

ERIE TOWNSHIP
RESOLUTION ESTABLISHING A MORATORIUM ON LARGE SCALE SOLAR FARM ENERGY
SYSTEMS, SOLAR PLANTS, OR SOLAR FARMS APPLICATIONS
ADOPTED DECEMBER 14, 2021
EXTENDED ON MAY 10, 2022

WHEREAS, reportedly many Township owners of large acreage parcels have been contacted as to the proposed lease, grant of easement or purchase of lands for the creation of Solar Energy Farms on a large scale throughout the Township and this has resulted in a number of inquiries, questions, comments and concerns being expressed to both the Township Board and Planning Commission: and

WHEREAS, some Property Owners of the Township are experiencing development pressure and receiving proposals from various developers with regard to the location and development of Solar Energy Systems, Solar Plants, or Solar Energy Farms; and

WHEREAS, the Erie Township Zoning Ordinance No. 117 contains certain minimum standards for Alternative Energy Structure Regulations or Solar Power Plants in Sections 11.30 and 14.08; and

WHEREAS, the Erie Township Board has determined that the current standards and requirements do not sufficiently or adequately address large scale Solar Farms/ Solar Plants of the magnitude currently being presented/proposed to property owners throughout the Township, including amassing farm land of potentially hundreds of acres for development of such energy systems: and

WHEREAS, in particular, the Township Board wishes to direct the Planning Commission to reconsider and possibly add provisions as it relates to Solar Farms, Solar Plants, and Solar Energy Systems:

1. Address where solar farms would be allowed in the Township.
2. Ensure adequate on-going property maintenance once construction is completed.
3. Mitigate impacts on adjacent property owners and residents with measures such as greater setbacks, solar farm size restrictions, etc.
4. Mitigate other impacts on the Township such as limiting farmland fragmentation and allowing for contiguous natural and wildlife buffers.

WHEREAS, the Planning Commission proposes to review and recommend to the Township Board certain revisions and amendments to the Township Zoning Ordinance which it feels are necessary in order to best protect the health, safety and general welfare of the residents and property owners of the Township and as such, on December 14, 2021 a recommendation was made to the Township Board that a moratorium be enacted by the Board for a period not to exceed six months to allow them to do so: and

WHEREAS, the Township Board hereby finds and determines as follows:

1. An urgent situation exists such that a temporary emergency moratorium is necessary in order to protect the public health, safety, and general welfare of the property owners and residents of the township.

2. Such a moratorium advances a legitimate public interest, that being the protection of adjacent uses and the Township as a whole, protection and sanctity of the Master Land Use Plan and the Erie Township Zoning Ordinance as the current regulations do not afford the protection needed to ensure that the residents and property owners of Erie Township are not adversely affected.
3. The moratorium is being entered into in good faith, with an expectation of diligence and swift action to address the need.
4. The moratorium will not deprive any property owner of the reasonable use of their property for an unreasonable time.
5. Rather, the moratorium is being established for the protection of the Township and its residents and property owners only until such time as a draft Zoning Ordinance Amendment can be prepared and completed, a public hearing can be conducted and Zoning Ordinance Amendment adopted.

WHEREAS, the Erie Township Board deems it necessary to establish a moratorium on the establishment and development of new Solar Energy Farms/Solar Plants for a period of **six** months from the effective date of this Resolution, unless sooner terminated by the Board, in order to permit the planning process to take place and to allow Township staff, the Planning Commission and the Township Board sufficient time to make any necessary changes and modifications to the existing Township Zoning Ordinance regarding large scale Solar Energy Systems, Solar Plants, and Solar Farms; and

NOW, THEREFORE, the Erie Township Board hereby adopts the following Moratorium as to Large Scale Solar Energy Systems, Solar Plants, or Solar Farms Applications:

Section 1. Temporary Restrictions on Solar Energy Farm, Solar Plants Zoning and Permitting. For a period of **six** months from the effective date of this Resolution, or until such earlier time as the Erie Township Board determines by resolution that the reasons for the Moratorium no longer exist, no new or pending applications for zoning, rezoning or land use permit (including, without limitation, conditional use permits) for Large Scale Solar Energy Systems, Solar Plants, or Solar Farms shall be accepted, processed, considered or approved by the Township.

Section 2. Definitions and Application. The term "Large Scale Solar Energy Systems, Solar Plants, or Solar Farm" shall include all proposed developments for solar arrays or farms. The temporary restrictions set forth in Section 1 shall apply to any pending or future zoning applications for Solar Energy System of Solar Energy Farms or Solar Plants and shall not apply to small freestanding solar panel arrays or rooftop arrays as set forth and regulated in existing Sections 11.28, 14.06, and 14.07.

Section 3. Enforcement. Erie Township may enforce any provision of this Resolution by any and all means authorized by Erie Township Ordinances and State Statues.

Section 4. Effective Date. This Moratorium shall take effect immediately and shall be in effect for a period of **six** months from the date thereof, unless earlier terminated by the Erie Township Board.

Section 5. Severability. Every section, provision, or part of this Resolution is declared severable from every other section, provision, or part thereof to the extent that if any section, provision, or part of this Resolution shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

The foregoing resolution offered by Board Member: Steve Mishka

Second offered by Board Member: Cindy Wisbon

Upon a roll call vote the following voted:

"aye" Cindy Wisbon, Gary Wilmoth, Steve Mishka, Kim Cousino

"nay" _____

Absent/Excused: Paul Perry

The Supervisor declared the resolution adopted.




Kimberly Cousino, Clerk
Erie Township

CERTIFICATE

The undersigned Clerk of Erie Township hereby certifies that the foregoing constitutes a true and complete copy of an excerpt of the minutes of a special meeting of the Township Board held on December 14, 2021 at which meeting the above Resolution Establishing a Moratorium on Large Scale Solar Farm Energy Systems or Solar Farms Applications was adopted; all members of the Township Board voted as indicated in said minutes: and that said meeting was held in accordance with the Open Meetings Act of the State of Michigan.




Kimberly Cousino, Clerk
Erie Township



Gary Wilmoth, Supervisor
Erie Township

At the regular meeting of the Township Board held on May 10, 2022 the Erie Township Board unanimously voted to extend this solar moratorium an additional six months. This moratorium is set to expire on November 10, 2022.



Kimberly Cousino Clerk
Erie Township