

**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 5th day of March, 2024, at 7:00 p.m.

PRESENT: D. Briggs, R. Krueger, M. Staklin, N. Solomon, C. Willbraun, C. Hendrick
ABSENT: C. Wojcik

The following preamble and resolution were offered by C. Willbraun
and seconded by C. Hendrick.

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, Public Act 246 of 1945, MCL 41.181 *et seq.*, as amended, authorizes a township board to adopt and amend ordinances that regulate the public health, safety and general welfare of persons and property and to codify such ordinances; 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, the adoption of Ordinance No. 23-4-24 Commercial Solar Amendments and the subsequent referendum on that ordinance resulted in voting out that Ordinance by the voters on 11-7-23, create uncertainty about the regulation of Commercial Wind and Solar Energy Projects in the Township; and

WHEREAS, the 2018 Commercial Solar Ordinance remains in effect, and

WHEREAS, the State of Michigan has adopted 2023 PA 233, which goes into effect November 29, 2024 and which makes substantial changes regarding how local governments may need to plan and/or zone for wind and solar projects taking effect, and

WHEREAS, steps are being taken to challenge PA 233 by referendum vote; and

WHEREAS, in order to fully evaluate, plan and/or make changes related to wind and solar, the Planning Commission 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 November 28, 2024 with the ability to extend the moratorium or terminate it earlier by the Michigan Zoning Enabling Act (Public Act 110 of 2006, MCL 125.3101 *et seq.*) process.

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. 24-3-5 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,").
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: 1

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 5th day of March, 2024.

Nancy Solomon
Nancy Solomon, Planning Commission Secretary

**KEENE TOWNSHIP
PLANNING COMMISSION
ORDINANCE NO. 24-3-5**

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 15.50 to the Township Zoning Ordinance

New Section 15.50 is added to the Zoning Ordinance and reads as follows:

Section 15.50 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 Wind and Solar Energy Projects. In support of this Ordinance, the Keene Township Planning Commission and Township Board have determined the following:

1. The referendum election rejection of Ordinance No. 23-4-24 leaves the Township's 2018 Commercial Solar Energy Ordinance in effect.
2. 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.
3. As found by the Planning Commission, the State's adoption of 2023 PA 233, and the subsequent referendum activity, requires proper planning and response.
4. The Township wishes to consider whether new amendments to its Zoning Ordinance to regulate the establishment and use of Commercial Wind and Solar Energy Projects are reasonable and necessary in order to better protect the public health, safety, and welfare of Township residents.
5. 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 Planning Commission

to fully and thoughtfully explore, analyze, research, and develop any new proposed zoning amendments applicable to Commercial Wind and Solar Energy Projects.

6. 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 November 28, 2024.

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, so long as this Ordinance is in effect.

D. Term of Moratorium; Renewal. The moratorium imposed by this Ordinance remains in effect until November 28, 2024 unless a further extension or earlier termination is adopted.

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 November 28, 2024.

Section 5. Effective Date.

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

TOWNSHIP BOARD ACTION

ORDINANCE ADOPTED:

Yeas: 5
Nays: 0 Abstain: 0 Absent: 0

STATE OF MICHIGAN)
)
COUNTY OF IONIA)

I, the undersigned, the duly elected Clerk of Keene Township, Ionia County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete representation of certain proceedings conducted by the Board of Trustees of said Township at a meeting held on this 13 day of March, 2024.

Tami Hardy
Tami Hardy Keene Township Clerk
Published Date: 3-22-24
Effective Date: 3-29-24