



Village of Decatur
114 N Phelps Street
Decatur, MI 49045

MEMORANDUM

TO: Planning Commission
FROM: Shantel Pentland, Admin. Assistant
REVIEWED BY: Christopher Tapper, Vill. Manager
DATE: May 15, 2025

SUBJECT: Battery Energy Storage Systems

Action Requested:

It is requested that the Planning Commission discuss Battery Energy Storage Systems

Background:

Battery Energy Storage System (BESS) ordinances generally cover the regulations for installing and operating BESS, including definitions, use permissions, dimensional standards, performance and design standards, safety and first responder standards, and decommissioning standards. These ordinances aim to ensure safe and responsible BESS development, considering factors like safety, environmental impact, and visual aesthetics.

Here's a more detailed look at what BESS ordinances typically address:

1. Definitions:

- Clearly define what constitutes a BESS for the jurisdiction, distinguishing between different use cases (e.g., on-site vs. off-site, large-scale vs. small-scale).
- Identify the specific types of battery technology allowed.

2. Use Permissions:

- Specify which zoning districts or areas allow BESS and under what conditions (e.g., permitted, conditional, or accessory uses).
- Determine if BESS can be co-located with other uses.

3. Dimensional Standards:

- Set minimum setback distances from property lines, other buildings, and sensitive areas.
- Establish height restrictions for BESS installations.
- May include lot size requirements or intensity standards.

4. Performance and Design Standards:

- Address noise levels, visual impact through screening or landscaping, and lighting standards.
- May include regulations for the treatment of power lines, fencing, and signage.

5. Safety and First Responder Standards:

- Require emergency plans and hazard information to be submitted with permits.
- Address design requirements for fire safety, environmental protection, and potential hazards.
- May include requirements for training local first responders.
- Ensure compliance with relevant safety codes and standards for equipment and management.

6. Decommissioning Standards:

- Define the process for decommissioning BESS, including requirements for removal, disposal, and financial guarantees.
- May include requirements for specific decommissioning thresholds and outcomes.

7. Other Considerations:

- Compliance with the National Electrical Code (NEC) and other applicable building, fire, and electrical codes.
- Compliance with environmental regulations.
- Interconnection agreements with the utility grid.
- inter-agency coordination between the building department, electrical inspector, the fire department, and any other relevant agencies.

Attachment(s):

Covert Township Battery Energy Storage Systems Ordinance
Letter from Glidepath Power Solutions, regarding Decatur Twp Project

COVERT TOWNSHIP
VAN BUREN COUNTY, MICHIGAN

Ordinance No. 122

Adopted: September 10, 2024

Effective: October 7, 2024

An Ordinance to amend the Township of Covert Zoning Ordinance to add provisions regarding battery energy storage systems; to revise the schedule of regulations; to provide an effective date and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF COVERT
COUNTY OF VAN BUREN, MICHIGAN
ORDAINS:

SECTION 1
AMENDMENT TO ARTICLE 2, SECTION 2.02 OF THE
COVERT TOWNSHIP ZONING ORDINANCE

Article 2, Section 2.02, “Construction of Language and Definitions” of the Covert Township Zoning Ordinance is hereby amended to add the following uses and to revise the following definitions as noted herein:

Add these definitions:

Battery Energy Storage System - One or more devices, assembled together **within a purpose-built container**, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1 or Tier 2 Battery Energy Storage System as follows:

Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 600kWh (0.6 MWh) and, if located within a structure, consist of only a single energy storage system technology. [These typically include home battery systems and systems for individual users such as a farm, school or commercial use.]

Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 600kWh (0.6 MWh) or are comprised of more than one storage battery technology.

SECTION 2
AMENDMENT TO ARTICLE 13, INDUSTRIAL DISTRICT
SECTION 13.03 OF THE COVERT TOWNSHIP ZONING ORDINANCE

Article 13, Industrial District, Section 13.03, “Special Uses” of the Covert Township Zoning

Ordinance is hereby amended to add a new subsection 6, Battery Energy Storage System (Tier 2) to read as follows:

6. Battery Energy Storage System (Tier 2)

SECTION 3
AMENDMENT TO ARTICLE 18, "GENERAL PROVISIONS" OF
THE COVERT TOWNSHIP ZONING ORDINANCE

Article 18, General Provisions of the Covert Township Zoning Ordinance is hereby amended to add a new Section 18.34 Battery Energy Storage Systems (BESS), which shall read as follows:

Section 18.34 Battery Energy Storage Systems (BESS)

- A. **Tier 1 Battery Energy Storage Systems** shall be permitted in all zoning districts as accessory uses, subject to the Michigan Building Code and the National Electric Code as applicable.
- B. **Tier 2 Battery Energy Storage Systems** shall be subject to the following:
1. **Location.** Tier 2 Battery Energy Storage Systems may be established on one or more lots under a signed lease, easement or other agreement. These lots shall be defined as participating lots.
 2. **Setbacks.** Tier 2 Battery Energy Storage Systems shall comply with the setback requirements of the underlying zoning district for principal structures. Setbacks shall be measured from the lot line to the closest point of any component within the Battery Energy Storage System. Required setbacks shall not apply to common lot lines of participating lots.
 3. **Height.** Tier 2 Battery Energy Storage System purpose-built containers shall not be stacked above the height of a single purpose-built container.
 4. **Fire Safety.** Tier 2 Battery Energy Storage Systems shall comply with the National Fire Protection Association (NFPA) Fire Standard 855 regarding 'energy storage systems'.
 5. **Utility Lines.** All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and rights-of-way.
 6. **Signage.** Signage shall be required in compliance with ANSI Z535 and shall include the type of technology associated with the battery energy storage systems, any special

hazards associated, the type of suppression system installed in the area of battery energy storage systems, and 24-hour emergency contact information, including a reach-back phone number.

- a. As required by the National Electrical Code, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
7. **Lighting.** Lighting of the battery energy storage systems shall be limited to that minimally required for safety and operational purposes and shall comply with Section 18.16 – Exterior Lighting.
 8. **Noise.** The 1-hour average noise generated from the battery energy storage systems, components, and associated ancillary equipment, shall comply with the Covert Township Anti-Noise and Public Nuisance Ordinance (Ordinance No. 39, as amended). Established maximum decibel levels shall not apply to common lot lines of participating lots. Applicants may submit equipment and component manufacturers noise ratings to demonstrate compliance. The applicant may be required to provide Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the boundaries of the participating lots to demonstrate compliance with this standard. The Planning Commission may waive compliance with this requirement at a particular location along the boundary of a surrounding non-participating lot where the owner(s) and occupant of said non-participating lot agree in writing to the waiver of this requirement.
 9. **Vegetation and tree-cutting.** The area within 10 feet on each side of Tier 2 Battery Energy Storage Systems shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover shall be allowed provided they do not form a means of readily transmitting fire.
 10. **Fencing Requirements.** Tier 2 Battery Energy Storage Systems, including all mechanical equipment, shall be enclosed by an 8-foot-high fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building and not interfering with ventilation or exhaust ports.
 11. **Screening and Visibility.** Tier 2 Battery Energy Storage Systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area and not interfere with ventilation or exhaust ports.

12. Decommissioning.

- a. A Decommissioning Plan, including a Decommissioning Agreement in a form recordable at the Van Buren County Register of Deeds, shall be provided and shall address the following:
 - (1) State the anticipated life of the project;
 - (2) Describe estimated decommissioning costs in current dollars and provide that this figure will be updated every fifth (5th) year after commercial operation of the system;
 - (3) Be signed by the party responsible for decommissioning, and shall bind all successors, heirs and assigns;
 - (4) Define the conditions upon which decommissioning will be initiated (e.g., end of land lease, no power storage for 12 months, etc.);
 - (5) State that all equipment, conduit, structures, fencing, roads, and foundations will be removed to a depth of four (4) feet by the end of the decommissioning period;
 - (6) Require property to be restored as near as reasonably possible to the condition it was in prior to the development of the system;
 - (7) Describe the timeframe for completion of decommissioning activities;
 - (8) Describe any agreement (e.g., lease) with the landowner regarding decommissioning;
 - (9) State the party currently responsible for decommissioning; and
 - (10) Describe any plans or circumstances requiring an update of the decommissioning plan.
- b. A recorded copy of the Decommissioning Agreement shall be submitted to the Township.
- c. Decommissioning shall be completed within 12 months of determination by the Township Board that the system is no longer being maintained in an operable state of good repair, unless the current responsible party provides substantial evidence of the intent to maintain and reinstate operation of the system.
- d. The Decommissioning Plan shall include financial assurance in the form of a bond, 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 system.

Salvage value shall not be included in the estimated cost of decommissioning. The financial assurance must be posted in full (125%) by the start of full commercial operation and continuously maintained for the period of the life of the system.

13. **Ownership Changes.** If the owner of the battery energy storage system changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning plan.

A new owner or operator of the battery energy storage system shall notify the Township in writing of such change in ownership or operator within 30 days of the ownership change. The special use permit and all other local approvals for the battery energy storage system may be revoked, upon notice and a public hearing, if a new owner or operator fails to provide written notification to the Township in the required timeframe. Reinstatement of a revoked special use permit will be subject to the same review and approval processes for new applications under this Ordinance.

SECTION 4
AMENDMENT TO ARTICLE 15, “SCHEDULE OF REGULATIONS” OF
THE COVERT TOWNSHIP ZONING ORDINANCE

Article 15, Schedule of Regulations, Sections 15.01 and 15.02 of the Covert Township Zoning Ordinance are hereby amended by adding footnotes to the Table of Dimensions as indicated below. Section 15.01 shall read as follows:

Section 15.01 Table of Dimensions

| ARTICLE 15 SCHEDULE OF REGULATIONS | | | | | | | | | | | |
|---|---------------------|-------------------|-----------------|----------------------|---------------------|---------------------|-------------------|----------------------|--------------------|-------------------------|-----------------------|
| Section 15.01 Table of Dimensions | | | | | | | | | | | |
| Zoning District | Min Lot Area | Min Frontg | Max Covg | Front Setback | Rear Setback | Side Setback | WF Setback | Min Bldg Size | Max Bldg Ht | Max Bldg Stories | Total Lot Covg |
| I | 20,000 sq ft | 100 ft | 60% | 50 (9) | 40 (10) | 20 (10) | (4) | --- | 40 ft | 3 | 30% |

Section 15.02 Notes to Schedule of Regulations is amended by adding new footnote 10, which shall read as follows:

10. In the I District, where a side yard or rear yard abuts property within the AG District or any residential district, the minimum side yard and rear yard setback requirements shall be 50 feet.

Footnotes 1-9 footnotes shall remain unchanged.



February 10, 2025

Village of Decatur
Village Council
114 N. Phelps
Decatur, MI 49045

Re: APPLICATION FOR SITE PLAN APPROVAL

To whom it may concern,

Glidepath Power Solutions is looking to construct a 50MW / 4hr. Battery Storage project within the jurisdiction of Decatur Township. The project is located on the south side of the Village next to the existing substation. Decatur Township does not have an ordinance (CREO) for permitting our project at a local level. Hence we are proceeding with the State Level Permitting that has just been put into place. Our access road to the facility will be within the Village of Decatur. We plan to apply for a right-of-way permit from the village in order to construct the access road and do not believe any additional permitting would be required from the village as the rest of the project is located entirely within Decatur Township.

Pursuant to Public Act 233 of 2023 (Act 233), MCL 460.1221 et seq., signed by Governor Gretchen Whitmer on November 28, 2023, Decatur Energy Storage, LLC is formally requesting via email and certified mail that the Village of Decatur's chief elected officials meet to review the project site plan and establish if the Village of Decatur has a compatible renewable energy ordinance (CREO) that would have any effect on this project or the access road to said project.

If the village does not wish to review a project site plan prior to a public meeting, to be hosted by Decatur Energy Storage, LLC, or does not wish to participate in the permitting process with the Michigan Public Service Commission (MPSC) as an intervenor, the village may notify the Commission of this decision and require Decatur Energy Storage, LLC to obtain a siting certificate for the proposed facilities from the Commission pursuant to PA 233 Section 222(2). The village should send its notification to the Commission by contacting LARA-MPSC-Edockets@michigan.gov to the attention of the MPSC Executive Secretary and to the Staff at LARA-MPSC-Siting@michigan.gov with a copy of the notification provided to the developer. Per Case No. U-21547, Attachment C, Section C-2.

If the village would like to review the project site plan prior to a public meeting, please respond to this correspondence or call (612) 701-4855 within 30 days with a preferred date for the meeting to take place.

Sincerely,

A handwritten signature in black ink, appearing to read "Chuck Beisner", with a long horizontal flourish extending to the right.

Chuck Beisner
Senior Director, Development
612-701-4855
cbeisner@glidepath.net