation ceased.

2. A private roof-mounted SES shall comply with all of the following regulations:

a. A private roof-mounted SES shall not extend beyond any peak of a roof and shall not extend beyond the eaves of the roof.

b. A private roof-mounted SES shall not extend more than five (5) feet above the highest point of the roof, but in no event shall exceed the maximum height of a structure in the zoning district in which it is located.

c. In the event that a private roof-mounted SES is not in operation for a period of one (1) year or more, the property owner shall notify the Zoning Administrator and shall remove the private roof-mounted SES from the property within six (6) months from the date the operation ceased.

3. A private wall-mounted SES shall comply with all of the following regulations:

a. A private wall-mounted SES shall not extend beyond or above the wall on which it is mounted.

- b. In the event that a private wall-mounted SES is not in operation for a period of one (1) year or more, the property owner shall notify the Zoning Administrator and shall remove the private wall-mounted SES from the property within six (6) months from the date the operation ceased.
- D. Commercial ground-mounted SES. A commercial ground-mounted SES shall be a use subject to special use permit approval in the Agricultural Forest District, Commercial District, and Industrial District.

1. In addition to the data requirements of Section 5.03 for a site plan and the application requirements of Section 6.02.A.2 for a special use permit, an application for a commercial ground-mounted SES shall be required to furnish all of the following information:

- a. Project description and rationale:
- i. Identify the perimeter of the project development area, size, rated power output, performance, safety and noise characteristics of the individual components of the system including the transmission line/grid connection for the project.
 - ii. Identify the project construction timeframe, project life, potential development phases and potential future expansions.
 - iii. Provide written documentation either by letter or contract that an electric public utility company has agreed to accept electrical energy produced by the commercial ground-mounted SES into the electric public utility company's power grid.
- b. Visual impacts: Graphically demonstrate the visual impact of the project using photos renditions of the project with consideration given to setbacks and proposed landscaping.
- c. Waste: Identify any solid or hazardous waste utilized within and generated by the project and provide a disposal plan for such waste. Material Safety Data Sheets (MSDS) shall be supplied for all hazardous materials to be used and located on the project site.
- d. Lighting: Provide a plan showing all lighting within the facility.
- e. Signs: Provide a plan showing all signs to be erected on the site.

- f. Transportation and Security Access Plan: Provide a proposed access plan to be utilized during construction and operational phases. The plan must show proposed project service road ingress and egress locations to adjacent roadways and the layout of the facility service road system. Due to infrequent access following construction, it is not required to provide for paved curbs and gutters on access drives unless required by the State Department of Transportation or County Road Commission. In addition, a security access plan shall be provided. Knox boxes and keys shall be provided for any locked entrances for emergency personnel access to any locked fenced portions of the development site.
- g. Public Safety: Identify emergency and normal shutdown procedures, potential hazards to adjacent properties, public roadways and to the general public that may be created by the project.
- h. Engineering and Installation: Detailed engineering drawings shall be provided to include standard drawings of the structural components of the commercial ground-mounted SES and any electrical storage system used in conjunction with the commercial ground-mounted SES, including base and footings along with engineering data and calculations to demonstrate compliance with the standards of this section. Drawings and Engineering calculations shall be certified by a registered engineer licensed to practice in the State of Michigan.
- i. Electromagnetic Interference: Identify any electromagnetic fields which are generated that will interfere with electronic communication devices located outside the perimeter of the development project.
- j. Drainage and Soil Erosion
 - i. Show how panels shall be positioned to allow water runoff without channeling it in such a way as to cause erosion.
 - ii. Show how the vegetative cover will be provided and maintained under and around the panels.
 - iii. Show how the panels array will allow vegetative growth under and between panels.

k. Impervious Surface/Stormwater: If more than 8,000 square feet of impervious surface will be located on the site, the application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff will be managed and demonstrating that any stormwater runoff from the site will not exceed the natural surface water runoff for the property. If detergents will be used to clean solar panels, details on the type of detergent, frequency and quantity of use, and how stormwater quality protection measures shall be met. Any necessary permits from outside agencies for off-site discharge shall be provided. Solar panels are not considered an impervious surface.

l. Final Decommissioning and Reclamation Plan: A decommissioning and reclamation plan shall be provided describing actions to be taken at the end of the useful life of the commercial ground-mounted SES or in the event of the termination of the project. The information shall include a description of how the following conditions shall be met:

- i. Removal of all non-utility owned equipment, including conduit buried at less than 3 ft. in depth, structures, fencing, roads, and foundations. The owner of the property, however, may request in writing that graveled areas, and developed access roads, fences, and vegetative screening remain in place.
- ii. Restoration of the property to its original condition prior to construction of the commercial ground-mounted SES, subject to reasonable wear and tear. The owner of the property, however, may request the renewed ground surface not to be revegetated due to plans for agricultural planting.
- iii. Development of a time frame for completion of decommissioning activities, not to exceed 90 days.
- iv. Furnishing a description and copy of any memorandum of lease or any other agreement with the property owner regarding decommissioning.
- v. Providing a list of names, addresses and telephone numbers of persons or parties responsible for designating the contractor(s) responsible for actual decommissioning work.
- vi. Providing a plan and schedule for updating this decommissioning plan every 5 years.

2. In addition to the standards for site plan approval contained in Section 5.05 and the general standards for special use permit approval contained in Section 6.03, an application for a commercial ground-mounted SES shall comply with all of the following standards.

- a. An electric public utility company has agreed to accept electrical energy produced by the commercial ground-mounted SES into the electric public utility company's power grid.
- b. The minimum site area for a commercial ground-mounted SES shall be twenty (20) acres.
- c. All service roads providing ingress and egress to the site shall be approved in writing from the Charlevoix County Road Commission and/or Michigan Department of Transportation which approval shall include the design and construction thereof in the interest of safety, adequate drainage and other public requirements.
- d. All photovoltaic solar panels within the commercial ground-mounted SES and their supporting structures, buildings, and equipment (excluding fencing, vegetative screening, and roads) shall maintain a setback of no less than fifty (50) feet from all lot lines.
- e. If hazardous waste will be used or located on the site, documentation shall be provided that the hazardous waste will be stored and/or contained on the site in compliance with all applicable state and federal hazardous waste laws and regulations. In addition, documentation shall be provided for the lawful disposal of all hazardous waste in compliance with all applicable state and federal hazardous waste laws and regulations.
- f. All stormwater runoff from the site shall not exceed the natural surface water runoff for the property. If detergents will be used to clean solar panels, then any surface water that results from such cleaning shall be maintained on-site and shall not be allowed to discharge off-site. If the site is greater than five (5) acres in area, then applicable state and local permits shall be obtained for soil erosion. In addition, any applicable state and local permits shall be obtained related to all for off-site discharge of surface water.
- g. All photovoltaic solar panels within the commercial ground-mounted SES with their support structures shall not exceed 20 feet in height when oriented at maximum tilt. All other structures and buildings shall not exceed thirty-five (35) feet in height.

- h. Noise emanating from the commercial ground-mounted SES development shall not exceed 60 dBA as measured at the property line of the lot on which it is located. This requirement, however, shall not apply during periods of initial construction, routine equipment maintenance, repair, or replacement nor at the time of final decommissioning and reclamation of the site.
- i. The commercial ground-mounted SES shall be sited so that concentrated solar glare from the photovoltaic solar panels shall not be directed toward or onto nearby properties or roadways at any time of day.
- j. All signs erected on the site shall comply with the applicable sign regulations in Section 3.12 of this Ordinance for the zoning district in which the property is located. In addition, one (1) sign, no more than four (4) square feet in area, shall be posted at the entrance to the commercial ground-mounted SES development containing the following information: emergency contact name, emergency telephone number, and emergency shutdown procedures.
- k. All lighting shall be in compliance with the standards of Section 3.11 of this Ordinance.
- l. All components of the commercial ground-mounted SES, including but not limited to, electrical interconnections or transmission lines to the utility's electrical grid, structures and buildings shall comply with all applicable state electrical and construction code requirements.
- m. The electrical transmission lines connecting the commercial ground-mounted SES to the public utility electrical grid shall be located underground, unless the Planning Commission finds that it is technologically infeasible or finds that the cost of placing those electrical transmission lines underground is unreasonably burdensome. If the Planning Commission allows overhead electrical transmission lines to connect the commercial ground-mounted SES to the public utility electrical grid, then those electrical transmission lines shall be placed at a height consistent with industry standards to ensure public safety.
- n. The commercial ground-mounted SES, including all structures and buildings, shall be enclosed by security fencing not less than eight feet (8') in height, which shall be equipped with an appropriate anti-climbing device; provided however, the Planning Commission may waive such requirements, if it finds that because of the remote

location of the site, or other factors, security fencing is not necessary to ensure public safety. Knox boxes and keys shall be provided at locked entrances for emergency personnel access. All fences shall comply with the setback requirements of the zoning district in which it is located.

o. The commercial ground-mounted SES, including all structures and buildings, shall meet the following landscaping requirements; provided, however, the Planning Commission may reduce or waive such requirements if it finds that because of the remote location of the site, or other factors, the visual impact of the commercial ground-mounted SES would be minimal.

i. All photovoltaic solar panels within the commercial ground-mounted SES and their supporting structures, buildings, and equipment shall be landscaped with a buffer of evergreen trees and/or earthen berms that effectively screens the view of the photovoltaic solar panels and their supporting structures, buildings, and equipment from adjacent property used for residential purposes and from public and private roads.

ii. The standard buffer shall consist of a landscaped strip at least four feet (4') wide outside the perimeter of the commercial ground-mounted SES development.

iii. Except as provided herein, the evergreen trees planted shall be a minimum of eight (8) feet tall at time of planting. The tree height may be reduced by one foot for each one foot in the height of the berm on which it is planted, i.e., the total of the berm and tree height must be a minimum of eight (8) feet in height. All evergreen trees planted shall remain in a living and healthy condition for the life of the commercial ground-mounted SES.

iv. Existing natural land forms on the site which effectively screen the photovoltaic solar panels within the commercial ground-mounted SES and their supporting structures, buildings, and equipment from adjacent property used for residential purposes and from public and private roads shall be preserved to the maximum extent possible.

p. Any commercial ground-mounted SES that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such commercial ground-mounted

SES shall remove the commercial ground-mounted SES and its supporting structures, buildings, and equipment, including all transmission lines buried less than three (3) feet below the ground surface, within six (6) months from the date of the notice from the Zoning Administrator of such abandonment. In addition to removing the commercial ground-mounted SES and its supporting structures, buildings, and equipment the owner of the commercial ground-mounted SES shall restore the site of the commercial ground-mounted SES to its original condition prior to location of the commercial ground-mounted SES, subject to reasonable wear and tear. Provided, however, the owner of the property may request that the ground surface not be revegetated if agricultural planting is anticipated. In addition, if the owner of the property on which the commercial ground-mounted SES is located obtains zoning approval for a private ground-mounted SES on the same property that incorporates a portion of the commercial ground-mounted SES, then that portion of the commercial ground-mounted SES that is incorporated into the approved private ground-mounted SES may remain on the property as part of the approved private ground-mounted SES and the landscaping berms and trees allowed to remain. Failure to remove an abandoned commercial ground-mounted SES and its supporting structures, buildings, and equipment within the six (6) month period provided in this subsection shall be grounds for the Township to remove the commercial ground-mounted SES and its supporting structures, buildings, and equipment at the owner's expense. The Planning Commission may require the applicant to file a bond equal to the reasonable cost of removing the commercial ground-mounted SES and its supporting structures, buildings, and equipment as a condition of a special use permit given pursuant to this section.

Section 5. Severability.

If any section, clause, or provision of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Section 6. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the Township.

Ordinance No. ____ of 2019 was adopted on the ____ day of _____, 2019,
by the Boyne Valley Township Board as follows:

Motion by: _____

Seconded by: _____

Yeas: _____

Nays: _____

Absent: _____

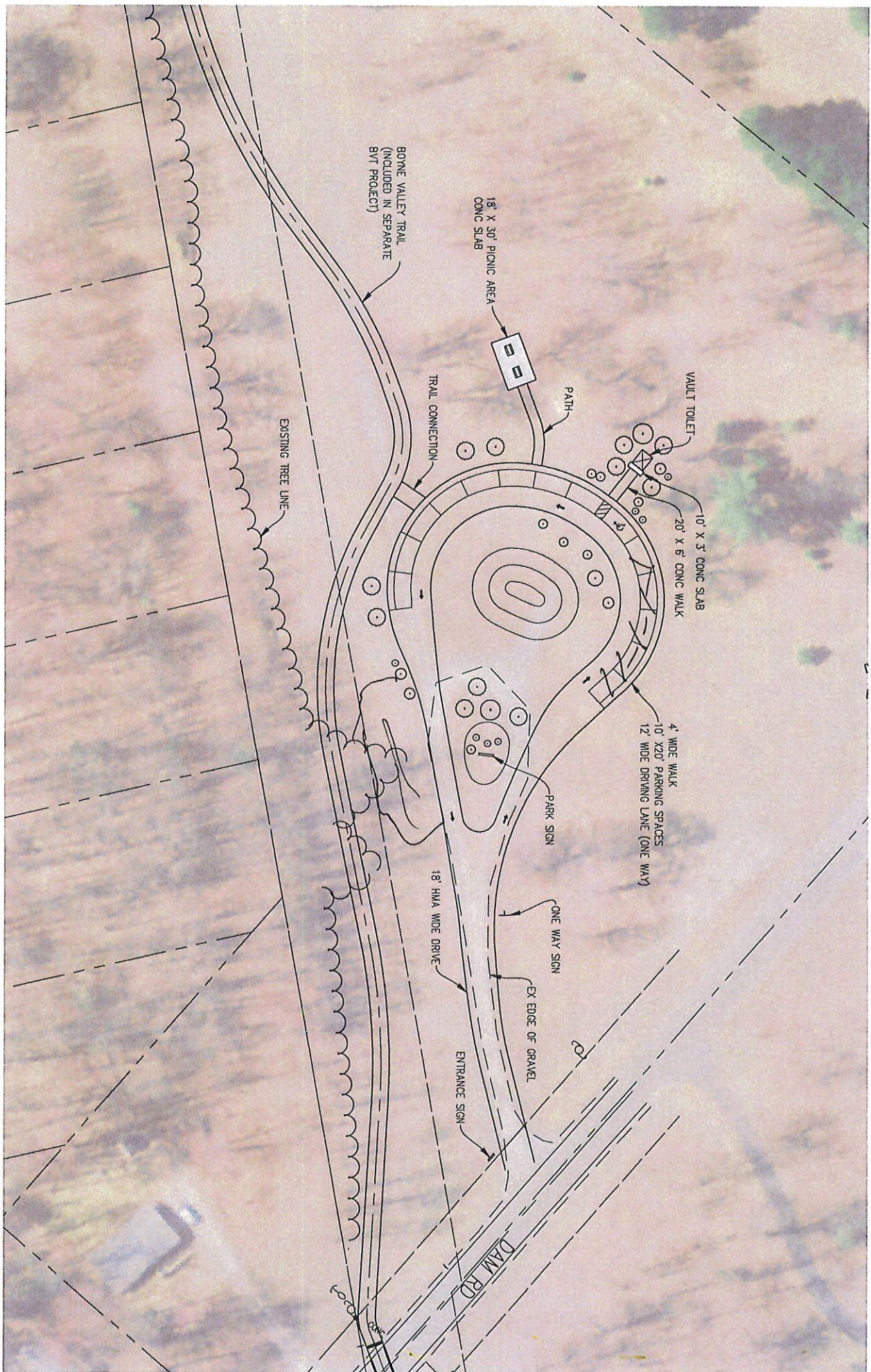
Lynn Sparks, Clerk

Sue Hobbs, Supervisor

I certify that this is a true copy of Ordinance No. ____ of 2019 that was adopted at a
regular meeting of the Boyne Valley Township Board on _____,
2019 and published in the _____ on _____
_____, 2019.

Dated: _____

Lynn Sparks, Clerk



BOYNE VALLEY TOWNSHIP
PLANNING COMMISSION MINUTES

April 8, 2019

Call to order: Mark Felton called the meeting to order at 6:00 p.m.

Roll Call: Lenore Senter, Mark Felton, Mike Skop, and Marie Kelenske

Absent: Laurie Hodack

Also present: Zoning Administrator/Supervisor Sue Hobbs
Joint Meeting with Township board

Approval of Minutes: Motion by Skop to approve the March 4, 2019 minutes as written seconded by Kelenske. Motion carried

New Business: Solar Energy Panels (attached is the proposed zoning ordinance)

An ordinance to amend the Boyne Valley Township Zoning Ordinance to implement regulation regarding solar energy systems was presented to the Board. Mike Skop suggested that a bond be included in the ordinance for cleanup of waste material or hazardous waste that would cover the cost of decommissioning the panels in later years. The cost to decommission is unknown and a bond would help in future years. Need to have Bryan Graham put in new ordinance a bond to be required and who is responsible for the cleanup. Page 7 item V need to clarify who is responsible for decommissioning. Will the panels cause water runoff that will affect the wells in the area. Need to have DEQ involved and to monitor requirements on waste and water quality.

Page 1 Commercial SES: A commercial SES is a principal use of property and may occupy the same property as another principal use. It was suggested the we change this to a special use permit.

Page 7 Item K: DEQ research stormwater runoff, need to have a permit for anything over 5 acres.

Questions on how high a fence shall be. Currently the ordinance states a 6 (six) foot high fence can be constructed but the new ordinance requirement will be 8 (eight) foot fence. Mr. Matelski would like it to be six (6) foot. Also, a berm with trees or just trees to be considered with the site plan. How tall the trees or the berm has to be, what the type of trees and the distance between them must be included in the site plan.

Motion by Felton seconded by Senter to table zoning ordinance until next meeting to give Mr. Graham time to consider the changes the Planning Commission recommended. Motion carried.

Mr. Skop reported on the progress of Church Street hill he is working on a grant to pave the hill to the township line it will be up to the township to pave the top of the hill. This is where the ground water is beginning and running down creating a drainage problem and road washouts.

Motion by Senter seconded by Felton to adjourn meeting. Motion passed.

Meeting adjourned 6:45 pm

Next meeting will be held on May 6, 2019

Respectfully submitted by:

Marie Kelenske, Secretary

BOYNE VALLEY TOWNSHIP
Ordinance No. ____ of 2019

**AN ORDINANCE TO AMEND THE BOYNE VALLEY TOWNSHIP
ZONING ORDINANCE TO IMPLEMENT REGULATION REGARDING
SOLAR ENERGY SYSTEMS**

THE TOWNSHIP OF BOYNE VALLEY HEREBY ORDAINS:

Section 1. Amendment of Section 2.02.

Section 2.02 of the Boyne Valley Township Zoning Ordinance is hereby amended to add the following definitions in their appropriate alphabetical locations, which definitions shall read in their entirety as follows:

Photovoltaic (PV) Systems – A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells that generate electricity whenever light strikes them.

Solar Energy Systems (SES) – Any equipment and accessory buildings and structures necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation and distributed. Solar energy systems consist primarily of solar thermal, photovoltaic and concentrated solar but may include other various experimental solar technologies.

Commercial SES – Any solar energy system that is designed and built primarily to provide electrical energy for off-site use by any person or entity or for the wholesale or retail sale of that electrical energy to the electric utility's power grid. A commercial SES is a principal use of property and may occupy the same property as another principal use.

Commercial Ground-Mounted SES – Any commercial SES that is directly installed in the ground and is not attached or affixed to an existing structure.

Private SES – Any solar energy system that is accessory to a principal use located on the same lot, and is designed and built primarily to produce electrical energy for on-site use. These systems shall not be utilized for any commercial sale of energy, except for the sale of surplus electrical energy back to the electrical grid.

Private Ground-Mounted SES – Any private SES that is directly installed in the ground and is not attached or affixed to an existing structure.

Roof-Mounted SES – Any private SES in which solar panels are mounted on the roof of the structure either as a flush-mounted system or as modules fixed to frames which can be tilted toward the sun at an optimal angle.

Wall-Mounted SES – Any private SES in which solar panels are mounted on the wall of a structure either as a flush-mounted system or as modules fixed to frames which can be tilted toward the sun at an optimal angle.

Solar Glare – The effect produced by light reflecting from a solar panel with an intensity sufficient to cause annoyance, discomfort, or loss in vision performance and visibility.

Solar-Thermal Systems – A solar energy system which directly heats water or other liquids using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.

Section 2. Amendment of Section 2.02.

The definition of Essential Services within Section 2.02 of the Boyne Valley Township Zoning Ordinance is hereby amended to read in its entirety as follows:

Essential Services – The erection, construction, alteration, or maintenance by public utilities or municipal departments, commissions, or boards of underground or overhead gas, electrical, steam, water, or sewer transmission, distribution, collection, supply or disposal systems including poles, wires, mains, pipes, conduits, cables, hydrants, and other similar equipment and appurtenances necessary for such systems to furnish an adequate level of service. Telecommunication towers or facilities, alternative tower structures, wireless communication antenna, wind turbine generators, and commercial ground-mounted SES are not included within this definition.

Section 3. Amendment of Subsection 3.03.B.

Subsection Section 3.03.B of the Boyne Valley Township Zoning Ordinance is hereby amended to read in its entirety as follows:

- B. Telecommunication towers, alternative tower structures, antennas, wind turbine generators, anemometer towers, and commercial ground-mounted SES shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

Section 4. Amendment of Article 3.

Article 3 of the Boyne Valley Township Zoning Ordinance is hereby amended to add a new Section 3.24, which shall read in its entirety as follows:

SECTION 3.24 SOLAR ENERGY SYSTEMS

- A. Intent and Purpose. The intent and purpose of this section is to establish regulations for the placement, development, installation, and construction of

private and commercial solar energy systems and for solar-thermal systems. The township recognizes that it is in the public interest to promote solar energy systems as a clean alternative energy source within the township. The township also recognizes the need to protect the scenic beauty of Boyne Valley Township from unnecessary and unreasonable visual interference that solar energy systems may have upon adjoining and neighboring uses. As such, this ordinance seeks to:

1. Protect residential areas and uses from potential adverse impact of solar energy systems;
 2. Encourage the location of commercial solar energy systems in nonresidential areas; and
 3. Consider the public health and safety of solar energy systems.
- B. Solar Thermal Systems. Solar thermal systems shall be an accessory use to any principal use within any zoning district, shall be subject to plot plan approval by the Zoning Administrator under Section 5.02.B of this Ordinance, and shall comply with all of the applicable regulations for a private SES, depending on whether the solar thermal system is ground-mounted, roof-mounted, or wall-mounted.
- C. Private SES. A private SES shall be an accessory use to any principal use within any zoning district, shall be subject to plot plan approval by the Zoning Administrator under Section 5.02.B of this Ordinance, and shall comply with all of the following applicable regulations.
1. A private ground-mounted SES shall comply with all of the following regulations:
 - a. A private ground-mounted SES shall not be located in any front yard.
 - b. A private ground-mounted SES and the required landscaping shall comply with the rear and side setback requirements of the zoning district in which it is located.
 - c. The height of a private ground-mounted SES shall not exceed fifteen (15) feet above the ground when the solar panels are oriented toward the sun at maximum tilt.
 - d. A private ground-mounted SES shall occupy no more than 50% of the total rear yard area.

- e. A private ground-mounted SES shall be landscaped with a buffer of plant materials that effectively screens the view of the private ground-mounted SES from adjacent property used for residential purposes and from public and private roads. The required landscaping shall consist of shrubbery, trees, or other non-invasive plant species and shall be maintained in a living and healthy condition. Existing natural land forms on the site which effectively screen the private ground-mounted SES shall be preserved to the maximum extent possible.
 - f. All power transmission or other lines, wires or conduits from a private ground-mounted SES to any building or other structure shall be located underground. If batteries are used as part of the private ground-mounted SES, those batteries shall be placed in a secured container or enclosure.
 - g. In the event that a private ground-mounted SES is not in operation for a period of one (1) year or more, the property owner shall notify the Zoning Administrator and shall remove the private ground-mounted SES from the property within six (6) months from the date the operation ceased.
2. A private roof-mounted SES shall comply with all of the following regulations:
- a. A private roof-mounted SES shall not extend beyond any peak of a roof and shall not extend beyond the eaves of the roof.
 - b. A private roof-mounted SES shall not extend more than five (5) feet above the highest point of the roof, but in no event shall exceed the maximum height of a structure in the zoning district in which it is located.
 - c. In the event that a private roof-mounted SES is not in operation for a period of one (1) year or more, the property owner shall notify the Zoning Administrator and shall remove the private roof-mounted SES from the property within six (6) months from the date the operation ceased.
3. A private wall-mounted SES shall comply with all of the following regulations:
- a. A private wall-mounted SES shall not extend beyond or above the wall on which it is mounted.

- b. In the event that a private wall-mounted SES is not in operation for a period of one (1) year or more, the property owner shall notify the Zoning Administrator and shall remove the private wall-mounted SES from the property within six (6) months from the date the operation ceased.
- D. Commercial ground-mounted SES. A commercial ground-mounted SES shall be a use subject to special use permit approval in the Agricultural Forest District, Commercial District, and Industrial District.

1. In addition to the data requirements of Section 5.03 for a site plan and the application requirements of Section 6.02.A.2 for a special use permit, an application for a commercial ground-mounted SES shall be required to furnish all of the following information:

- a. Project description and rationale:
 - i. Identify the perimeter of the project development area, size, rated power output, performance, safety and noise characteristics of the individual components of the system including the transmission line/grid connection for the project.
 - ii. Identify the project construction timeframe, project life, potential development phases and potential future expansions.
 - iii. Provide written documentation either by letter or contract that an electric public utility company has agreed to accept electrical energy produced by the commercial ground-mounted SES into the electric public utility company's power grid.
- b. Visual impacts: Graphically demonstrate the visual impact of the project using photos renditions of the project with consideration given to setbacks and proposed landscaping.
- c. Waste: Identify any solid or hazardous waste utilized within and generated by the project and provide a disposal plan for such waste. Material Safety Data Sheets (MSDS) shall be supplied for all hazardous materials to be used and located on the project site.
- d. Lighting: Provide a plan showing all lighting within the facility.
- e. Signs: Provide a plan showing all signs to be erected on the site.

- f. Transportation and Security Access Plan: Provide a proposed access plan to be utilized during construction and operational phases. The plan must show proposed project service road ingress and egress locations to adjacent roadways and the layout of the facility service road system. Due to infrequent access following construction, it is not required to provide for paved curbs and gutters on access drives unless required by the State Department of Transportation or County Road Commission. In addition, a security access plan shall be provided. Knox boxes and keys shall be provided for any locked entrances for emergency personnel access to any locked fenced portions of the development site.
- g. Public Safety: Identify emergency and normal shutdown procedures, potential hazards to adjacent properties, public roadways and to the general public that may be created by the project.
- h. Engineering and Installation: Detailed engineering drawings shall be provided to include standard drawings of the structural components of the commercial ground-mounted SES and any electrical storage system used in conjunction with the commercial ground-mounted SES, including base and footings along with engineering data and calculations to demonstrate compliance with the standards of this section. Drawings and Engineering calculations shall be certified by a registered engineer licensed to practice in the State of Michigan.
- i. Electromagnetic Interference: Identify any electromagnetic fields which are generated that will interfere with electronic communication devices located outside the perimeter of the development project.
- j. Drainage and Soil Erosion
 - i. Show how panels shall be positioned to allow water runoff without channeling it in such a way as to cause erosion.
 - ii. Show how the vegetative cover will be provided and maintained under and around the panels.
 - iii. Show how the panels array will allow vegetative growth under and between panels.

- k. Impervious Surface/Stormwater: If more than 8,000 square feet of impervious surface will be located on the site, the application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff will be managed and demonstrating that any stormwater runoff from the site will not exceed the natural surface water runoff for the property. If detergents will be used to clean solar panels, details on the type of detergent, frequency and quantity of use, and how stormwater quality protection measures shall be met. Any necessary permits from outside agencies for off-site discharge shall be provided. Solar panels are not considered an impervious surface.
- l. Final Decommissioning and Reclamation Plan: A decommissioning and reclamation plan shall be provided describing actions to be taken at the end of the useful life of the commercial ground-mounted SES or in the event of the termination of the project. The information shall include a description of how the following conditions shall be met:
 - i. Removal of all non-utility owned equipment, including conduit buried at less than 3 ft. in depth, structures, fencing, roads, and foundations. The owner of the property, however, may request in writing that graveled areas, and developed access roads, fences, and vegetative screening remain in place.
 - ii. Restoration of the property to its original condition prior to construction of the commercial ground-mounted SES, subject to reasonable wear and tear. The owner of the property, however, may request the renewed ground surface not to be revegetated due to plans for agricultural planting.
 - iii. Development of a time frame for completion of decommissioning activities, not to exceed 90 days.
 - iv. Furnishing a description and copy of any memorandum of lease or any other agreement with the property owner regarding decommissioning.
 - v. Providing a list of names, addresses and telephone numbers of persons or parties responsible for designating the contractor(s) responsible for actual decommissioning work.
 - vi. Providing a plan and schedule for updating this decommissioning plan every 5 years.

2.

In addition to the standards for site plan approval contained in Section 5.05 and the general standards for special use permit approval contained in Section 6.03, an application for a commercial ground-mounted SES shall comply with all of the following standards.

- a. An electric public utility company has agreed to accept electrical energy produced by the commercial ground-mounted SES into the electric public utility company's power grid.
- b. The minimum site area for a commercial ground-mounted SES shall be twenty (20) acres.
- c. All service roads providing ingress and egress to the site shall be approved in writing from the Charlevoix County Road Commission and/or Michigan Department of Transportation which approval shall include the design and construction thereof in the interest of safety, adequate drainage and other public requirements.
- d. All photovoltaic solar panels within the commercial ground-mounted SES and their supporting structures, buildings, and equipment (excluding fencing, vegetative screening, and roads) shall maintain a setback of no less than fifty (50) feet from all lot lines.
- e. If hazardous waste will be used or located on the site, documentation shall be provided that the hazardous waste will be stored and/or contained on the site in compliance with all applicable state and federal hazardous waste laws and regulations. In addition, documentation shall be provided for the lawful disposal of all hazardous waste in compliance with all applicable state and federal hazardous waste laws and regulations.
- f. All stormwater runoff from the site shall not exceed the natural surface water runoff for the property. If detergents will be used to clean solar panels, then any surface water that results from such cleaning shall be maintained on-site and shall not be allowed to discharge off-site. If the site is greater than five (5) acres in area, then applicable state and local permits shall be obtained for soil erosion. In addition, any applicable state and local permits shall be obtained related to all for off-site discharge of surface water.
- g. All photovoltaic solar panels within the commercial ground-mounted SES with their support structures shall not exceed 20 feet in height when oriented at maximum tilt. All other structures and buildings shall not exceed thirty-five (35) feet in height.

- h. Noise emanating from the commercial ground-mounted SES development shall not exceed 60 dBA as measured at the property line of the lot on which it is located. This requirement, however, shall not apply during periods of initial construction, routine equipment maintenance, repair, or replacement nor at the time of final decommissioning and reclamation of the site.
- i. The commercial ground-mounted SES shall be sited so that concentrated solar glare from the photovoltaic solar panels shall not be directed toward or onto nearby properties or roadways at any time of day.
- j. All signs erected on the site shall comply with the applicable sign regulations in Section 3.12 of this Ordinance for the zoning district in which the property is located. In addition, one (1) sign, no more than four (4) square feet in area, shall be posted at the entrance to the commercial ground-mounted SES development containing the following information: emergency contact name, emergency telephone number, and emergency shutdown procedures.
- k. All lighting shall be in compliance with the standards of Section 3.11 of this Ordinance.
- l. All components of the commercial ground-mounted SES, including but not limited to, electrical interconnections or transmission lines to the utility's electrical grid, structures and buildings shall comply with all applicable state electrical and construction code requirements.
- m. The electrical transmission lines connecting the commercial ground-mounted SES to the public utility electrical grid shall be located underground, unless the Planning Commission finds that it is technologically infeasible or finds that the cost of placing those electrical transmission lines underground is unreasonably burdensome. If the Planning Commission allows overhead electrical transmission lines to connect the commercial ground-mounted SES to the public utility electrical grid, then those electrical transmission lines shall be placed at a height consistent with industry standards to ensure public safety.
- n. The commercial ground-mounted SES, including all structures and buildings, shall be enclosed by security fencing not less than eight feet (8') in height, which shall be equipped with an appropriate anti-climbing device; provided however, the Planning Commission may waive such requirements, if it finds that because of the remote

location of the site, or other factors, security fencing is not necessary to ensure public safety. Knox boxes and keys shall be provided at locked entrances for emergency personnel access. All fences shall comply with the setback requirements of the zoning district in which it is located.

- o. The commercial ground-mounted SES, including all structures and buildings, shall meet the following landscaping requirements; provided, however, the Planning Commission may reduce or waive such requirements if it finds that because of the remote location of the site, or other factors, the visual impact of the commercial ground-mounted SES would be minimal.
 - i. All photovoltaic solar panels within the commercial ground-mounted SES and their supporting structures, buildings, and equipment shall be landscaped with a buffer of evergreen trees and/or earthen berms that effectively screens the view of the photovoltaic solar panels and their supporting structures, buildings, and equipment from adjacent property used for residential purposes and from public and private roads.
 - ii. The standard buffer shall consist of a landscaped strip at least four feet (4') wide outside the perimeter of the commercial ground-mounted SES development.
 - iii. Except as provided herein, the evergreen trees planted shall be a minimum of eight (8) feet tall at time of planting. The tree height may be reduced by one foot for each one foot in the height of the berm on which it is planted, i.e., the total of the berm and tree height must be a minimum of eight (8) feet in height. All evergreen trees planted shall remain in a living and healthy condition for the life of the commercial ground-mounted SES.
 - iv. Existing natural land forms on the site which effectively screen the photovoltaic solar panels within the commercial ground-mounted SES and their supporting structures, buildings, and equipment from adjacent property used for residential purposes and from public and private roads shall be preserved to the maximum extent possible.
- p. Any commercial ground-mounted SES that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such commercial ground-mounted

SES shall remove the commercial ground-mounted SES and its supporting structures, buildings, and equipment, including all transmission lines buried less than three (3) feet below the ground surface, within six (6) months from the date of the notice from the Zoning Administrator of such abandonment. In addition to removing the commercial ground-mounted SES and its supporting structures, buildings, and equipment the owner of the commercial ground-mounted SES shall restore the site of the commercial ground-mounted SES to its original condition prior to location of the commercial ground-mounted SES, subject to reasonable wear and tear. Provided, however, the owner of the property may request that the ground surface not be revegetated if agricultural planting is anticipated. In addition, if the owner of the property on which the commercial ground-mounted SES is located obtains zoning approval for a private ground-mounted SES on the same property that incorporates a portion of the commercial ground-mounted SES, then that portion of the commercial ground-mounted SES that is incorporated into the approved private ground-mounted SES may remain on the property as part of the approved private ground-mounted SES and the landscaping berms and trees allowed to remain. Failure to remove an abandoned commercial ground-mounted SES and its supporting structures, buildings, and equipment within the six (6) month period provided in this subsection shall be grounds for the Township to remove the commercial ground-mounted SES and its supporting structures, buildings, and equipment at the owner's expense. The Planning Commission may require the applicant to file a bond equal to the reasonable cost of removing the commercial ground-mounted SES and its supporting structures, buildings, and equipment as a condition of a special use permit given pursuant to this section.

Section 5. Severability.

If any section, clause, or provision of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Section 6. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the Township.

Ordinance No. ____ of 2019 was adopted on the ____ day of _____, 2019,
by the Boyne Valley Township Board as follows:

Motion by: _____

Seconded by: _____

Yeas: _____

Nays: _____

Absent: _____

Lynn Sparks, Clerk

Sue Hobbs, Supervisor

I certify that this is a true copy of Ordinance No. ____ of 2019 that was adopted at a
regular meeting of the Boyne Valley Township Board on _____,
2019 and published in the _____ on _____
_____, 2019.

Dated: _____

Lynn Sparks, Clerk

BOYNE VALLEY TOWNSHIP
PLANNING COMMISSION MINUTES

March 4, 2019

Call to order: Mark Felton called the meeting to order at 7:00 p.m.

Roll Call: Lenore Senter, Mark Felton, Mike Skop, Laurie Hodack, and Marie Kelenske

Absent: None

Also present: Zoning Administrator/Supervisor Sue Hobbs, Tony Olsen, David Matelski, Kathryn Kircher, and Chandler Symons

Approval of Minutes: Motion by Skop to approve the February 4, 2019 minutes as written seconded by Felton. Motion carried

New Business: Kathryn Kircher Special Use Permit parcel number 15-002-009-005-10

Property at 1188 Addis Road would be used for Weddings, Fund Raisers, and Corporate retreats. Received letter from Boyne Mountain objecting to the request from Kathryn to have events at the property on Addis Rd. due to "quite area". May need to get a permit from the road commission for upgrading driveway. Will have shuttles from parking lot to event. Site Plan included.

Zoning Administrator report: Ms. Hobbs reported that a Business Registration Certificate was issued by County Clerk to William Fitzpatrick doing business as Superior Metal & Recovery at his home located at 5073 Thumb Lake Rd, Boyne Falls, MI. This property is not zoned commercial, and he is doing a scrap metal business from this property. Will be getting pictures of the area and turn the documents over to Bryan Graham for his recommendation on how to proceed with enforcement of our ordinance.

SPECIAL EVENTS AND ACTIVITIES

This is established to provide for special events and activities of a commercial nature or 'for profit' in the Resort Mixed Use, Rural Residential, Agricultural Forest and Industrial Zoning Districts as a means to promote agricultural tourism and other activities that feature rural character and agricultural environment of the area, while protecting and limiting the impact of such activities on the surrounding area.

- A. Typical special events and activities may include weddings, nonprofit benefits, wine and catered food events, seasonal natural events, vineyard harvest festivals, receptions, parties, picnics, barn dances, educational conferences, and agricultural research. Activities must be completed by 11 p.m. unless otherwise authorized by the Planning Commission. These activities may be permitted provided:

- 1: Special events and activities are limited to parcels with a size of at least ten (10) acres.

This is a 30 + - Acre parcel. With no neighbors

2. Parking areas shall be off-road, forty (40) feet from all lot lines, and appropriately screened from neighboring property. Light sources shall be directed downwards and shielded to prevent light being directed off the premises.

No Lights

3. The operator must have written statement from the Health Department indicating the maximum number of persons who can be accommodated with existing toilet facilities, and additional portable toilets must be provide for any guests exceeding the number.

Rental of portable toilets based on size of venue. Health Department could give or set guidelines to supply venders with a written statement on how many toilets must be supplied.

4. Hours of operation shall be reviewed and set as a part of the site plan approval.

Kathryn asked if we could set the hours of operation to be completed at 12:00 A.M. The commission discussed this option and considered it possible because of no direct neighbors.

5. Any music or entertainment provided for the activity must be for background purposes and not a featured item of the activity. Sound amplifiers are permitted as determined in site plan review.

There will be no Concerts permitted.

6. Special land use must be approved by the Planning Commission following a public hearing. The following information must be provided in addition to information required for special land use approval.

- a. Location of temporary toilet facilities, which may be required.

- b. A written description of the planned activities including:

- 1) Type of gathering Wedding Venue

- 2) Frequency and number of activities proposed in a calendar year.

Maybe 10 – 20 per calendar year

- 3) Maximum number of guests for any activity.

No special number

B. Additional Site Plan Review Standards:

1. The Planning Commission shall review the site plan for conformance with the standards of the zoning district in which it is located; and shall establish that the following standards have been satisfied:

- a. The size of the function and the number of expected guests on the property at one time shall be determined at the sole discretion of the Planning Commission based on parcel size, proximity to adjacent neighbors and the ability of the applicant to demonstrate that there will be no adverse impact on the neighbors from the noise, traffic, trespass, light or other impacts deemed relevant by the Planning Commission.

No direct neighbors in the area. Parcel located on Boyne River and in the Forest on a seasonal road.

- b. There is adequate provision for parking of vehicles so that there is no parking on public roads, and adequate setbacks from adjacent properties are maintained. Temporary parking areas may be approved at the sole discretion of the Planning Commission.

In Compliance for parking.

- c. The location and amount of time prior to an event for erection of temporary structures which are allowed and time for removal after the event, may be approved at the sole discretion of the Planning Commission.

Tent up on Thursday for event and removed on Sunday by 12:00 pm.

Can't see event from road.

- d. The Planning Commission shall require a planted buffer between adjacent properties and parking or building if it is determined that such a buffer is necessary to avoid adverse impacts on adjacent properties.

Existing woods

- 2. Any activities other than those included in the original approval must obtain a separate additional approval by the Planning Commission. The scope of the additional review will be determined by the Planning Commission at a preliminary hearing.

Cannot make larger.

- C. When the special event is proposed to occur on property which is located on a shared driveway or private road, all owners of properties accessing the shared driveway or private road shall be notified in the same manner as other special use public hearing notification.

No neighbors and road is a seasonal road.

Motion by Senter to allow Kathryn Kircher to have a special use permit for property number 15-002-009-005-10 at 1188 Addis Rd. for weddings, fund raisers, and corporate retreats seconded by Skop. Motion carried.

Hobbs introduced Tony Olsen as her new deputy supervisor. Tony is the supervisor for Wilmot Township, and works for MDOT. He will also work with Kevin Keller.

Bike Trail bid to be submitted by April 11th.

Old Business: Having Bryan Graham work on the Solar Ordinance as soon as we get it we will have a special meeting if completed before our next meeting. We also need to consider if the owner of the parcel where the solar panel are placed would be responsible for cleanup if Cypress Creek is no longer in business or who would be held responsible for cleanup.

Because of Spring Break our next meeting will be held on April 2nd

Motion by Felton second by Skop to adjourn meeting. Motion carried.
Meeting adjourned at 8:30 p.m.

Respectfully submitted by:

Marie Kelenske, Secretary

BOYNE VALLEY TOWNSHIP'
PLANNING COMMISSION MINUTES

February 4, 2019

Call to order: Mark Felton called the meeting to order at 7:00 p.m.

Roll Call: Lenore Senter, Mark Felton, Mike Skop, Laurie Hodack, and Marie Kelenske

Absent: None

Also present: Zoning Administrator/Supervisor Sue Hobbs, David Matelski, Larry Czerkies, Donni Sherwood, Lee Sherwood, Peter Linetzky, and Sue Linetzky,

Approval of Minutes: Motion by Hodack to approve the December 3, 2018 minutes as written seconded by Felton. Motion carried

Zoning Administrator report: Hobbs requested the Board look through the sample ordinances that were handed out and highlight what we don't need in the ordinance for our review for the March meeting. Please have your ideas to Ms. Hobbs by February 18th so she can send your ideas to the lawyer for his impute on writing the ordinance.

Sally Parkers survey is completed, with all the changes that we required. Now we are waiting for a new tax number. ZBA approved the lot split on the property because of the shape of land.

Property on M75 S, a ticket was issued. The court set the fine at \$150.00, which was paid. We have not been able to verify that the animals have been removed at this time.

Boyne Falls Village Clerk Debbie Taylor said the rocks are not in place yet on Church Street and the Village President, Bill Carson has not done the grant yet to request for help on road repairs. There is a lot of work that needs to be completed before the road can be repaired.

The Recreation Plan needs to be worked on but we have not had time yet.

The Township received a Check from Community Foundation for \$5,000 for cement work at the Township park on Dam Road we also received a check for the trail in the amount of \$29,500. The design is completed. There is a change on an easement from the school to avoid the new sign.

Old Business:

Heartwood Saw – Nothing going on but cleanup, they are waiting for weather to break before they can do much more work. Talked about not having a debarker but no decision has been made. There will be no public hearing unless there are changes on the plan. We will let the neighbors know when and if there are any changes or when they are ready to begin construction.

Donni Sherwood wants us to consider the noise level of the debarker if they do put one in. There was not a debarker included in the original plans. The state has a rules on the noise level allowed.

Lee Sherwood comment on the solar panels they are much quieter than wind mills. He also commented that Will Fitzpatrick plans on doubling the size of his scrap metal business from his property on Thumb Lake Rd. This property is not zoned commercial. There was a notice in the Boyne Gazette that Fitzpatrick applied for a DBA for a scrap metal business, Sue turn the information over to Bryan Graham to look into this matter.

Motion by Senter second by Skop to adjourn meeting. Motion carried.

Meeting adjourned at 8:30 p.m.

Respectfully submitted by:

Marie Kelenske, Secretary