

**COHOCTAH TOWNSHIP
PLANNING COMMISSION**

**RESOLUTION TO RECOMMEND TO TOWNSHIP BOARD ADOPTION OF
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, AND TO REPEAL SECTIONS OF THE TOWNSHIP ZONING
ORDINANCE PERTAINING TO “SOLAR FARMS”
AND “SOLAR ENERGY SYSTEMS”**

At a meeting of the Planning Commission for the Township of Cohoctah, Livingston County, Michigan, held on the 5th day of January, 2023, at 8:00 p.m.

PRESENT: _____

ABSENT: _____

The following preamble and resolution were offered by _____
and seconded by _____.

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 Planning Commission wishes to consider recommending regulations applicable to Commercial Wind and to Solar Energy Projects in the Township; and

WHEREAS, the Planning Commission finds that it is necessary and reasonable for the Township Board to establish a temporary moratorium 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 for a period of 12 months, with the ability to extend said moratorium for up to an additional 12 months by the adoption of a resolution for extension by the Township Board; and

WHEREAS, the Planning Commission finds that adopting such a moratorium is in the best interest of the public health, safety, and welfare to ensure that the Planning Commission and the Township Board have sufficient time and space during which to thoughtfully consider such regulations without the added pressure of pending applications or proposed developments involving Commercial Wind and Solar Energy Projects; and

WHEREAS, the Planning Commission has determined that the following sections of the Township's Zoning Ordinance relating to "solar farms" should be repealed while the Planning Commission considers revised regulations: the definition of "solar energy system" and "solar farm" in section 2.02, section 4.03(M), section 5.03(L), section 6.03(K), section 7.03(H), section 10.03(G), section 11.03(X), section 16.58(C), section 13.27, and any other section that could be construed to permit Commercial Wind and Solar Energy Projects in the Township while the moratorium remains in effect.

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

1. The Planning Commission recommends that the Township Board adopt Ordinance No. 2023-____, 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, And To Repeal Sections Of The Township Zoning Ordinance Pertaining To “Solar Farms” And “Solar Energy Systems” (the “Ordinance,” attached as **Exhibit A**).

2. The Planning Commission shall forward this Resolution and the Ordinance, along with the minutes of the public hearing, to the Livingston County Planning Commission for review and recommendation and to the Township Board for consideration.

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. Any and all resolutions that are in conflict with this Resolution should be repealed but only 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: _____

NAYS: _____

STATE OF MICHIGAN)
) ss.
COUNTY OF LIVINGSTON)

I, the undersigned, the duly qualified and acting Township Clerk of the Township of Cohoctah, 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 _____ day of _____, 2022.

Barb Fear, Township Clerk

EXHIBIT A

COHOCTAH TOWNSHIP TOWNSHIP BOARD PROPOSED ORDINANCE NO. 2023-____

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, AND TO REPEAL SECTIONS OF THE TOWNSHIP ZONING ORDINANCE PERTAINING TO “SOLAR FARMS” AND “SOLAR ENERGY SYSTEMS”

COHOCTAH TOWNSHIP ORDAINS:

Section 1. Addition of New Section 13.28 to Township Zoning Ordinance

New Section 13.28 is added to the Zoning Ordinance and reads as follows:

Section 13.28 Moratorium on Commercial Wind and Solar Projects and Repeal of Sections of the Township Zoning Ordinance Pertaining to “Solar Farms” and “Solar Energy Systems”

- A: **Definition.** A “Commercial Wind and Solar Energy Project” is a utility-scale commercial facility that converts energy into electricity, whether by wind, 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 Cohoctah 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 Cohoctah 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. The Township wishes to consider whether amendments to its Zoning Ordinance to regulate the establishment and use of Commercial Wind and Solar Energy Projects are necessary in order to better protect the public health, safety, and welfare of Township residents.

3. Imposing a moratorium, on a limited temporary basis, is reasonable and necessary in order to allow the Township time and space to fully and thoughtfully explore, analyze, research and develop any proposed zoning amendments regarding potential amendments to the Township's Zoning Ordinance applicable to Commercial Wind and Solar Energy Projects.
4. 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 for 12 months, subject to further extension by resolution adopted by the Township Board.
5. The following sections of the Township's Zoning Ordinance relating to "solar farms" should be repealed while the Planning Commission considers revised regulations: the definition of "solar energy system" and "solar farm" in section 2.02, section 4.03(M), section 5.03(L), section 6.03(K), section 7.03(H), section 10.03(G), section 11.03(X), section 16.58(C), section 13.27, and any other section that could be construed to permit Commercial Wind and Solar Energy Projects in the Township while the moratorium remains in effect. .

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 for 12 months following the effective date of this Ordinance. Before this moratorium expires, the Township Board may, by resolution, extend the moratorium for up to 12 additional months, if in its judgment the Township Board determines additional time is necessary. If an extension is adopted, the Township will publish notice of the resolution of extension.

Section 2. Validity and Severability.

Should any portion of this Ordinance be found invalid for any reason, such holding will not affect the validity of the remaining portions of this Ordinance.

Section 3. Repealer.

Any ordinances or parts of ordinances in conflict with this Ordinance, including but not limited to Ordinance No. 84 adopted on November 9, 2017, are hereby repealed only to the extent necessary to give this Ordinance full force and effect. Specifically but without limitation, the following sections of the Township Zoning Ordinance pertaining to "solar farms" are repealed: the definition of "solar energy system" and "solar farm" in section 2.02, section 4.03(M), section 5.03(L), section 6.03(K), section 7.03(H), section 10.03(G), section 11.03(X), section 16.58(C), section 13.27, and any other section that could be construed to permit Commercial Wind and Solar Energy Projects in the Township while the moratorium remains in effect.

Section 4. Effective Date.

This Ordinance is effective as provided by law.

**COHOCTAH TOWNSHIP
TOWNSHIP BOARD**

**NOTICE OF PROPOSED ORDINANCE:
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, SOLAR FARMS, AND TO REPEAL
SECTIONS OF THE TOWNSHIP ZONING ORDINANCE PERTAINING TO “SOLAR
FARMS” AND “SOLAR ENERGY SYSTEMS”**

On _____, 2023, Cohoctah Township (the “Township”) adopted Ordinance No. ____, 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”). The following is a summary of the Ordinance. A true copy of the Ordinance is available at the Township Hall, 10518 Antcliff Rd., Fowlerville, MI 48836.

Section 1. Addition of New Section 13.28 to Township Zoning Ordinance. This section adds Section 13.28 to the Township Zoning Ordinance. The new Section 13.28 contains the following subsections:

- A. Subsection (A) defines “Commercial Wind and Solar Energy Project.”
- B. Subsection (B) describes the purpose and findings of the proposed Ordinance, including the need for a moratorium and repeal of sections of the Zoning Ordinance pertaining to “solar farms” and “solar energy systems.”
- C. Subsection(C) imposes a moratorium upon the issuance of any and all permits, licenses, or approvals for any property in the Township for the establishment or use of Commercial Wind and Solar Energy Projects, so long as the Ordinance is in effect.
- D. Subsection (D) describes the term of the moratorium imposed by the Ordinance stating it will be in effect for 12 months following the effective date of the Ordinance, and that the Township Board may extend the moratorium by resolution for an additional 12 months.

Section 2. Validity and Severability. This section provides that if any portion of the Ordinance is found invalid, such holding will not affect the validity of the remaining portions of the Ordinance.

Section 3. Repealer. This section repeals any ordinances or parts of ordinances in conflict with this Ordinance, including but not limited to Ordinance No. 84 adopted on November 9, 2017.

Section 4. Effective Date. This section provides that the Ordinance is effective as provided by law.

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