

BARODA TOWNSHIP

BERRIEN COUNTY, MICHIGAN

**RESOLUTION TO ADOPT AN ORDINANCE TO IMPOSE A TEMPORARY
MORATORIUM ON THE ISSUANCE OF PERMITS, LICENSES, OR APPROVALS
FOR, OR FOR ANY CONSTRUCTION OF, UTILITY-GRADE SOLAR ENERGY
FACILITIES AND TO PETITION PLANNING COMMISSION TO INITIATE ZONING
ORDINANCE AMENDMENTS**

At a special meeting of the Township Board for the Township of Baroda, Berrien County,
Michigan, held on the 10th day of January 2024, at 6:00p.m.

PRESENT: William Hurst, David Wolf, Dennis Krotzer, Larry Klug, Christina Price

ABSENT: None

The following preamble and resolution were offered by Supervisor Dennis Krotzer
and seconded by Trustee David Wolf.

WHEREAS, the Michigan Zoning Enabling Act, 2006 P.A. 110, being MCL 125.3101 *et seq.*, authorizes Baroda Township (the “Township”) to adopt reasonable regulations to control the establishment and use of Solar Energy Facilities; and

WHEREAS, Public Act No. 233 of 2023 will take effect on November 29, 2024, regulating all solar projects with a nameplate capacity of 50 megawatts or greater and energy storage facilities with a nameplate capacity of 50 megawatts or more and an energy discharge capability of 200 megawatt hours or more; and

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

lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; energy storage facilities; overhead and underground control; communications and radio relay systems and telecommunications equipment; utility lines and installations; generation tie lines; solar monitoring stations; and accessory equipment and structures. The area of the system includes all the land inside the perimeter of the system which extends to any fencing. This term applies to solar photovoltaic systems used for the purpose of generating and selling energy to a public utility off site and does not apply to private commercial or residential uses where the energy is used only for supplying supplemental electricity for on-site uses; and

WHEREAS, the Township has become aware of an increase in Solar Energy Facilities in the region, which is an emerging land use not sufficiently contemplated in the current Master Plan nor by the Township's Zoning Ordinance; and

WHEREAS, it has recently come to the attention of the Baroda Township Board that, without a thorough review of the Township's current Zoning Ordinance, the establishment of Solar Energy Facilities within Baroda Township may interfere with other land uses, impair property values, impede current Township zoning goals, and negatively impact the environment; and

WHEREAS, integration of Solar Energy Facilities within the Township's existing land uses requires suitable regulations and controls to ensure compliance with the Township's Master Plan, and for the protection of the public health, safety, and welfare of all of the Township's residents; and

WHEREAS, the Township Board believes it is prudent and wise in light of the emergence of Solar Energy Facilities to take time to consider amendments to its Master Plan and Zoning Ordinance to assure proper locating and regulation of Solar Energy Facilities in the Township to better protect the public health, safety, and welfare of Township residents; and

WHEREAS, the Township wishes to direct the Planning Commission to consider regulations applicable to Solar Energy Facilities in the Township and make a recommendation to the Township Board as to proposed amendments to the Zoning Ordinance; and

WHEREAS, the Township further wishes to consider amendments to its existing Zoning Ordinance to, among other things, regulate the establishment and use of Solar Energy Facilities; and

WHEREAS, the Township has a legitimate public purpose in addressing the proper and consistent regulation of all Solar Energy Facilities to, among other things, minimize nuisances from such developments on the public; and

WHEREAS, the research, review, and drafting of ordinance(s) capable of accomplishing proper and consistent regulation of Solar Energy Facilities will take several months; and

WHEREAS, the Township finds that it is necessary and reasonable to establish a moratorium upon the issuance of any and all permits, licenses, and approvals for any property subject to or under the jurisdiction of the Township's Zoning Ordinance for the establishment and use of Solar Energy Facilities for six (6) months or until the Township amends its Zoning Ordinance regulating Solar Energy Facilities and such amendments take effect, whichever occurs first; and

WHEREAS, the Township finds that adopting such a moratorium is in the best interest of the public health, safety, and welfare; and

NOW, THEREFORE, the Township Board of Trustees of the Township of Baroda resolves as follows:

1. The Township adopts Ordinance No. 42, An Ordinance to Impose a Temporary Moratorium on the Issuance of Permits, Licenses, or Approvals for, or for Any Construction of, Solar Energy Facilities (the “Ordinance,” attached as **Exhibit A**).

2. The Ordinance shall be filed with the Township Clerk.

3. The Township Clerk shall publish notice of adoption of the Ordinance (in substantially the form of **Exhibit B**) in a newspaper of general circulation in the Township.

4. Additionally, the Township Board hereby petitions the Township Planning Commission to initiate amendments to the Zoning Ordinance to regulate Solar Energy Facilities, which should include (but not be limited to) appropriate regulations for private systems and commercial systems, including regulations concerning location, height, setback, landscaping, site plan review, interconnection with existing electrical systems, and decommissioning. The Township Board requests that the Planning Commission thereafter make a recommendation to the Township Board regarding such proposed amendments in accordance with the procedures set forth in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

5. Any prior resolution that conflicts with this Resolution is repealed upon the effective date of the Ordinance, but only to the extent necessary to give this Resolution and the Ordinance full force and effect.

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

ADOPTED:

YEAS: William Hurst, David Wolf, Dennis Krotzer, Larry Klug, Christina Price

NAYS: None

CERTIFICATION

I, the undersigned, the duly qualified and acting Township Clerk of the Township of Baroda, Michigan, CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Township Board of said Township at a regular meeting held on the 10th, day of January 2024.

Christina Price, Township Clerk

EXHIBIT A

BARODA TOWNSHIP

BERRIEN COUNTY, MICHIGAN

AN ORDINANCE TO IMPOSE A TEMPORARY MORATORIUM ON THE ISSUANCE OF PERMITS, LICENSES, OR APPROVALS FOR, OR FOR ANY CONSTRUCTION OF, UTILITY-GRADE SOLAR ENERGY FACILITIES

ORDINANCE NO. 42

An Ordinance to protect the public health, safety, and welfare by imposing a limited moratorium on the development of Solar Energy Facilities in the Township while the Township Planning Commission considers possible updates to its Master Plan and its Zoning Ordinance; and to allow the Township to study the zoning regulations pertaining thereto and possible revisions to the current Zoning Ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

THE TOWNSHIP OF BARODA, BERRIEN COUNTY, MICHIGAN, ORDAINS:

Section 1. Definition. “Solar Energy Facilities” means a system that captures and converts solar energy into electricity, for the purpose of sale or for use in locations other than solely the solar energy facility property. Solar energy facility includes, but is not limited to, the following equipment and facilities to be constructed by an electric provider or independent power producer: photovoltaic solar panels; solar inverters; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; energy storage facilities; overhead and underground control; communications and radio relay systems and telecommunications equipment; utility lines and installations; generation tie lines; solar monitoring stations; and accessory equipment and structures. The area of the system includes all the land inside the perimeter of the system which extends to any fencing. This term applies to solar photovoltaic systems used for the purpose of generating and selling energy to a public utility off site and does not apply to private commercial or residential uses where the energy is used only for supplying supplemental electricity for on-site uses.

Section 2. Purpose and Findings. The purpose of this moratorium is to provide sufficient time for the Baroda Township Planning Commission to fully explore, analyze, research, and make recommendations to the Baroda Township Board regarding potential zoning regulations applicable to Solar Energy Facilities. In support of this Ordinance, the Baroda Township Board has determined the following:

A. The Township has become aware of an increase of Solar Energy Facilities in the region, which is a more recent and emerging land use. It is clear that interest in these Solar Energy Systems is increasing across the state, and that applications for the construction and location of Solar Energy Systems within the Township may be imminent.

B. The integration of these Solar Energy Facilities within the Township's existing land uses requires suitable regulations and controls for the protection of the public health, safety, and welfare of all of the Township's residents.

C. The Township Board is authorized to establish reasonable requirements and regulations to govern and control Solar Energy Facilities within the Township to protect the public health, safety, and welfare of the Township's residents and their property.

D. Pursuant to the Michigan Zoning Enabling Act, 2006 P.A. 110, being MCL 125.3101 *et seq.*, the Township has adopted a Zoning Ordinance.

E. The Township Zoning Ordinance has no provisions for Solar Energy Facilities. Therefore, these facilities and their systems are neither a permitted nor special land use in the Township.

F. The Township wishes to consider whether amendments to its Zoning Ordinance to regulate the establishment and use of Solar Energy Facilities is necessary in order to better protect the public health, safety, and welfare of the Township's residents.

G. Imposing a moratorium, on a limited temporary basis, is reasonable and necessary to allow the Township Planning Commission time to fully explore, analyze, research, and develop proposed zoning amendments and make recommendations to the Baroda Township Board regarding potential amendments to the Township's Zoning Ordinance applicable to Solar Energy Facilities.

H. A moratorium should be imposed upon the issuance of any and all permits, licenses, and approvals for any property subject to or under the jurisdiction of the Township's Zoning Ordinance for the establishment and use of Solar Energy Facilities for six (6) months or until the Township amends its Zoning Ordinance regulating Solar Energy Facilities and such amendments take effect, whichever occurs first.

Section 3. Moratorium. A moratorium is hereby imposed upon the issuance of any and all permits, licenses, or approvals for any property subject to or under the jurisdiction of the Township's Zoning Ordinance for the establishment or use of Solar Energy Facilities, so long as this Ordinance is in effect.

Section 4. Term of Moratorium; Renewal. The moratorium imposed by this Ordinance shall remain in effect for six (6) months following the effective date of this Ordinance, or until Solar Energy Facility regulatory amendments to the Township's Zoning Ordinance become effective, whichever occurs first. Before this moratorium expires, the Township may, by resolution, extend the moratorium for up to six (6) months to allow sufficient time to complete amendments to its Zoning Ordinance, if necessary. If an extension is adopted, then the Township will publish notice of the extension.

Section 5. Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 6. Repealer Clause. Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect. However, this Ordinance shall not be construed as a repeal or an amendment to the Township Zoning Ordinance; rather, it is a temporary moratorium until such time as this Ordinance expires or amendments to the Township Zoning Ordinance regulating Solar Energy Facilities take effect, whichever occurs first.

Section 7. Effective Date. This Ordinance shall become effective immediately following publication.

EXHIBIT B

BARODA TOWNSHIP

BERRIEN COUNTY, MICHIGAN

NOTICE OF ORDINANCE ADOPTION:

AN ORDINANCE TO IMPOSE A TEMPORARY MORATORIUM ON THE ISSUANCE OF PERMITS, LICENSES, OR APPROVALS FOR, OR FOR ANY CONSTRUCTION OF, UTILITY-GRADE SOLAR ENERGY FACILITIES

On January 10th, 2024, Baroda Township (the “Township”) adopted Ordinance No. 42, An Ordinance to Impose a Temporary Moratorium on the Issuance of Permits, Licenses, or Approvals for, or for Any Construction of, Solar Energy Facilities (the “Ordinance”). The following is a summary of the Ordinance. A true copy of the Ordinance is available at the Office of the Township Clerk at the Township Hall, 9091 First St., Baroda, MI 49101.

Section 1. Definition. This section defines “Solar Energy Facilities.”

Section 2. Purpose and Findings. This section describes the purpose and findings of the Ordinance made by the Township Board. This section further states that imposing a moratorium, on a limited temporary basis, is reasonable and necessary in order to allow time for the Township Planning Commission to fully explore, analyze, research and make recommendations to the Baroda Township Board regarding potential zoning regulations applicable to Solar Energy Facilities.

Section 3. Moratorium. This section imposes a moratorium upon the issuance of any and all permits, licenses, or approvals for, or for any construction of, any Solar Energy Facilities on any property under the jurisdiction of the Township's Zoning Ordinance, so long as this Ordinance is in effect.

Section 4. Term of Moratorium; Renewal. The moratorium imposed by this Ordinance shall remain in effect for six (6) months following the effective date of this Ordinance, or until amendments to the Township Zoning Ordinance regulating Solar Energy Facilities take effect, whichever occurs first. Before the moratorium imposed by this Ordinance expires, the Township Board may, by resolution, extend the moratorium for an additional six (6) months, or some lesser period of time as the Township Board deems appropriate.

Section 5. Validity and Severability. This section provides that if any portion of this Ordinance is found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 6. Repealer Clause. This section provides that any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give the Ordinance full force and effect. Notwithstanding, this section further provides that the Ordinance should not be construed as a repeal or an amendment to the Township Zoning Ordinance; rather, the Ordinance is a temporary moratorium until such time as the Ordinance expires or amendments

to the Township Zoning Ordinance regulating Solar Energy Facilities take effect, whichever occurs first.

Section 7: Effective Date. This section provides that the Ordinance shall become effective immediately following publication.