

**SANDS TOWNSHIP PLANNING COMMISSION  
MINUTES**  
December 15, 2020

1. Call to Order at 6:30 PM by Planning Commission Chair S. Brauer.
2. Roll Call: S. Brauer, S. Sundell, P. Lajewski-Pearson, J. Yelle & C. Bushong
  - a. Absent: None
  - b. Others in Attendance: Randy Yelle, Pamela Roberts
  - c. Virtual Attendance: Savion Staff, Koah Media staff, Dan Wiitala, CCI, surrounding municipality representatives and members of the public (25-40 at multiple times during the meeting).
3. Approval of Agenda: Motion by S. Sundell, Supported by C. Bushong, to approve agenda as presented. Ayes: 5 Nays: 0 Motion Carried
4. Approval of Meeting Minutes of October 20, 2020: Motion by P. Lajewski-Pearson, Supported by J. Yelle, to approve the minutes as presented. Ayes: 5 Nays: 0 Motion Carried
5. Public Comment: Welcome announcement by Koah Moderator, Tim Anderson.
6. Business:
  - a. Public Hearing for a Special Use Permit Request (SUP20-06) by Savion and the Superior Solar Project.
    - i. S. Brauer opened the Public Hearing at 6:40 PM.
      - A. Requester Presentation:

Courtney Timmons, Development Director with Savion presented a detailed power point on the proposed Superior Solar Project. Also presenting was Dan Wiitala from the North Jackson Company with information on the Superior Solar Project groundwater assessment.
      - B. Public Input:

The public was able to dial in for a three minute call to voice their support/opposition to the planning commission and submit online questions in regards to the proposed solar project. The vast majority of the public that phoned in voiced their support for the project. Those who oppose the project expressed their concerns about pesticide use, recreational use of the proposed land, the Sands water aquifer, the location of the project and the absence of media coverage and information passed to residents of Sands Township and how the power will be used and who it will go to. All of these concerns were addressed by the Savion Staff.

C. Staff Input:

Randy Yelle, Sands Township Zoning Administrator stated that the Township has received 6 non-supporting documents along with a survey listing 80 signatures. They have received 50+ support documents including 2 surveys listing 200+ and 400+ signatures. If SUP20-06 is granted, he recommends the noted recommended conditions be included with the approval of SUP20-06.

ii. S. Brauer closed Public Hearing at 8:30 PM.

iii. Planning Commission discussion:

A. J. Yelle expressed concerns on the clearing and grading of the property, what size water well would be used at the site and water run off retention system. S. Brauer expressed concerns with the Sands Water Aquifer and if there will be a well check. C. Bushong questioned how the construction will be started in regards to how large the sections will be when they are brought in. All questions and concerns were answered and addressed to the satisfaction of the Commission Board members by the Savion Staff.

**7. Commission Action:**

**Motion by Commissioner P. Lajewski-Pearson that after conducting the required Public Hearing, reviewing the Township's Zoning Ordinance and Master Plan, and receiving staff input, receiving Savion presentation and public input, we hereby grant SUP2020-06 with the following conditions of approval:**

- Savion's seven (7) requested conditions of approval (1a).
- Comply with Sands Township's Ordinance number 23 (Herbicide, Defoliant, Desiccant and Plant Regulator Ordinance).
- Attachment 12 of Savion's binder, Site Preparation and Revegetation, and Vegetation Management Plan, Section 3.0, 3.4.2, page 7, (1b). This section is not approved regarding the proposed use of HERBICIDES as control for weeds except for the environmentally friendly mixture of water, vinegar and dish soap (1 gallon of vinegar (5% acetic acid) mixed with 1 cup of salt & 1 tablespoon of dish soap). Weeds will be controlled by mechanical means, and/or environmentally safe, approved Organic weed control product.
- Comply with Federal, State, Marquette County and Local Ordinances, Documentations, and Agreements, addressing this Special Use Permit.
- Ingress/egress off of County Road 480, must comply with Sands Township Private Road Ordinance, along with County approval.

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- Decommissioning Plan, Binder attachment 10 (1c) is accepted and adopted.
- Project owner is responsible for the total cost of clean-up of any and all contamination caused by this project.

**Motion supported by Commissioner S. Sundell.**

**ROLL CALL VOTE:**

**Commissioner S. Sundell-YES**  
**Commissioner P. Lajewski-Pearson-YES**  
**Commissioner J. Yelle-YES**  
**Commissioner C. Bushong-YES**  
**Commissioner S. Brauer-YES**

**Motion Carried.**

A complete written transcript of the meeting will be available on the Sands Township Website at [www.sandstownship.org](http://www.sandstownship.org)

8. Administrative Report:
  - a. None
9. S. Brauer adjourned meeting at 9:00 PM.

S. Brauer  
Chairman

P. Lajewski-Pearson  
Secretary

P. Roberts  
Recording Secretary

**DRAFT**

SUP 2020-06

1a

## **Requested Conditions of Approval**

Section 705(A) of the Sands Township Zoning Ordinance ("Zoning Ordinance") provides that Sands Township ("Township") "may impose conditions or limitations" with respect to a Special Use Permit ("SUP"). Superior Solar Project, LLC ("Applicant") respectfully requests the following conditions be applied by the Township to the approval of the SUP request for the Superior Solar Project ("Project").

- 1) The SUP and all conditions and restrictions shall run with the land and be transferable to a successor or an assign of the Applicant. The Applicant shall provide written notice to the County of any transfer of the SUP within a reasonable time period after completion of the transfer of the SUP. Upon such transfer, all obligations of compliance with the terms and conditions of the SUP shall be solely upon the transferee.
- 2) The Applicant shall obtain any additional required Township permits and commence development of the Project, including but not limited to excavation or land disturbance in the form of grading or tree clearing, within the Project Boundary, within two (2) years of the Township's approval of the SUP.
- 3) The Applicant shall submit to the Township a final site plan indicating the location of all Project Facilities prior to construction. The location of Project Facilities may be adjusted prior to construction so long as all Facilities remain on Project property, are approved by the relevant property owner, comply with all Zoning Ordinance requirements, including setbacks, and are reflected in their final locations on an as-built site plan provided to the Township at the conclusion of construction.
- 4) The Applicant shall install perimeter security fencing that is a minimum of six (6) feet in height with a one-foot extension arm constituting a minimum of three strands of barbed-wire slanted outward.
- 5) The Project shall comply with the applicable regulations identified in Zoning Ordinance Section 401 at the exterior of the Project Boundary. For avoidance of doubt, the setback regulations identified in Section 401 do not apply to Project facilities placed on participating parcels within the Project Boundary where the neighboring parcel is also a participating parcel.
- 6) Consistent with Section 418(B)(a) of the Zoning Ordinance, Applicant shall decommission the Project in accordance with the Decommissioning Plan attached to the SUP application as Attachment 10.
- 7) The SUP will remain valid for a period equivalent to the useful life of the Project. The useful life of the Project shall include construction, operation, and decommissioning phases of the Project.

invasive species. In order to maximize habitat value, mowing and/or haying will be scheduled for after the first frost in the fall or before plant growth begins in spring.

The vegetation on-site will require maintenance throughout the life of the Project. As with any natural landscape, the intensity of vegetation management will decrease following the establishment period. The length of the establishment period varies and is dependent on a multitude of factors including soil type, vegetation history, seed mix composition, extent of initial site preparation, and weather patterns.

### **3.4.2 Noxious Weed and Invasive Species Management**

The Project area will be monitored annually for noxious weeds and invasive species for five growing seasons to ensure initial establishment. After year five, management will continue as needed, determined by annual monitoring throughout the life of the Project. Noxious weeds and invasive species will be managed through mowing and targeted applications of commercially available herbicides. The Project does not plan to use broad applications of herbicides.

Herbicides will be used in accordance with the manufacture's specifications and all applicable federal and state regulations. Herbicides may be used to control the re-sprout of the stumps of tall-growing tree species and to control invasive and noxious weed infestations.

### **3.4.3 Decommissioning**

At the end of the Project's useful life, the Project will be decommissioned in accordance with the Decommissioning Plan. All decommissioning and restoration activities shall be completed in accordance with the Decommissioning Plan.

SUP 2020-06

1C

## **Attachment 10 Decommissioning Plan**

**DECOMMISSIONING PLAN  
SUPERIOR SOLAR PROJECT  
SANDS TOWNSHIP,  
MARQUETTE COUNTY, MICHIGAN**

**Prepared for:**

**Superior Solar Project, LLC**

**Prepared by:**



**3720 Wilder Road, Unit 2 | Bay City, MI 48706**

**ECT No. 20-0541**

**November 2, 2020**

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## 1.0 INTRODUCTION

Superior Solar Project, LLC (“Superior Solar”) contracted Environmental Consulting & Technology, Inc. (“ECT”) to prepare a Decommissioning Plan (“Plan”) for the approximately 2,335-acre Superior Solar Project (“Project”) in Sands Township (“Township”), Marquette County, Michigan. This Plan was prepared to ensure appropriate decommissioning of the Project and to meet requirements of *Section 418 Solar Energy Systems* (“SES”) of the Sands Township Zoning Ordinance (“Zoning Ordinance”) as amended through September 2020.

The Project is a 150-megawatt alternating current (“MW AC”) SES capable of providing clean, renewable electricity to more than 35,000 average Michigan homes. The Project components will include photovoltaic (“PV”) solar panels (approximately 390,000 - 430,000) that will be mounted on a single-axis tracking system with a 60+/- degree tilt, along with the associated infrastructure of electric inverters and transformers (approximately 40 inverters and 1 transformer), underground electrical collection systems (distribution equipment), electrical collector substation, point of interconnection switchyard (power control equipment), an approximately 200 feet to 400 feet overhead transmission line, an operations and maintenance building (“O&M”), battery storage, a solar meteorological station, SCADA hardware, control house for protective relay panels and site controllers, associated facilities, private gravel access roads with gated ingress/egress points and security fencing. Temporary facilities associated with construction will include a construction laydown yard. Collectively, the components listed in this paragraph comprise the “Project Facilities.”

The Project proposes that the 150 MW AC SES would connect to the Midcontinent Independent System Operator, Inc. (“MISO”) transmission system with an onsite line tap of the Dead River-Arnold 345 kilovolt (“kV”) line. The Project is proposed to begin construction at the earliest in the fall of 2022 and be operational in late 2023. The site layout has been developed to optimize the solar resource while minimizing impacts on natural resources

The purpose of this Plan is to ensure that, upon expiration of the operational life of the Project, the Project Facilities will be removed, and the Project property will be restored pursuant to the terms of the Zoning Ordinance.

This Plan provides a description of the decommissioning activities for all facilities, including removal procedures and planned restoration of the land.

### 1.1 SOLAR FACILITY COMPONENTS

The primary components of the Project include the following solar components and associated infrastructure:

- Solar panels and racking
- Operation and maintenance building
- Electrical substation
- Power control equipment
- Overhead 345 kV transmission line

- Battery storage
- Tracking system
- Electrical cabling and conduits
- Foundations and steel piles
- Transformers and inverters
- Solar meteorological station
- SCADA hardware
- Control house for protective relay panels and site controllers
- Private gravel access roads
- Gated ingress/egress points
- Security fencing

## **1.2 ANTICIPATED PROJECT LIFE**

Superior Solar, the owner of the Project, or its successors and assigns, is responsible for the decommissioning of the Project. Commercial-scale solar facilities are designed to operate for thirty (30) years or more. Superior Solar will be considered an abandoned use (“Abandoned Use”) after eighteen (18) continuous months without production of energy, unless a plan is developed and submitted to the Sands Township Zoning Administrator outlining the steps and schedule for returning the Project to service, for example, a re-powering event. In the event Superior Solar does not plan to return the Project to service, the system will be decommissioned per Zoning Ordinance requirements and as outlined below.

## **2.0 DECOMMISSIONING TASKS AND SEQUENCE**

Section 418(B)(a) of the Zoning Ordinance states: “Any freestanding solar collection system deemed abandoned shall be removed and the site returned to its original state.” Superior Solar understands this to mean all solar components including Project Facilities as defined, constructed above ground, and any structures to a depth of four (4) feet below-grade will be removed, to the extent required, and transported offsite for recycling or disposal, except for (i) access roads or driveways on private property if the property owner requests in writing to Superior Solar for such to remain and (ii) switchyard, interconnection facilities and other similar utility facilities not owned by Superior Solar at the time of decommissioning.

Superior Solar anticipates decommissioning will occur over a twelve (12) month period and will coordinate with Township prior to the start of any decommissioning activities.

All required approvals will be obtained prior to the start of decommissioning, and may include, but are not limited to the following:

- Environment, Great Lakes, and Energy (EGLE) permits for activities such as but not limited to the placement of fill, dredging of material, draining surface water, or removing a structure within a regulated wetland, stream, or floodplain.
- Sands Township or Marquette County permits for soil erosion, water quality, construction stormwater, septic and well, and building permits.
- A Stormwater Pollution Prevention Plan will be prepared to include best management practices for decommissioning.

The anticipated sequence of decommissioning and removal are described below; however, an overlap of activities is expected.

- Reinforce access roads, if needed, and prepare the site for component removal
- Install temporary fencing and best management practices (BMPs) to protect sensitive resources
- De-energize solar arrays, if not already de-energized
- Dismantle panels and racking
- Remove the frame and internal components
- Remove portions of structural foundations to a depth of four (4) feet below the surface and backfill sites if required
- Remove inverters and transformers
- Remove electrical cables and conduits to a depth of four (4) feet below the surface as required
- Remove access and internal roads and grade site
- Restore and revegetate disturbed land to the extent practicable

### **3.0 SITE RESTORATION AND REVEGETATION**

Restoration activities may include regrading to restore land contours and seeding and/or planting seedlings to revegetate disturbed areas to the extent practicable.

Superior Solar will comply with the conditions agreed upon by Superior Solar and Township. Superior Solar will also comply with any other federal and state regulations applicable to the Project at the time of decommissioning.