

**KEENE TOWNSHIP
PLANNING COMMISSION**

**RESOLUTION TO RECOMMEND TO TOWNSHIP BOARD ADOPTION OF
AN ORDINANCE TO IMPOSE A MORATORIUM ON THE ISSUANCE OF PERMITS,
LICENSES, OR APPROVALS FOR, OR FOR ANY CONSTRUCTION OF,
COMMERCIAL WIND AND SOLAR ENERGY PROJECTS**

At a meeting of the Planning Commission for the Township of Keene, Ionia County, Michigan, held on the 10th day of July, 2023, at 7:00 p.m.

PRESENT: Dan Briggs, Denny Briggs, Ray Krieger, Nancy Solomon, Matt Stahlin

ABSENT: Corey Wojcik and Mike Gasper

The following preamble and resolution were offered by Dan Briggs and seconded by Matt Stahlin.

WHEREAS, Public Act 110 of 2006, MCL 125.3101 *et seq.*, as amended, authorizes a township board to adopt and amend zoning ordinances that regulate the use of land and structures within its zoning jurisdiction to meet the needs for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land, to ensure that use of the land is situated in appropriate locations and relationships, to limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities, to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements, and to promote public health, safety, and welfare; and

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

WHEREAS, on April 24, 2023, the Township Board adopted Ordinance No. 23-4-24, which amended the Township Zoning Ordinance as it pertains to commercial solar energy systems; and

WHEREAS, Ordinance No. 23-4-24 was published April 28, 2023.

WHEREAS, within 30 days after publication, the Township clerk approved the adequacy of a petition challenging Ordinance No. 23-4-24.

WHEREAS, the Township Board must now submit Ordinance 23-4-24 to the registered electors in the Township for approval or rejection, either at the next regular election or at any special election called for that purpose.

WHEREAS, the adoption of Ordinance No. 23-4-24 and the subsequently approved petition challenging that Ordinance, along with the May 2, 2023 recall election, create uncertainty about the regulation of Commercial Wind and Solar Energy Projects in the Township; and

WHEREAS, in light of these events, it is in the best interest of the public health, safety, and welfare of Township residents to impose a moratorium, on a limited temporary basis, to allow the petition process to be completed and for the Township and its electors to fully and thoughtfully explore, analyze, research, and develop any proposed zoning amendments applicable to Commercial Wind and Solar Energy Projects that may be required after the required vote by the electors.

WHEREAS, the Planning Commission therefore finds that a moratorium should be imposed upon the issuance of any and all permits, licenses, and approvals for any property in the Township for the establishment and use of Commercial Wind and Solar Energy Projects until 90 days, which is February 7, 2024, after the certification of the election at which the Township's electors approve or reject Ordinance 23-4-24.

NOW, THEREFORE, the Planning Commission of the Township of Keene resolves as follows:

1. The Planning Commission recommends that the Township Board adopt Ordinance No. 2023-~~7-11~~, An Ordinance to Amend the Township Zoning Ordinance to Include a Moratorium on the Issuance of Permits, Licenses, or Approvals for, or for Any Construction of, Commercial Wind and Solar Energy Projects (the "Ordinance," attached as **Exhibit A**).

2. The Ionia County Planning Commission has waived their rights to review rezoning or text amendments.

3. A copy of the Ordinance shall be available for examination at the office of the Clerk, and copies may be provided for a reasonable charge.

4. Resolutions that conflict with this Resolution are repealed to the extent necessary to give this Resolution full force and effect.

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

ADOPTED:

YEAS: 5

NAYS: 0

STATE OF MICHIGAN)
) ss.
COUNTY OF IONIA)

I, the undersigned, the duly qualified and acting Planning Commission Secretary of the Township of Keene, Michigan, CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Planning Commission of said Township at a meeting held on the 10th day of July, 2023.

Nancy Solomon
Nancy Solomon, Planning Commission Secretary

EXHIBIT A

**KEENE TOWNSHIP
PLANNING COMMISSION
PROPOSED ORDINANCE NO. 2023-7-11**

AN ORDINANCE TO AMEND THE TOWNSHIP ZONING ORDINANCE TO INCLUDE A MORATORIUM ON THE ISSUANCE OF PERMITS, LICENSES, OR APPROVALS FOR, OR FOR ANY CONSTRUCTION OF, COMMERCIAL WIND AND SOLAR PROJECTS

KEENE TOWNSHIP ORDAINS:

Section 1. Addition of New Section 15.48 to Township Zoning Ordinance

New Section 15.48 is added to the Zoning Ordinance and reads as follows:

Section 15.48 Moratorium on Commercial Wind and Solar Energy Projects

A: Definitions. The following definitions apply to this Section:

1. A “Commercial Wind Energy Project” is a “Single WES for Commercial Purposes,” “Wind Farm,” or “Utility Grid Wind Energy Systems,” as those terms are defined by Section 15.46.02(C), (D), and (E), respectively, of the Township Zoning Ordinance.
2. A “Commercial Solar Energy Project” is utility-scale commercial project or facility that converts energy into electricity, whether by photovoltaics (PV) or various experimental solar technologies, for the primary purpose of wholesale or retail sales of generated electricity.

B. Purpose and Findings. The purpose of this moratorium is to provide sufficient time for the Keene Township Planning Commission and Township Board to fully and thoughtfully explore, analyze, research, and make informed decisions regarding Commercial Solar Energy Projects. In support of this Ordinance, the Keene Township Planning Commission and Township Board have determined the following:

1. The integration of Commercial Wind and Solar Energy Projects within the Township’s existing land uses requires suitable regulations and controls to ensure compliance with the Township’s Master Plan and for the protection for the health, safety, and welfare of all of the Township’s residents.
2. On April 24, 2023, the Township Board adopted Ordinance No. 23-4-24, which amended the Township Zoning Ordinance as it pertains to commercial solar energy systems.
3. Ordinance No. 23-4-24 was published April 28, 2023.
4. Within 30 days after publication, the Township clerk approved the adequacy of a petition challenging Ordinance No. 23-4-24.
5. The Township Board must submit Ordinance 23-4-24 to the registered electors in the Township for approval or rejection, either at the next regular election or at any special election called for that purpose.

6. The adoption of Ordinance No. 23-4-24 and the subsequently approved petition challenging that Ordinance, along with the May 2, 2023, recall election, create uncertainty about the regulation of Solar Energy Projects in the Township.
7. In light of these events, it is in the best interest of the public health, safety, and welfare of Township residents to impose a moratorium, on a limited temporary basis, to allow the petition process to be completed and for the Township and its electors to fully and thoughtfully explore, analyze, research, and develop any proposed zoning amendments applicable to Commercial Wind and Solar Energy Projects that may be required after the required vote by the electors.
8. A moratorium should therefore be imposed upon the issuance of any and all permits, licenses, and approvals for any property in the Township for the establishment and use of Commercial Wind and Solar Energy Projects until 90 days, which is February 7, 2024, after the certification of the election at which the Township's electors approve or reject Ordinance 23-4-24.

C: **Moratorium.** A moratorium is hereby imposed upon the issuance of any and all permits, licenses, or approvals for any property in the Township for the establishment and use of Commercial Wind and Solar Energy Projects.

D. **Term of Moratorium: Renewal.** The moratorium imposed by this Ordinance remains in effect until 90 days, which is February 7, 2024, after the certification of the election at which the Township's electors approve or reject Ordinance 23-4-24.

Section 2. Validity and Severability.

If a court of competent jurisdiction finds any portion or portions of this Ordinance invalid, the remaining portions of this Ordinance will remain in effect.

Section 3. Repealer.

Any ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent necessary to give this Ordinance full force and effect while it is in effect.

Section 4. Expiration Date.

This ordinance expires on February 7, 2024.

Section 5. Effective Date.

This Ordinance takes effect upon the expiration of 7 days after publication.

Township Board Action:

Ordinance No. 2023-7-11 is adopted by the Township Board on 7-11-2023.

Motion by Wojcik and seconded by T Hardy.

Yeas 5 Nays 0 Absent 0

Signed by Tami Hardy, Township Clerk Tami Hardy Date 7-11-23