

Planning and Zoning Commission
Charter Township of Gun Plain
Minutes of April 15, 2026

Members present; Shannon, Bennett, Sullivan, McHugh, Novick, Webber
Absent; Albertson-Stowell

Motion by Shannon 2nd Sullivan to approve the minutes of March 18, 2026 All Approve

Motion by Sullivan 2nd Shannon to approve the agenda as amended, under Old Business add Ordinance 193 as item #3. All Approve

Public Comment

1. Robert Petric 393 Riverview-He has spent 30 years building his homestead and is against the Data Center and in favor of a Moratorium.
2. Ray Anson 94 4th St. - his property abuts the property of the proposed BESS and says they are marking trees on his property and were trespassing.
3. Dennis Watson 309 Kenneth Dr.-He is opposed to a Data Center and has concerns with water and sound.
4. Lisa Mulder 248 8th St.-She is opposed to a BESS, concerned with chemicals, toxins and water contamination. The community does not have the resources to fight fires. She is also opposed to a Data Center.
5. John Beck-He is opposed. He is a well driller and feels railroaded; there is a lack of information. He promised to file a lawsuit and expects the board to protect the residents.
6. Loree Bagley 1091 Miller Rd.-She is opposed. Why can't we just say no to BESS and Data Centers? Pollution and water concerns.
7. Deb Avery 1190 103rd- She is opposed. Concerned with well water because BESS and Data centers use a lot of water. Do not let this go on.
8. Laura Eversole 2nd St.-She is opposed. We do not have enough information, feels like this was snuck in. Politicians do not care about residents. We need to protect the ecosystem.
9. Bill Himmeline-He does not want this.
10. Dave Janke 345 6th-He is opposed. He has not seen studies and people should be given the information. He has water concerns and the effect on the community and what is the financial package. He wants to see facts.
11. Bill Fitzpatrick 878 Riverview Dr.-He is opposed. This is a common sense issue, who will clean this up like the paper mill? It is fundamentally out of bounds, who gains from this in the community? We need more information.
12. Blair Bates 721 E. Bridge St.-He is opposed. Lack of information. Keep our community quiet and beautiful.

Continued on pg.2

Continued-pg.2

13. Wendy Pedrolini 764 Doster Rd.-She is opposed. We do not have enough information or studies. Concerned with well and water contamination.

14. Michael Warren 66 10th St.-How can they make money?

New Business

#1 Public Hearing for Ordinance 193 Moratorium on Data Centers

1. Wendy Pedrolini 764 Doster Rd.-Can a Moratorium be extended?
2. Loree Bagley 1091 Miller Rd.-How do we get an extension?
3. Deb Avery 1190 103rd Ave-The board does not listen to the community.
4. Ila Baker 1046 107th Ave. - Please vote yes on the moratorium.
5. Dave Janke 345 6th St.-Is this a stay?
6. Mark Ward- Who has signed an NDA?

Motion by Shannon 2nd Sullivan to close the Public hearing All Approve

Motion by Shannon 2nd McHugh to recommend that the Gun Plain Township Board of Trustees Pass Ordinance 193-Moratorium on Data Centers. All Approve

#2 Public Hearing for Special Land Use Permit for a Battery Energy Storage System (BESS) Facility

Motion by McHugh 2nd Shannon to open the Public Hearing for a Special Land Use Permit for a Battery Energy Storage System (BESS) Facility on Parcel #03-08-034-021-50 that is located on Riverview Dr. All Approve

1. Kathy Debruyne 534 Riverview Dr.-She is opposed and lives close to the proposed BESS. We need more information.
2. Loree Bagley 1091 Miller Rd.-How can we say no?
3. Lisa Mulder 248 8th St.-She is opposed to BESS. Concerns with fire, the effect on the community and the environment.
4. Robert Petric 393 Riverview Dr.-He is opposed to BESS as they go hand in hand with Data Centers. They catch fire often, noise concerns; you need to look at the good & bad.
5. John Beck 413 Riverview Dr.-He is opposed. Board members should not engage and should use Roberts Rules.
6. Bill Fitzpatrick 878 Riverview Dr. - He is opposed. Who wants the BESS here? It is Immoral and inhumane to do this to a community. There are not enough facts and information on how this benefits us.

Continued on pg.3

Continued- pg.3

Letters received from Mr. Chapman who requested that it be pulled from Public Comment and Brian Burt who was in favor.

Motion by Sullivan 2nd Shannon to close the public hearing on a Special Land Use Permit for a Battery Energy Storage System (BESS) Facility. All Approve

Heron Battery Presentation

We went through the Site Plan Information, Standards for Granting a Special Use, Criteria for Granting Special Use Approval and Energy Storage System Ordinance.

Items that need clarification;

1. Landscape-obligation to replace plantings that have died in a timely manner.
2. Provide information regarding proposed service drive materials.
3. Plan for emergency entry without project personnel.
4. Decommissioning plan must be amended to include removal of foundations and utilities at a four (4) foot depth.
5. Applicant must provide financial guarantee in a form acceptable to the Township.
6. Information on an operations/ maintenance building.
7. Applicant should verify no trash receptacle on site or provide location of a site and screening information.

Motion by Webber 2nd Novick to postpone a decision on the Special Land Use Permit for a Battery Energy Storage System (BESS) Facility located on Riverview Drive, Parcel # 03-08-034-021-50 to allow staff to prepare a draft resolution and for the applicant to provide aforementioned material to be considered at our next meeting on May 20, 2026 at 6:00p.m. All Approve

Motion by Bennett 2nd Shannon to table Old Business items #2 and #3 due to the late hour. All Approve

Motion by Bennett 2nd Webber to adjourn the meeting. All Approve

D.Webber

Heron Energy Storage LLC
#03-08-034-021-51
RiverView Dr

BESS Facility

B. Site Plan Information. Each submittal for site plan review shall be accompanied by a detailed site plan which shall consist of an accurate drawing, showing the entire site and all land within 150 feet of the site. The scale of the site plan shall be not less than 1 inch = 50 feet if the subject property is less than 3 acres, and 1 inch = 100 feet if three acres or more. If multiple sheets are used, each shall be labeled and the preparer identified. If there is an accurate site plan for the lot on file with the Township, the Township Superintendent may waive the requirement for a site plan. The following information shall be included:

1. Name of development and general location sketch.

OK

2. Name, address and phone number of owner(s), developer, engineer, architect and/or designer.

OK

3. North arrow, scale, and date of original drawing and revisions.

OK

4. The seal of one of the following professionals registered in the State of Michigan: Registered Architect, Registered Civil Engineer, Registered Landscape Architect, Registered Land Surveyor or Registered Professional Community Planner. The architectural plans of the buildings shall be prepared by and bear the seal of a Registered Architect. A site plan for an alteration or addition to an existing structure may be prepared by the builder or contractor.

OK

5. A legal description and address of the property in question.

OK

6. The area of the site in square feet and acres excluding all existing and proposed public rights-of-way.

OK

79
12
13

7. The dimensions of all lots and subject properties, showing the relationship of the subject property to abutting properties, including lots across rights-of-way and easements. The

OK

boundaries of the subject property shall be clearly indicated on the site plan, differentiated from other contiguous property. If the parcel is a part of a larger parcel, boundaries of total land holding shall be indicated.

8. Existing topographic elevations at two foot intervals, including ground elevations of all existing buildings, drives and/or parking lots, and any adjacent unusual surface conditions. Indicate direction of drainage flow.
9. The location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, floodplains, and wetlands.
10. Location and type of existing vegetation, including location of all existing trees over five (5) inches in diameter.
11. Any significant site amenities and unique features.
12. Existing land uses and zoning classification of the subject parcels and adjacent parcels.
13. All required minimum setbacks from the existing or proposed right-of-way and from adjacent lots.
14. The location and dimensions (length, width, height) of all existing and proposed structures on the subject property and all existing structures within 100 feet of the subject property.

- ✓ 15. The location and width of all existing public roads, rights-of-way or private easements of record, abutting streets, alleys, and driveway locations to abutting streets.
- ✓ 16. With residential proposals, a site summary indicating the number and location of one bedroom units, two bedroom units, etc., typical floor plans with the square feet on floor areas; density computation, recreation facilities, open spaces, street names, and lot coverage.
- ✓ 17. With non-residential proposals, the number of offices, number of employees, the number of floors and typical floor plans and cross sections.
- ✓ 18. Proposed parking lots including layout and typical dimensions of parking spaces, number of spaces provided (including how computed per ordinance requirements) and type of surfacing.
- ✓ 19. Location of and dimensions of proposed streets, drives, curb cuts, and access easements, as well as acceleration, deceleration and passing lanes (if any) serving the development.
20. Proposed traffic and pedestrian circulation patterns, both within the site and on the public streets adjacent to the site and the proposed location and dimensions of any required pedestrian sidewalks. Designate loading and unloading areas, barrier free access, any fire lanes, and carports.
- ✓ 21. Proposed finish grade of buildings, driveways, walkways, and parking lots.
22. Proposed type of building materials, roof design, projections, canopies and overhangs, roof-located mechanical equipment, such as: air conditioning, heating units and transformers that will be visible from the exterior.

23. Proposed water service including any proposed tap ins, main extensions or extensions for adequate fire hydrant spacing, and/or considerations for extensions to loop other public water mains.
24. Proposed sanitary sewer facilities and the location of all existing utilities, easements and the general placement of lines, manholes, tap-ins, pump stations, and lift stations.
25. Proposed storm water management plan including design of sewers, outlets (enclosed or open ditches), and retention or detention ponds. Sufficient data regarding site run-off estimates and off-site drainage patterns shall be provided to permit review of feasibility and permanency of drainage detention and/or retention as well as the impact on local surface and groundwater. The plan shall indicate location and status of any floor drains in structures on the site. The point of discharge for all drains and pipes should be specified on the site plan.
26. Locations of existing and proposed fire hydrants with reasonable access thereto for fire fighting, police and other emergency equipment.
27. Location of all other utilities on the site including but not limited to natural gas, electric, cable TV, telephone and steam.
28. Soil erosion and sedimentation control measures.
29. Detailed landscaping plan indicating location, types and sizes of material.

30. All proposed screening and free standing architectural walls, including typical cross-sections and the height above ground on both sides.
31. The dimensions and location of all signs, both wall signs and free-standing signs and of lighting structures and shielding.
- (32.) Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
No trash
33. Location and specifications for any existing or proposed outdoor or below ground storage facilities as well as any screening or containment structures or clear zones required by government authorities.
34. Easements for proposed public rights-of-way, utilities, access, shared access, and drainage.
35. Notation of any variances which have been or must be secured.
36. Notation of performance guarantees to be provided including amounts, types, and terms.
-
37. Statement that applicant will comply with state, local and federal laws, as applicable to the site or intended use.

38. Information and special data which may be critical to the adequate review of the proposed use and its impacts on the site or Township. Such data requirements may include traffic studies, market analysis, environmental assessments (including inventory and impact data on flora, fauna, natural resources, hazardous materials, erosion control and pollution), demands on public facilities and services, impact on historical or cultural resources, displacement of people or other uses as a result of the proposed development, alterations of the character of the surrounding area, effect on the Township's tax base and adjacent property values, or other data which the Township may reasonably deem necessary for adequate review.
39. The size, location and description of any proposed interior or exterior areas or structures for storing, using, loading or unloading of hazardous substances. A listing of types and quantities of hazardous substances which will be used or stored on-site in quantities greater than 100 kilograms or 25 gallons per month.
40. Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of the cleanup.
41. Plans depicting existing and proposed building elevations.
42. For developments that are of a scale to warrant phased development, the phasing of construction shall be indicated. A detailed site plan need be submitted only for that portion of the property for which a building permit will be applied for; a general site plan which clearly indicates the overall project intent may be submitted for the remainder of the site.
43. Building elevations of the proposed structure(s) from each direction shall be shown.

Heron Energy Storage LLC

#03-08-034-021-51

Riverview

BESS Facility

33. Location and specifications for any existing or proposed outdoor or below ground storage facilities as well as any screening or containment structures or clear zones required by government authorities.
34. Easements for proposed public rights-of-way, utilities, access, shared access, and drainage.
35. Notation of any variances which have been or must be secured.
36. Notation of performance guarantees to be provided including amounts, types, and terms.
37. Statement that applicant will comply with state, local and federal laws, as applicable to the site or intended use.
38. Information and special data which may be critical to the adequate review of the proposed use and its impacts on the site or Township. Such data requirements may include traffic studies, market analysis, environmental assessments (including inventory and impact data on flora, fauna, natural resources, hazardous materials, erosion control and pollution), demands on public facilities and services, impact on historical or cultural resources, displacement of people or other uses as a result of the proposed development, alterations of the character of the surrounding area, effect on the Township's tax base and adjacent property values, or other data which the Township may reasonably deem necessary for adequate review.
39. The size, location and description of any proposed interior or exterior areas or structures for storing, using, loading or unloading of hazardous substances. A listing of types and quantities of hazardous substances which will be used or stored on-site in quantities greater than 100 kilograms or 25 gallons per month.
40. Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of the cleanup.
41. Plans depicting existing and proposed building elevations.
42. For developments that are of a scale to warrant phased development, the phasing of construction shall be indicated. A detailed site plan need be submitted only for that portion of the property for which a building permit will be applied for; a general site plan which clearly indicates the overall project intent may be submitted for the remainder of the site.
43. Building elevations of the proposed structure(s) from each direction shall be shown.

SECTION 20.05 CRITERIA FOR GRANTING SITE PLAN APPROVAL

Each site plan shall conform to all applicable provisions of this Ordinance. The following criteria shall be used by the Planning Commission as a basis upon which site plans will be reviewed and approved. The Township shall adhere to sound planning principles, yet may allow for design flexibility in the administration of the following standards:

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A. All elements of the site shall be harmoniously and efficiently designed in relation to the topography, size, and type of land, and the character of the adjacent properties and the proposed use. The site shall be developed so as not to impede the reasonable and orderly development or improvement of surrounding properties for uses permitted on such property.

OK
B. The site plan shall comply with the zoning district requirements for minimum floor space, height of building, lot size, open space, density and all other requirements as set forth in this Ordinance.

OK
C. The existing natural landscape shall be preserved in its natural state as much as possible, by minimizing tree and soil removal and by topographic modifications that result in maximum harmony with adjacent properties.

NO
D. The site plan shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and users. Where landscaping is provided, there must be provision for maintaining all plantings through a regular program of fertilizing, irrigating, pruning, mowing and replacing all dead and diseased materials.

OK
E. All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.

NA
F. There shall be a pedestrian circulation system that is insulated as completely as possible from the vehicular circulation system. In order to insure public safety, pedestrian underpasses or overpasses may be required in the vicinity of schools, playgrounds, local shopping facilities, and other uses that generate considerable amounts of pedestrian movement.

N/A
G. All streets shall be developed in accordance with the Township Subdivision Regulations and the Allegan County Road Commission design specifications. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets or pedestrian or bicycle pathways in the vicinity of the site. Streets and drives that are a part of an existing or planned street system serving adjacent developments shall be of an appropriate width to accommodate the volume of traffic they are planned to carry and shall have a dedicated right-of-way equal to that as specified by the Township. The applicant may be required to dedicate adequate land and improvements to the Township in order to achieve access which is safe and convenient.

H
H. Special attention shall be given to proper site drainage. Appropriate measures shall be taken to insure that the removal of surface waters will not adversely affect adjacent lots or the capacity of

the public or natural storm drainage system. Provisions shall be made for a feasible storm drainage system, the construction of storm-water facilities, and the prevention of erosion and dust. In addition, special attention shall be given to the installation of appropriate fencing and other safety measures adjacent to and surrounding stormwater retention and detention areas. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicles or pedestrian traffic and will not create nuisance ponding in paved areas. Where possible and practical, drainage design shall recognize existing natural drainage patterns. Final grades may be required to conform to existing or future grades of adjacent properties.

N/A
I. All off-street parking, loading and unloading areas and outside storage areas, including areas for storage of trash, that face or are visible from adjacent residential districts or public thoroughfares, shall be screened by walls, fencing or landscaping of effective height as required within the landscape provisions of this Ordinance.

OK OK
J. Exterior lighting shall be so arranged and limited in intensity and height so that it is deflected away from adjacent lots and so that it does not impede vision of drivers along adjacent streets. All exterior lighting shall be recessed within the fixture or structure in which it is attached.

OK OK
K. Adequate services and utilities including sanitary sewers, and improvements shall be available or provided, located and constructed with sufficient capacity and durability to properly serve the development.

OK
L. Any use permitted in any zoning district must comply with all applicable requirements of state, local, and federal statutes including health and pollution laws and regulations with respect to noise, smoke and particulate matter, vibration, noxious and odorous matter, glare and heat, fire and explosive hazards, gases, electromagnetic radiation and drifting and airborne matter, toxic and hazardous materials, erosion control, floodplains, wetlands, and requirements of the State Fire Marshal. Site plan approval may be conditioned on the applicant receiving necessary state and federal permits before final site plan approval or an occupancy permit is granted.

OK
M. An objective of site plan review shall be to protect and to promote public health, safety and general welfare by requiring the screening, buffering and landscaping of sites and parking lots which will serve to reduce wind and air turbulence, heat and noise, and the glare of automobile lights; to preserve underground water reservoirs and return precipitation to the ground water strata; to act as a natural drainage system and solve storm water drainage problems; to reduce the level of carbon dioxide and return oxygen to the atmosphere; to prevent soil erosion; to provide shade; to conserve and stabilize property values; to relieve the stark character of parking lots; to conserve energy, provide visual and sound privacy and to otherwise facilitate the preservation and creation of a healthful, convenient, attractive and harmonious community.

N/A
N. It is an objective of site plan review to improve the quality of existing developments as they are expanded, contracted, redeveloped or changed in keeping with sound site development standards of the Township and with the Township Master Plan.

OK
O. A major objective shall be to retain, enhance and protect the quality, value and privacy of all residential land uses.

N/A
P. All development phases shall be designed in logical sequence to insure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon improvements of a subsequent development potential of lands.

N/A
Q. All sites shall be designed to comply with state and local barrier-free requirements and to reasonably accommodate the handicapped and elderly.

SECTION 20.06 REVIEW AND APPROVAL Site Plans shall be reviewed in accordance with the following procedures:

- A. **Department Review.** The Township Superintendent may secure comments from the Township Building Inspector, Allegan County Road Commission, Sheriff's Department, and the Township or consultant Engineer and Planner, and forward all comments to the Planning Commission for its review. The Planning Commission shall review the plans and may solicit further comments from an Engineer, Planning Consultant and other agencies, groups or persons, as appropriate.
- B. **Site Plan Approval.** The Township Planning Commission is hereby authorized to review and approve, with or without conditions or to review and deny approval, all site plans submitted under this Ordinance. Guidelines for consideration of each case shall follow the zoning ordinance and other applicable ordinances. When the Planning Commission approves a site plan with conditions from the applicant, the Township Superintendent shall require a revised site plan with a revision date, indicating said conditions on the site plan.
- C. **Record of Action.** Each action taken with reference to site plan review and approval shall be duly recorded in the minutes of the Gun Plain Charter Township Planning Commission. A final copy of the approved site plan shall be so marked and placed on file with the Township Clerk's office.
- D. **Final Site Plan.** When a site plan approval is required, no building permit shall be issued until three copies of a final site plan, which includes all conditions of approval, a revision date and notation of all variances has been signed by the Planning Commission, the Township Superintendent or their designees. Prior to issuance of a permit, one copy of the final signed plan shall be filed with each of the following: Township Clerk, Zoning Official and the Applicant.

SECTION 20.07 ISSUANCE OF BUILDING PERMIT AFTER SITE PLAN APPROVAL

Heron Energy Storage LLC
03-08-034-021-51
Riverview Dr

BESS
Facility

D. **Planning Commission Determination.**

Following the public hearing, the Planning Commission shall review the application for the special land use permit, together with the public hearing findings and reports and recommendations of Township staff, consultants and other reviewing agencies. The Planning Commission is authorized to deny, approve, or approve with conditions, requests for special land use approval. Such decision shall include the standards relied upon, finding of fact, conclusions, approval or denial, and conditions, if any, attached to the approval.

Performance guarantees may be required by the Planning Commission, in accordance with Section 22.02, to insure compliance with special approval conditions.

E. **Standards for Granting Special Use Approval.**

Approval of a special land use permit shall be based on the determination that the proposed use will comply with all requirements of this ordinance, including site plan review criteria set forth in Chapter 20. In addition, the following standards shall be met:

- OK 1. The location, scale, and intensity of the proposed use shall be compatible with adjacent uses and zoning of land.
- UD 2. The proposed use shall promote the use of land in a socially and economically desirable manner. The proposed use shall not adversely impact the social and economic well-being of those who will use the proposed land use or activity; residents, businesses, and landowners immediately adjacent; or the Township as a whole.
- OK 3. The proposed special land use shall be compatible with and in accordance with the general principles and future land use configuration of the Gun Plain Charter Township Master Plan and shall promote the intent and purpose of this Ordinance.
- UD 4. The Planning Commission shall find that a need for the proposed use exists in the community at the time the special land use application is considered.
- OK 5. The proposed use shall be designed, constructed, operated and maintained so as to assure long-term compatibility with surrounding land uses. Consideration shall be given to:
 - The size, placement, and materials of construction of the proposed use in relation to surrounding uses.
 - The location and screening of vehicular circulation and parking areas in relation to surrounding development.
 - The location and height of buildings; the location, nature and height of walls and fences; and the nature and extent of landscaping.

- The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
- The hours of operation of the proposed use. Approval of a special land use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.

OK 6. The location of the proposed special land use within the zoning district shall minimize the impact of the traffic generated by the proposed use. Consideration shall be given to the following:

- Proximity and access to major thoroughfares.
- Estimated traffic generated by the proposed use.
- Proximity and relation to intersections.
- Location of and access to off-street parking.
- Required vehicular turning movements.
- Provision for pedestrian traffic.

OK 7. The proposed special land use shall be consistent with existing and future capabilities of public services and facilities affected by the proposed use.

OK 8. The proposed use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental to public health, safety, and welfare. Site layout shall be such that operations will not be objectionable to nearby dwellings by reason of noise, fumes, glare or flashing lights.

UD 9. The proposed use shall be compatible with the natural environment.

F. **Recording of Planning Commission Action.** Each action taken with reference to a special land use proposal shall be duly recorded in the minutes of the Planning Commission. The minutes shall record the findings of fact relative to each special land use proposal, the grounds for action taken, and any conditions imposed in conjunction with approval. All records of proceedings shall be kept on file and made available to the public.

G. **Effective Duration of Special Use Approval.** Special use approvals shall run with the owner/operator granted permission and may be issued for specified periods based upon the impacts of the proposed use to surrounding property. The sale, transfer or conveyance of the property on which the special land use is located shall nullify the special use approval. Any new proposed owner or operator shall be required to submit and be approved by the Township Planning Commission for a new special use permit in order to continue said operation or activity

H. **Amendments to Special Land Uses.** When an application is received to expand or change the use, traffic pattern, or other elements of a special land use, the application shall be subject to the same procedures followed for an original special approval of land use. The denial of an application to amend an existing Special Use Permit shall not nullify or cause to prohibit the

applicant from continuing to operate in compliance/conformance within the specifications of the original (existing) Special Use Permit approval.

- I. **Revocation of Special Land Use Approval.** Approval of a special land use permit and site plan may be revoked by the Planning Commission if construction is not in conformance with the approved plans. In such a case, the Township Superintendent shall place the special land use on the agenda of the Planning Commission for consideration, and give written notice to the applicant at least five (5) days prior to the meeting. The applicant shall be given the opportunity to present information to the Planning Commission and answer questions. The Planning Commission may revoke approval if it finds that a violation exists and has not been remedied prior to the hearing.

SECTION 22.02 PERFORMANCE GUARANTEES

- A. **Purpose.** To insure compliance with the provisions of this Ordinance and any conditions imposed there under, the Planning Commission or Zoning Board of Appeals may require that a performance guarantee be deposited with the Township to insure the faithful completion of improvements, in accordance with Section 505 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. Improvements for which the Township may require a performance guarantee include, but are not limited to, landscaping, berms, walls, lighting, surfacing of drives, parking, and acceleration/deceleration lanes, traffic control devices, sewer or water line expansion, storm water retention areas and land reclamation activities. (Amended 4/22/09)
- B. **Scope of Requirement.** The performance guarantee can apply only to those specific features and actions which the Planning Commission or Zoning Board of Appeals considers necessary to protect natural resources or the health, safety, or welfare of residents, project users, or the general public. A performance guarantee may not be required for the entire project. The guarantee is limited to those project components specifically designated by the Planning Commission or Zoning Board of Appeals.
- C. **General Requirements.** A performance guarantee shall be required by the Planning Commission on the applicable portion(s) of a site plan under any of the following circumstances:
 1. To meet the costs of improvements required to be made by the applicant to public facilities owned by the Township as a condition of site plan approval.
 2. To ensure the completion of the common elements of site plan affecting two or more parties.
 3. To ensure the completion of those portions of a site plan which will not be completed by the applicant prior to a request for occupancy.

The Planning Commission or Zoning Board of Appeals may require a performance guarantee on any other specific improvement when determined by resolution that the guarantee is necessary to protect the natural resources of the Township or the health, safety, or welfare of residents, project users, or the general public.

- D. **General Conditions.**



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Ph. (616) 877-2000 Fax (616) 877-4455
www.pcimi.com

STAFF REPORT

TO: Gun Plain Charter Township Planning Commission
FROM: Lori Castello, AICP, Planner/ Zoning Administrator
DATE: April 6, 2026
RE: Heron Energy Storage LLC, SUP: BESS

GENERAL OVERVIEW

Property Information

The unaddressed property known as Permanent Parcels 03-08-034-021-50 resides on the north/northeast side of Riverview Drive and comprises approximately 91.93 acres. It is currently zoned Agricultural, with R-1 Residential to the north and R-2 Residential to the east. The proposed project area lies within open tilled area surrounded on three sides by trees and abutting additional open cropland under the ownership of the same property owner to the north- the parcel appears to have been configured across section lines of the township, causing a separately numbered parcel in Section 27. To the northwest, adjacent property is owned by Consumers Energy where a large transmission line transects the township in a roughly east-west direction. An existing substation lies on the next parcels to the west, again owned by Consumers Energy

Request Information

The applicant is requesting a Special Use Permit and site plan approval to construct and operate a Battery Energy Storage System ("BESS") on the northeastern 26.65 acres of the parcel.

Information provided by Applicant

The applicant has provided a completed application for site plan review and engineered plan as well as numerous documents within the packet including a narrative.

RELEVANT LANGUAGE AND COMMENTS

Comments will have bold, red, footnote-like numbers referencing the summary at the end of the memo to allow for quick reference to items not completely aligned to a specific ordinance section or requiring further discussion.

SECTION 17.36. ENERGY STORAGE SYSTEM REGULATIONS

Section 1. Section 1. Energy Storage Systems.

The following requirements shall apply to all energy storage systems:

1. *Site Selection. In the "AG" Agricultural District, this land use shall not unreasonably diminish farmland, including, but not limited to, prime farmland and, to the extent that evidence of such farmland is available in the evidentiary record, farmland dedicated to the cultivation of specialty crops.*

Findings: The proposed project area consists of open cropland which appears to have been farmed in recent years. Based on satellite and aerial views it appears the crops that have traditionally been planted and harvested are consistent with those within the general area and not specifically dedicated to specialty crops. The 2022 USGS soil map shows a combination of "not prime farmland" and "farmland of local importance" generally within and surrounding the project area.

2. *Energy Storage Systems, Small shall be allowed as a special land use in the following zoning districts:*
 - A. *AG Agricultural*
 - B. *I-1 Industrial*

Findings: N/A: this is a large storage system.

3. *Energy Storage Systems, Large shall be allowed as a special land use in the following zoning districts:*
 - A. *AG Agricultural*
 - B. *I-1 Industrial*

Findings: The project area is within the AG district meeting this standard.

4. *The following minimum setbacks shall be required. Setbacks are measured from the nearest facility structure to the nearest point on the associated item:*
 - A. *100 feet from any property line of a non-participating property*
 - B. *300 feet from the nearest point on the outer wall of a dwelling on nonparticipating property.*
 - C. *50 feet measured from the nearest edge of a public road right-of-way.*

Findings: The proposed battery containers are approximately 150 feet from the north boundary line, well over 700 feet from the nearest nonparticipating residential dwelling and the Riverview Drive Road Right of Way, meeting this standard.

5. *Height. The height of energy storage system structures, except for electric distribution and transmission poles, shall not exceed a height of twenty (20) feet as measured from the natural grade of the property beneath the structure. Stacking of energy storage system components is prohibited.*

Findings: The proposed battery cabinets are just under nine feet tall and are not designed for stacking; ventilation and maintenance clearances show the cabinets must be singular and separated, which meets this standard.

6. *Fencing. The system shall be completely enclosed with fencing in compliance with the latest version of the National Electrical Safety Code or any applicable successor standard approved by the Michigan Public Service Commission.*

Findings: The proposed fence is proposed to be six feet high chain link, with an additional foot consisting of three strands of barbed wire above it. A Knox box is planned to allow for emergency access as required.

7. *Sound. The system may not generate a maximum sound in excess of 55 average hourly decibels as measured at the property line of an adjacent non-participating property. Decibel modeling shall use the A-weighted scale designed by the American National Standards Institute. The Planning Commission shall require the applicant to provide a sound study as part of the special land use review process.*

Findings: The applicant asserts that the only noise that will be generated by the project is that of the HVAC units providing climate control for the cabinets. A sound study has been provided and the plans include a sound barrier to mitigate noise. **The study should be reviewed by a technical expert to verify report methodology and results.**¹

8. *Lighting. The system must implement dark sky-friendly lighting solutions.* Exhibit 4.E notes this requirement, and sheet PP 100 (page 181 of PDF application packet) demonstrates that lighting will be compliant with this requirement.

9. *Impacts of Energy Storage System, Small and Large Energy Storage System.*

- A. *The following requirements shall apply to the entire system, or to designated components of the system, as indicated:*

1. *Safety Signage. The system shall post signs in compliance with NFPA 70/70E or any applicable successor code in place at the time of application for approval. Additionally, signage shall be provided per NFPA 855 7.4.4, or any applicable successor code in place at the time of application for approval, including information on the system type and technology, special hazards, fire suppression system and 24-hour emergency contact information, including reach-back phone number. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.*

Findings: The applicant has provided the specs for the proposed signage and locations, meeting this standard.

2. *Other Signage: Additional signage may be permitted or required by the Planning Commission as is necessary to ensure the safe operation of the system.*

Findings: The proposed location and security measures isolate the proposed storage system and appear to meet safety standards as well as the signage requirements herein. If the Planning Commission determines that additional signage is necessary, it

should provide the applicant with direction on what it seeks and how it will better serve to protect the general health safety and welfare.

3. *The facility shall comply with NFPA 855 "Standard for the Installation of Stationary Energy Storage Systems" or any applicable successor standard adopted by the Michigan Public Service Commission.*

Findings: The application should be reviewed by the Gun Plain Fire Department and/or Allegan County Emergency Services for confirmation with this requirement.

B. The Planning Commission shall require reasonable measures to minimize visual impacts by preserving existing natural vegetation, requiring new vegetative screening or other appropriate measures. The Planning Commission shall determine such visual screening measures as may be required on a site-specific basis pursuant to the standards for Special Land Use approval as specified in Section 17.36, the landscaping and screening standards of Chapter 21 Section 21.01-21.10, and/or the standards for site plan approval as specified in Chapter 20 Section 20.01-20.06 of the Zoning Ordinance of 2002 as Amended by Gun Plain Charter Township Board. In making this determination the Planning Commission is specifically authorized to consider whether additional visual screening measures are appropriate where a system is proposed to be located on property adjacent to a residential use and/or a residential district zoning classification. All screening/landscaping shall be properly maintained throughout the life of the project including replacement of any dead landscaping within six months.

Findings: The applicant asserts that the existing vegetation and distance from adjacent property lines and residences provides ample screening to three sides. The Allegan County GIS indicates that the property is bounded by a wood line situated at the eastern edge of the parcel as well as on the south and west side of the project area, and that the only unscreened area is that which abuts the Consumers Power transmission line to the north. Sheet L100 provides landscaping information including the proposed buffer line that includes approximately 120 trees in 6 varieties. Sheet TP 201 provides a visual reference concerning the potential removal of existing trees. The most sensitive area of trees for visual buffering is that on the east side of the project area, where it is indicated no trees shall be disturbed. It appears that the naturally existing buffer is well suited to protect neighboring parcels from any visual impact. **Any approval should include a condition that the applicant understands and agrees to replacement of any trees as required by the Gun Plain Charter Township Zoning Ordinance.** Additionally, a note on Sheet L100 states that "quantities on plan supersede list quantities in the event of a discrepancy." **The Planning Commission may choose to require that the language in said note be amended to state that in the event of a discrepancy between the plan and list quantity, the greater number of plantings shall be required".²**

C. If the system includes an access drive(s) for maintenance purposes, the surface of the access drive(s) shall be permeable (unless on brownfield land or on an already paved surface at the time of application for approval, such as a parking lot or former building foundation.)

Findings: Sheet C410 indicates that the proposed surface is "TBD", and the narrative references the use of gravel. **Applicant must provide information regarding the proposed service drive composition.³**

D. Subject to approval of the Planning Commission, the area within which the system is located shall not be paved with asphalt/concrete or any other surface material that is

impermeable to water other than for slab foundations for structures and equipment. This shall not apply to a system located on brownfield land or on an existing paved area such as a former building slab or in an unused parking area when adequate parking remains for all other uses on the site.

Findings: Sheet C410 indicates that the proposed surface is "TBD", and the narrative references the use of gravel. **Applicant must provide information regarding the proposed service drive composition.** ³

E. All surface water runoff created by construction and operation of the project shall be effectively managed on-site.

Findings: Sheet C500 provides drainage information. **Drainage information and calculations should be reviewed by the Township Engineer and/or Allegan County Drain Commissioner to verify feasibility as a preconstruction requirement.** ⁴

8. *Installation and Operational Safety. The system shall comply with all of the following requirements:*

A. The system shall be designed and constructed for interconnection to a Michigan Public Service Commission or Midcontinent Independent System Operator regulated utility electrical power grid and shall be operated with such interconnection.

B. The system and all foundation elements shall comply with all applicable building and electrical code requirements, and any applicable federal/state regulations. The manufacturer's engineer or another qualified engineer shall provide written certification that the design, installation (including foundations), and interconnection is compliant with the manufacturer and industry standards, all applicable local construction and electrical codes, and any applicable federal/state regulations.

C. Other than transmission or distribution lines for interconnection to the electric power grid, all electrical wiring shall be buried underground; except where the manufacturer's engineer or a qualified engineer employed by the utility that owns/operates the electrical power grid to which the system shall be interconnected certifies an underground wiring installation is not permitted by an applicable code and/or applicable federal/state regulation, with attached complete documentation supporting any such certification.

D. The system shall be designed, located, and maintained so as to comply with all applicable codes and regulations.

Findings: The applicant recognizes this and these shall be pre-construction and construction/installation/operational requirements if the project is approved.

9. *Public Safety. The Emergency Response Plan and Fire Response Plan shall provide reasonable protection of the public health, welfare and safety including but not limited an internal fire suppression system, an emergency shutdown procedure in place and shall provide the local fire department site safety plans to include electrical, fire, smoke, and hazardous materials release, emergency response protocols and identification of typical hazards related to, electrical, fire, smoke and hazardous materials pertinent to the facility. Upon request, all systems shall provide first responder training at the site.*

Findings: The applicant has provided Emergency and Fire Response Plans. The plans should be reviewed by the Gun Plain Charter Township Fire Department and/or Allegan County Emergency Management Services to confirm this standard is met. Of particular concern is that the ERP/FRP note that emergency personnel should not access the property, even in an emergency, without operator personnel on site. Applicant should verify that the project will be manned 24/7 or provide emergency access at the discretion of the Fire Chief. ⁵

10. *Repair and Augmentation.* In addition to repairing or replacing facility components to maintain the system, the facility may at any time be augmented without the need to submit a new site plan so long as the augmentation is within the same footprint (e.g., same dedicated use building or on footings/foundations in the same location) as the original permit. If there is a change in the energy storage system chemistry, an updated Hazard Mitigation Analysis and Emergency Operation Plan shall be provided. When a facility is anticipated to be augmented over its lifetime by adding additional components, the applicant shall apply for the final/augmented site arrangement. A proposal to increase the size the project footprint may be considered a new application, subject to the ordinance standards at the time of the request.

Findings: The applicant acknowledges the above in their narrative. The project area includes space to accommodate additional batteries to those shown in the first phase, indicating their intention to add on to the proposed storage without further expanding the footprint.

11. *Decommissioning and Removal.* A decommissioning plan is required at the time of application.

A. *The decommission plan shall include:*

i. *The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g., access drive, fencing), or restored for viable reuse of the property consistent with the zoning district. Pursuant to this requirement, the decommissioning plan shall be required to include that any structures up to forty-eight (48) inches below-grade shall be removed for disposal.*

ii. *The projected decommissioning costs shall reflect the estimated current cost and any future anticipated costs of the decommissioning project. Salvage value shall not be included in the cost to decommission the project.*

iii. *The method of ensuring that funds will be available for site decommissioning and stabilization (in the form of surety bond or cash deposit).* _____

The applicant's decommissioning plan (Exhibit 4.H) states that foundations (sections 3.1.2 and 3.8) and underground utilities (section 3.1.7) are proposed to be removed to a depth of only 3 feet, which does not meet this standard. **Applicant must provide amended plan confirming compliance with the 4 feet removal requirements herein.** ⁶

A decommissioning cost projection was submitted and does not include salvage value, meeting the general requirement of this section. Adjustments should be made to reflect deeper removal of foundations and utilities, and the amended plan should be reviewed by a qualified engineer.

Section 3.2 states that it is the operators intent to prepare a detailed decommissioning report "once it is determined that the project has reached the end of its usable life and decommissioning should begin". The Planning Commission should discuss whether the general plan that has been submitted is acceptable or if it will require a more detailed plan.

The applicant states on Page 5 of the decommissioning plan that it will provide a surety bond or cash deposit for site decommissioning, however no further details of the methods, holders, etc. have been provided. **Submission and approval of appropriate financial guarantee must be a condition of any preliminary approval to be addressed as part of any final approval and development agreement.**⁶

B. A review of the amount of the surety bond, based on inflation, and current removal costs shall be completed every 2 years, for the life of the project, and approved by the Planning Commission. A Energy Storage System owner may at any time:

i. Proceed with the decommissioning plan approved by the Planning Commission, and remove the system as indicated in the most recent approved plan; or

ii. Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.

C. Decommissioning of an Energy Storage System must commence when the soil is dry to prevent soil compaction and must be complete within 12 months after abandonment. An Energy Storage System that has not operated for 12 consecutive months shall prompt an abandonment hearing.

i. Restoration shall include bringing soil and topography of the land to their pre-development composition unless the Planning Commission waives any part of this requirement to ensure permitted uses upon restoration. Soil tests shall be required as part of the decommissioning plan both before development and prior to the decommissioning.

12. *Special Land Use Permit and Site Plan Application Requirements. Applications for Special Land Use permit approval shall comply with Chapter 22, Section 22.01-22.02 of the Zoning Ordinance of 2002 as Amended by Gun Plain Charter Township Board. A formal application for site plan approval for this land use shall comply with Chapter 20 Section 20.01-20.06 of the Zoning Ordinance of 2002 as Amended by Gun Plain Charter Township Board. An incomplete application will not be accepted by the Planning Commission. Each such application shall also be subject to the following additional submission requirements:*

A. The complete name, address, and telephone number of the applicant.

B. The planned date for the start of construction and the expected duration of construction. The proposed schedule includes zoning approval and outside agency approval through 2026, with potential earthwork and site preparation toward the end of the year and the earliest anticipated actual construction beginning in early 2027. Construction would be completed and operations commencing in mid-2028 with an operational phase for an expected 20 years following commencement.

- C. *A description of the system, including a site plan as described in Section 224 of the Clean and Renewable Energy Waste Reduction Act, 2008 PA 295, MCL 460.1224. The following items must be shown on the site plan:*
- i. *A map of all properties upon which any component of a facility or ancillary feature would be located, and all properties within one thousand (1,000) feet. This should indicate the location of all existing structures and shall identify such structures as occupied or vacant.*
 - ii. *Lot lines and required setbacks shown and dimensioned including horizontal and vertical elevation drawings that show the location and height of the Energy Storage System on the land and dimensions of the Energy Storage System.*
 - iii. *Size and location of existing and proposed water utilities, including any proposed connections to public, or private community sewer or water supply systems.*
 - iv. *A map of any existing overhead and underground major facilities for electric, gas, telecommunications transmission within the facility and surrounding area*
 - v. *The location and size of all surface water drainage facilities, including source, volume expected, route, and course to final destination.*
 - vi. *A map depicting the proposed facilities, adjacent properties, all structures within participating and adjacent properties, property lines, and the projected sound isolines along with the modeled sound isolines including the statutory limit.*

The referenced MCL is an abbreviated list of site plan requirements that include general specifications that appear to be specifically addressed within this and other relevant subsections of the Gun Plain Charter Township Zoning Ordinance.

- D. *A description of the expected use of the system.*
- E. *Expected public benefits of the proposed system.*
- F. *Information on the effects of the proposed system on public health and safety.*

The applicant has provided multiple studies regarding potential environmental, health and safety concerns or potential nuisances. I would recommend these submissions be closely reviewed by engineering staff with technical expertise to verify the methodology and findings of the reports. ⁷

- G. *A description of the portion of the community where the system will be located.*
- H. *The expected direct impacts of the proposed system on the environment and natural resources and how the applicant intends to address and mitigate these impacts.*

The applicant has noted the current use and location near existing substations as well as screening methods for sound, visual impact and lighting. Concerns regarding potential air, water or soil pollution are addressed within various environmental impact studies.

- I. *A statement and reasonable evidence that the proposed system will not commence commercial operation until it complies with applicable state and federal environmental laws, including, but not limited to, the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101 to 324.90106.*
- J. *Evidence of consultation, before submission of the application, with the Department of Environment, Great Lakes, and Energy and other relevant state and federal agencies*

before submitting the application, including, but not limited to, the Department of Natural Resources and the Department of Agriculture and Rural Development.

The applicant has stated they have been in contact with various agencies, however no typical evidence, such as a copy of any written acknowledgement of the proposal has been submitted. While there has been no such documentation submitted, these same outside agencies will ultimately have jurisdictional authority over specific elements of the proposal. As the applicant acknowledges this, it would be reasonable to take their assertion as being valid and consider this standard to be met.

- K. *The Soil and Economic Survey Report under Section 60303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.60303, for the county where the proposed system will be located.*
- L. *Interconnection queue information for the applicable regional transmission organization.*
- M. *If the proposed site of the system is undeveloped land, a description of feasible alternative developed locations, including, but not limited to, vacant industrial property and brownfields, and an explanation of why they were not chosen. This requirement may be waived by the Planning Commission.*

The applicant has requested a waiver of this requirement as it asserts that the proposed location, with its close proximity to an existing substation on a vacant and substantially isolate parcel, is uniquely positioned to provide ideal siting for the project.

X The Planning Commission may waive this requirement or require additional information from the applicant as it deems appropriate.⁸

- N. *If the system is reasonably expected to have an impact on television signals, microwave signals, agricultural global position systems, military defense radar, radio reception, or weather and doppler radio, a plan to minimize and mitigate that impact. Information in the plan concerning military defense radar is exempt from disclosure under the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be disclosed by the commission or the electric provider or independent power producer except pursuant to court order.*
- O. *A storm water assessment and a plan to mitigate and repair any drainage impacts at the expense of the applicant. The applicant shall consult with the county drain commissioner before submitting the application and shall include evidence of those efforts in its application.*

The applicant has provided drainage plans and acknowledges the authority of the Allegan County Drain Commission. Any preliminary approval should include Drain Commissioner Approval as a preconstruction condition.⁴

- P. *A fire response plan and an emergency response plan.*
 - i. *The fire response plan (FRP) shall include:*
 - 1. *Will consult with the local fire department representatives and the local emergency manger to ensure that the FRP is in alignment with acceptable operating procedures, capabilities, resources, etc.*

2. *A description of all on-site equipment and systems to be provided to prevent or handle fire emergencies.*
 3. *A description of all contingency plans to be implemented in response to the occurrence of a fire emergency.*
 4. *A commitment to review and update the FRP with fire departments, first responders, and county emergency managers at least once every year.*
 5. *An analysis of whether plans to be implemented in response to a fire emergency can be fulfilled by existing local emergency response capacity. The analysis should include identification of any specific equipment or training deficiencies in local emergency response capacity and recommendations for measures to mitigate deficiencies.*
 6. *Other information the Fire Department finds relevant.*
- ii. *The emergency response plan (ERP) shall include:*
1. *Will consult with local first responders and county emergency managers to ensure that the ERP is in alignment with acceptable operating procedures, capabilities, resources, etc.*
 2. *An identification of contingencies that would constitute a safety or security emergency (fire emergencies are to be addressed in a separate fire response plan);*
 3. *Emergency response measures by contingency;*
 4. *Evacuation control measures by contingency;*
 5. *Community notification procedures by contingency;*
 6. *An identification of potential approach and departure routes to and from the facility site for police, fire, ambulance, and other emergency vehicles;*
 7. *A commitment to review and update the ERP with fire departments, first responders, and county emergency managers at least once every year;*
 8. *An analysis of whether plans to be implemented in response to an emergency can be fulfilled by existing local emergency response capacity, and identification of any specific equipment or training deficiencies in local emergency response capacity; and*
 9. *Other information the Fire Department finds relevant.*

The applicant has provided draft plans which should be reviewed and approved by the Gun Plain Charter Township Fire Chief with the assistance and input of the Allegan County Emergency Management Department as a condition of preliminary approval, to be formally approved prior to any final approval and as part of a recorded development agreement. Items that do not appear to be within the plan include an analysis of whether existing equipment is adequate (for example, does the department have enough non-metal hand tools, ladders etc.?), and community notification and evacuation control procedures (if determined to be necessary). Of note: while the plan does include most of the listed requirements herein, the Township may wish to consider

adding a condition that the operator consult with and plan for on-site training on not less than an annual basis for local first responders and reciprocal agreement neighboring jurisdictions. Further, the plan notes that there is potential for toxic gases and flammable liquids and gases to be released in the event of failure. Additional information regarding these materials should be provided detailing the potential endangered radius and necessary remediation or evacuation actions for the area in case a catastrophic failure occurs. ⁵

Q. A report detailing the sound modeling results along with mitigation plans to ensure that sound emitted from the system will remain below the statutory limit throughout the operational life of the system.

A sound study has been submitted with the application in Exhibit G. The Township may require that this study be reviewed by a technical professional to verify methodology and projected outcomes as a condition of preliminary approval. ¹

*R. Any other information regarding compliance with the requirements herein.*⁹

Findings: The site plan includes all of the applicable items required in Section 20.04.A with the following exceptions:

★ **20.04.A.22.** *“Proposed type of building materials, roof design, projections...”* Sheet C701 (page 176 of compiled application PDF) indicates an operations and maintenance building, however the sketch is basic, not to scale and does not include detailed information as required herein.

★ **20.04.A.32.** *“Location, size and specifications for screening of all trash receptacles and other solid waste disposal”* I found no dumpster location or enclosure listed on the plans or in the details. Once construction is complete there is likely to be very little waste generated, so it is possible that no dumpster is necessary due to the nature of the facility. Applicant should provide additional information confirming or correcting this assumption.

★ **20.04.A.43.** *“Building elevations of the proposed structure (s) from each direction shall be shown”.* Again there are few details regarding the proposed maintenance. There are however detailed sketches showing the battery cabinets which are the primary use and focus of the project.

13. Waiver. Because of the ever-changing technical capabilities of battery storage infrastructure and of new technology in general, the Township Planning Commission shall have the authority to review and consider alternatives in both the dimensional and physical requirements contained in this ordinance as part of the special land use review process, and other requirements annually.

14. Building Permit. Prior to issuance of a Building Permit, the following information shall be provided.

A. Equipment specification sheets.

B. Identification and contact information for the installer(s) of the proposed system.

- C. *Augmentation Plan.*
- D. *Approved Decommissioning Plan and Decommissioning Agreement in recordable form and acceptable to the Township Attorney.*
- E. *Life expectancy of the system components including the anticipated schedule for battery replacement to maintain megawatts over the system's lifetime.*
- F. *Hazard Mitigation Analysis.*
- G. *Operation and Maintenance Manual.*
- H. *Identification and contact information for the installer of the system.*
- I. *Electrical schematic plan for the system, including disconnect devices.*
- J. *An approved FRP and ERP.*
- K. *An executed Community Host Agreement in the amount of \$2,000 per megawatt.*
- L. *Proof of financial guarantee for decommissioning.*

15. *Transfers. No transfer in ownership of the Energy Storage System shall occur prior to providing 60 days' notice to the Township and upon Township approval verifying that the new owner agrees to carry out the terms of the special land use and site plan approval.*

Findings: The requirements of Sections 14 and 15 have been addressed in other areas of this report.

SUMMARY & CONCLUSION

Should the Planning Commission consider preliminary/conceptual approval of this site plan, the following items should be discussed and/or stipulated as conditions for final approval. If the Planning Commission determines that an approval or conditional approval is appropriate, I would recommend a provisional approval be granted subject to the drafting and review of a resolution to approve/approve conditionally at a subsequent meeting. A final development agreement which contains all required information, amendments, conditions, financial agreements etc. should be reviewed and approved by the Township and its legal counsel prior to any final approval. The development agreement, if accepted and approved by the Township, should then be filed with the Allegan County Register of Deeds to preserve the document (unless legal counsel provides contrary advice).

Potential Discussion Topics and Conditions

Ref. Number	Memo Page	Ordinance Section	Potential Condition
1	3	§17.36.1.7	➤ Engineer review of sound study to verify methodology and results.
2	4	§ 17.36.1.9.B	<ul style="list-style-type: none"> Ⓢ Landscape comments should be amended to clarify if a discrepancy exists the greater of the either the list number or pictured plantings will apply. Ⓢ Statement should be included acknowledging operator obligation to replace plantings that have died in a timely manner
3	4	§ 17.36.1.9.C § 17.36.1.9.D	Ⓢ Applicant must provide information regarding proposed service drive materials
4	5, 9	§ 17.36.1.9.E §17.36.12.O	➤ Allegan County Drain Commissioner Approval as a preconstruction condition
5	6, 7, 10, 11	§ 17.36.9 §17.36.12.P	<ul style="list-style-type: none"> ➤ ERP/FRP reports to be reviewed and approved by Fire Department and Emergency Services. Ⓢ If project is not manned, plan for emergency entry without project personnel. ➤ ERP and FRP should include additional information.
6	7	§ 17.36.11	<ul style="list-style-type: none"> Ⓢ <u>Decommissioning plan</u> must be amended to include removal of foundations and utilities to a depth of 4 feet. ➤ Applicant must provide financial guarantee in a form acceptable to the Township.
7	8	§17.36.12.F	➤ Environmental studies should be reviewed by technical staff to verify methodology and results.
8	9	§17.36.12.M	➤ Discussion of whether waiver will be granted or if applicant will be required to submit a feasibility study of alternate locations.
9	11	§20.04.A	<ul style="list-style-type: none"> Ⓢ Note should be included <u>requiring</u> additional information for potential Operations/Maintenance building or require additional site plan review for building if needed; if not included, SUP would need to be amended to add later. Ⓢ Applicant should verify no trash receptacle should be on site or provide siting/screening information.

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I hope the information provided is helpful to you as you review this application. It is a large amount of material and my suggestion is that you consider the public hearing an opportunity to review the application and public comments, then determine what, if any, additional information will be required for further review at subsequent meetings leading to a potential conceptual/preliminary approval, approval with conditions or denial. Unlike many projects that can be comprehensively reviewed and approved in a single meeting, a development of this scope is one that it is reasonable to divide up and work through the process in a manner that allows Planning Commissioners, applicant and public to have important dialogue and documentation supporting any final decision. If you have any questions or concerns, please contact me at your convenience and I will assist in any way that I am able. You may reach me by phone at (616) 888-6156 or by email at lcastello@pcimi.com.

With Warm Regards,



Lori Castello, AICP
Community Planner
Professional Code Inspections of Michigan, Inc.