

JONESFIELD TOWNSHIP
SAGINAW COUNTY, MICHIGAN
ENERGY STORAGE FACILITIES
ZONING ORDINANCE AMENDMENT
ORDINANCE NO. _____

At a meeting of the Township Board of Jonesfield Township, Saginaw County, Michigan, held at the Jonesfield Township Hall on _____, 2026, at ____ p.m., Township Board Member _____ moved to adopt the following Ordinance, which motion was seconded by Township Board Member _____.

*An Ordinance to amend the Jonesfield Township Zoning Ordinance, as amended,
to regulate energy storage facilities.*

JONESFIELD TOWNSHIP, SAGINAW COUNTY, MICHIGAN ORDAINS:

SECTION 1. AMENDMENT TO CHAPTER 2: The Jonesfield Township Zoning Ordinance, Chapter 2, Section 202 shall amend definitions as follows:

(61) Essential Public Services- The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith (but not including buildings, substations, or Energy Storage Facilities), reasonably necessary for the furnishing of adequate service by each public utilities, or township departments or commissions for the public health, safety or general welfare.

(62) Essential Public Service Building- A building or structure principal to an essential public service, such as a drop-off station for residential recyclables, vehicle garages, telephone exchange buildings, electricity transformer stations or substations (not including energy storage facilities that are in excess of 5 MW and cannot be included on the same permitted premises as the essential public building or structure), gas regulator stations, radio and television towers, and cellular phone antennas.

(63) Essential Public Service Building Storage Yard- An outdoor storage area principal or accessory to an essential public service building (not including Energy Storage Facilities).

SECTION 2. AMENDMENT TO CHAPTER 3: The Jonesfield Township Zoning Ordinance, Chapter 3 shall be amended to state as follows:

Section 302(5)(b). A building or structure principal to an essential public service, such as a drop-off station for residential recyclables, vehicle garages, telephone exchange buildings, electricity transformer stations or substations (not including energy storage facilities that are in excess of 5 MW and cannot be included on the same permitted premises as the essential public building or structure), gas regulator stations, radio and television towers, and cellular phone antennas.

SECTION 3. AMENDMENT TO CHAPTER 6: The Jonesfield Township Zoning Ordinance, Chapter 6 shall be amended to add Section 612(t) to state as follows:

Section 612(t). Energy Storage Facilities

1. Intent & Purpose.

The purpose of this Section is to promote the effective and efficient use of energy storage facilities. It is the intent of the Township to permit these systems by regulating their siting, design, and installation to protect the public health, safety, and welfare, and to ensure their compatibility with adjacent land uses. Energy storage facilities, as defined in this Ordinance, shall comply with the provisions of this Ordinance.

2. Definitions.

The terms below shall have the following meanings for their use within this section. All undefined terms shall be interpreted in the manner provided in the Zoning Ordinance and Michigan law.

- A. Abandonment.** Any energy storage facility that remains nonfunctional or inoperative to the extent that it is not used to absorb, store, or discharge energy for a period of 18 months will be considered abandoned and subject to abandonment and decommissioning provisions.
- B. Dark Sky-Friendly Lighting Technology.** A light fixture that is designed to minimize the amount of light that escapes upward into the sky.
- C. Energy Storage Facility.** A system that absorbs, stores, and discharges electricity (e.g., using batteries) for transmission to off-site customers. An Energy Storage Facility shall be a principal use or accessory use to which the premises are devoted.
- D. Maximum Achievable Technology.** Best, most effective, and technologically feasible methods, equipment, or control techniques that are currently available and capable of achieving the highest level of sound control consistent with current industry standards at the time of approval of the energy storage facility components.
- E. Non-Participating Property.** Any lands that do not have an agreement with an applicant or developer to host an or participate with an energy storage facility.
- F. Participating Property.** Real property that either is owned by an applicant or that is the subject of an agreement that provides for the payment by an applicant to a landowner of monetary compensation related to an energy facility regardless of whether any part of that energy facility is constructed on the property.

3. Permitting.

- A.** Energy storage facilities shall be authorized as special uses in the General Agricultural (A-1), and Limited Manufacturing (M-1) Districts subject to the standards in this Section.
- B.** Energy storage facilities are subject to the general requirements for special use permitting and approval under Chapter 6 of this Zoning Ordinance in addition to the regulations in this Section. To the extent there is any conflict between the general requirements under Chapter 6 and this section, this section shall control.

4. Application Requirements for Energy Storage Facilities.

- A. All applications for energy storage facilities must be accompanied by detailed site plans, drawn to scale and dimensioned and sealed by a professional engineer licensed in the State of Michigan, displaying the following information, in addition to the information required for special use permits under Chapter 6 of the Zoning Ordinance.
1. Site Plan. A site plan submitted meeting the requirements of Section 907.
 2. Contact Information. The complete name, address, and telephone number of the applicant.
 3. Description. A description of the energy storage facility, including:
 - a. The location and a description of the energy storage facility.
 - b. A description of the anticipated effects of the energy storage facility on the natural environment, natural resources, and solid waste disposal capacity, which may include records of consultation with relevant state, tribal, and federal agencies.
 - c. A description of the battery chemistry to be used in any project.
 - d. Anticipated or future use of augmentation for a project or repurposing batteries or other components. Should an applicant intend to repurpose or augment a project site, applicants must provide a narrative indicating the anticipated project life of the project with repurposing or augmentation and detail plans and schedules for repurposing or augmentation activities.
 - e. Additional information required by the Township as it relates to the site plan.
 4. Public Benefits. Expected public benefits of the proposed energy storage facility.
 5. Environmental Impacts. The expected direct impacts of the proposed energy storage facility on the environment and natural resources and how the applicant intends to address and mitigate these impacts. This includes any impacts to water quality, water supply, or potential groundwater contamination and methods to avoid such impacts to water sources.
 6. Agency Consultation. Evidence of consultation, if required, 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.
 7. Agricultural Impact. Each applicant must demonstrate how project restoration and decommissioning plans enable project lands that were prime farmland or used for agricultural purposes to still be prime farmland or suitable for agricultural purposes. Applicants shall ensure that any facility sited on lands used for agricultural purposes or prime farmland can be maintained and returned to a state to continue to be used for agricultural purposes after project decommissioning and all costs

associated with such maintenance and restoration of lands back to a state suitable to continue agricultural purposes or to still be considered prime farmland is included in any decommissioning security submitted to the Township. Any such lands that are not able to be restored or have future concerns for future restoration should be identified in the submission of the application for review and approval of energy storage systems.

8. Stormwater. A stormwater assessment and a plan that will require approval by the Saginaw County Public Works Commissioner to minimize, mitigate, and repair any drainage impacts at the expense of the applicant. All stormwater assessment and plans must include content on how an applicant will take measures to either not disturb and maintain existing private drainage infrastructure including drain tile or will upon decommissioning repair such private drainage infrastructure to allow lands to continue to be suitable for agricultural use, if applicable. Stormwater plans shall reasonably attempt to use less invasive means and methods of stormwater control to provide for future land use upon decommissioning (e.g., minimal creation of detention basins).
9. Emergency and Fire Response. An emergency response plan addressing how emergency services providers (EMS, fire, and law enforcement) can respond to emergencies that could occur on a facility. Applicants shall demonstrate how their emergency response plan is consistent with industry practices and standards for similar facilities including compliance with NFPA 855: “Standard for the Installation of Stationary Energy Storage Systems” or successor standard. The emergency response plan shall also include evidence of consultation with local emergency responders, provide 24/7 emergency contact information, detail site access provisions, and address containment measures. The Applicant shall confirm if any site-specific training will be offered to local responders prior to operation and periodically thereafter.
10. Decommissioning Plan. The Township can waive any decommission plan requirement based on the submission of the Applicant. A decommissioning plan drafted by a professional engineer that is consistent with the requirements of this Ordinance. The decommissioning plan shall include, but is not limited to, financial assurance in the form of a bond, a parent company guarantee, or an irrevocable letter of credit, but excluding cash. The amount of the financial assurance shall not be less than the estimated cost of decommissioning the energy storage facility, without deducting salvage value, as calculated by a third party with expertise in decommissioning, hired by the applicant. Moreover, an applicant for an energy storage facility, prior to construction, must enter into a decommissioning agreement acceptable to the Township Board before issuance of required permits for construction specifying the obligations of decommissioning and includes terms noting: (1) decommissioning

obligations must be assigned to any future owner or operator of the energy storage facility; (2) the Township will have land rights to perform decommissioning itself with a posted financial assurance should it need to decommission a project; (3) the anticipated life of the project before decommissioning; (4) how the Township will receive land access rights to decommission the project should it be required to decommission the project; (5) an acknowledgement from the applicant or project owner that the estimate of project decommissioning costs will be updated and reviewed at a minimum of every three (3) years by a mechanism acceptable to the Township, including but not limited to, an inflationary index or review of decommissioning costs by a professional engineer or other qualified professional and that the financial assurance required for decommissioning to be posted with the Township will be updated at a minimum of every three (3) years to match the new estimate of project decommissioning costs; unless the estimate of decommissioning costs goes down in which case the financial assurance will remain at the same value. Including identifying if it has an indefinite life.

11. Construction Schedule / Lifespan. An anticipated construction commencement date and anticipated completion date for project construction. An estimate of the total operating lifespan of the project before decommissioning in years.
12. Application Escrow. An escrow account shall be funded by an applicant when an applicant applies for a special use permit for an energy storage facility. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with the zoning review and approval process (including site plan review), which costs include, but are not limited to, reasonable fees of a Township attorney, planner, and/or engineer, as well as costs for any other outside consultants or reports or studies that the Township determines are reasonably related to the zoning review process for a particular application. Such escrow amount shall be in addition to any non-refundable application fees determined by the Township. At any point during the zoning review process, the Township may require that the applicant place additional monies in escrow with the Township should the existing escrow amount filed by the applicant be insufficient. If the escrow account needs replenishing and the applicant refuses to do so within 45 days, the zoning review and approval process shall cease until and unless the applicant makes the required escrow deposit. Such application escrow shall be held by the Township Treasurer in a separate bank account, and upon completion of Township zoning review, all excess escrow funds must be returned to an applicant without interest.

13. Sound. A document indicating anticipated sound generated by the energy storage facility and that demonstrates how the proposed project will meet sound requirements.
 14. Material Data Sheets and Manufacturer's Manuals. Upon submission of an application, an applicant must provide all material data sheets and manufacturer's instructions/manuals for substantive project components (e.g., batteries) for Township review and inspection. Should any of the above information be considered confidential or a trade secret, the applicant shall indicate a process to allow inspection of such materials upon request by the Township while at the same time protecting disclosure of the documents to the extent permitted by Michigan public record statutes.
 15. Waste. Applicants shall identify any solid or hazardous waste by a project and how such waste will be managed.
 16. Transportation. Applicants shall provide a transportation plan for project construction, operation, and decommissioning. Such plan shall identify project ingress and egress, be approved by the Saginaw County Road Commission, and ensure that any damage caused to Township roadways from the project is repaired.
 17. Signage. Applicants shall identify all project signage and ensure signage meets the requirements of the Zoning Ordinance. Furthermore, energy storage facilities 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, conditional 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.
 18. Other information reasonably required by the Township.
- 5. Energy Storage Facility Performance Standards and Obligations.** Energy storage facilities shall meet the following performance standards and obligations.
- A. Setbacks.** Energy storage facilities shall be subject to the following setback requirements. No setbacks shall apply between participating properties hosting the same project. Further, nothing in this ordinance, prohibits: (1) the erection of a structure or structures in these setbacks if the structure or structures is/are not used in the operation of the energy storage facility and authorized by the Zoning Ordinance; and (2) prohibits the placement of underground electrical collection lines or necessary drainage infrastructure within required setback areas should such collection lines or drainage infrastructure be of sufficient space from non-participating properties to allow maintenance, repair, and removal of lines or infrastructure (e.g., during decommissioning) to entirely occur on participating

properties and not result in any spoils being stored on or other activities occurring on non-participating properties. .

Setback Description	Setback Distance
Buildings on nonparticipating properties.	500 feet from the nearest point on the battery energy storage system (BESS).
Public road right-of-way	150 feet measured from the nearest edge of a public road right-of-way to the BESS.
School	1,800 feet from the nearest property line to the BESS.
Nonparticipating properties	300 feet measured from the nearest shared property line to the BESS equipment.

- B. Height:** The maximum height of an energy storage facility is limited to 15 feet in height. An applicant can site improvements greater than 15 feet in height (with maximum not to exceed the zoning district regulations) if the Planning Commission determines taller improvements are necessary for a project such as mounting heights for project security lighting.
- C. Installation.** The energy storage facility shall comply with the version of NFPA 855 ‘Standard for the Installation of Stationary Energy Storage Systems’ in effect on the date of application or any applicable successor standard.
- D. Liability Insurance.** The owner or operator of any energy storage facility shall maintain a current insurance policy with insured amount to be acceptable for the Township to cover installation and operation of the project and name the Township including its officers, agents, and employees as an additional insured. The amount of the policy shall be established as a condition of special use permit approval.
- E. Noise.** No energy storage facility shall cause noise in excess of fifty (50) dBA (using Leq-60 minute or other acceptable scale to the Township) as measured at fifty (50) feet from any occupied dwelling of a non-participating parcel unless an applicant demonstrates with good cause that even with the use of maximum achievable technology it cannot meet the noise standards within this Ordinance. The Planning Commission shall have the sole discretion to determine whether an applicant has demonstrated good cause for deviation from the fifty (50) dBA standard above and any applicant seeking deviation from the standard based on good cause must: (1) outline how the energy storage facility will utilize maximum achievable technology to mitigate sound by specifying what methods and equipment will be used; and (2) show the specific properties where the noise level

will be exceeded. The Township may request from an applicant any information and supporting materials to help it determine whether an applicant will use maximum achievable technology for sound mitigation. Applicants must provide a pre-construction and post-construction sound study to the Township demonstrating compliance with this standard. Modeling shall use ISO 9613-2. Furthermore, the noise standard above shall not apply to any parcels that only host other electrical equipment such as a substation.

F. Lighting and Security Plan. The energy storage facility shall implement dark sky-friendly lighting technology and shall have a security plan to limit unauthorized access.

G. Fencing.

1. Any fencing used for the energy storage facility shall comply with the latest version of the National Electric Code or any applicable successor standard approved by the Planning Commission as reasonable and consistent with the purposes of this subsection.

H. Screening. An applicant must submit a landscaping plan for providing the following screening and buffering, unless waived by the Township. Screening and buffering may be required by the Planning Commission as a condition of special land use approval where necessary to ensure compatibility with adjacent uses, with any landscaping placed outside perimeter fencing and in locations and plant types that do not impede restoration to agricultural use at decommissioning. Screening requirements may be reduced or waived where unnecessary due to context.

I. Complaint Resolution.

1. Prior to the site plan review and approval by the Planning Commission, the Applicant shall have a complaint resolution process. The Planning Commission shall determine the adequacy of the complaint resolution process.
 - a. Required Process. The Applicant must provide a mailing address, email address, and contact information for where complaints are to be made. The Applicant must designate a facility representative who will respond to calls placed to the provided number and post the contact information at the facility location. The facility representative must make reasonable efforts to respond to all complaints from residents and businesses.
 - b. Monthly Complaint Reports. The Applicant must provide annual complaint reports to the Township, in writing for months in which complaints are received.
 - c. Confirmed Problems. Any confirmed problems must be corrected as soon as reasonably possible, and in all cases must be investigated within 21 days of receipt of the complaint.
 - d. Proposed Resolution. Unless an extension has been agreed upon by the Township, a proposed resolution to the complaint shall be forwarded to the complainant within 30 days of receipt of the

complaint, or if no action is to be taken, a detailed explanation of why no action is appropriate.

- e. Complaint Resolution Form. The Applicant may create and submit a Complaint Resolution Form. The Complaint Resolution Form must include the following information: 1) The complaint number; 2) The date the complaint is being made; 3) The Project for which the complaint is being made; 4) The name of the complainant; 5) The complainant's signature; 6) The address and telephone number of the complainant; 7) A description of the complaint; 8) A description of the corrective action that is being recommended by the complainant; 9) A stipulation that states that the undersigned complainant agrees that the subject complaint is adequately described on the form and that the specified corrective action is appropriate in response to the complaint, with a designated area for the complainant to sign and date; 10) An area where the complainant may sign after the complaint has been adequately resolved and requires no further action.

J. Project Appearance and Good Repair.

1. Until project decommissioning, the owner and operator must maintain the energy storage facility and its components in good repair. The project fence, and the area immediately surrounding the project, including buffer and setback areas between the project and other properties, shall be kept free of refuse, waste, and debris, and shall be neat, clean, and free of unsightly/unkept, hazardous, or unsanitary conditions.

K. Abandonment or Decommissioning.

1. Any energy storage facility which has reached the end of its useful life cycle or has been abandoned consistent with this section of the Zoning Ordinance shall be removed. The project site must be restored to a condition substantially similar to its pre-development condition or a condition expressly authorized by the Zoning Ordinance and any property owner lease. The owner/operator shall physically remove the installation no more than 180 days after the date of discontinued operations. The owner/operator shall notify the Township and the Planning Commission by certified mail of the proposed date of discontinued operations and plans for removal.
2. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the energy storage facility shall be considered abandoned when it remains nonfunctional or inoperative to the extent that it is not used to store/transmit electric energy for a continuous period of 18 months. If the owner/operator fails to remove the installation in accordance with the requirements of this section within 180 days of abandonment, the Township is permitted to enter the property and physically remove the installation at the owner's expense.
3. Decommissioning shall consist of:

- a. Physical removal of all structures, equipment, security barriers, concrete, and transmission lines (including underground lines) from the site. Underground components shall be removed completely and disposed of outside of the Township. Hazardous waste shall be disposed of in accordance with local, state and federal waste disposal regulations.
 - b. Stabilization or re-vegetation of the site as necessary to minimize erosion and to return the site to a substantially similar condition compared to after development of an energy storage facility.
- L. Compliance.** All energy storage facilities shall comply with all applicable local, state, and federal laws and regulations including obtaining any required permits.
- M. Maximum Lot Coverage.** Minimum lot coverage restrictions shall not apply to an energy storage facility.
- N. Design.** The exterior surfaces of all improvements associated with a energy storage facility shall be generally neutral in color and substantially non-reflective of light. Such improvements shall be arranged to not direct glare on adjacent properties and roadways.
- O. Repowering / Augmentation / Repurposing.** Should an owner or operator of an energy storage facility intend to repower the project (replace project components to extend the project's lifespan in lieu of decommissioning), it will require obtaining a new special use permit. Owners or operators augmenting an energy storage facility or repurposing battery components must have outlined an augmentation or repurposing plan in an original zoning approval or they must obtain a new special use permit before conducting the aforementioned activities that will extend the project life of the improvement.

SECTION 4. AMENDMENT TO CHAPTER 5, SECTION 504.1: The Jonesfield Township Zoning Ordinance, Section 504.1 shall be amended to add energy storage facilities as a special use in the A-1 General Agricultural District.

SECTION 5. AMENDMENT TO CHAPTER 5, SECTION 504.7: The Jonesfield Township Zoning Ordinance, Section 504.7 shall be amended to add energy storage facilities as a special use in the M-1 Limited Manufacturing Zoning District

SECTION 6. SEVERABILITY: The provisions of this Ordinance are declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

SECTION 7. REPEAL AND FORM: All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed. Further, the Township may use the content of this Ordinance and compile/insert it into the existing Jonesfield Township Zoning Ordinance document including making any technical provision numbering or clerical revisions as necessary for the compilation. See MCL 41.186 (ability of Township to codify its ordinances).

SECTION 8. EFFECTIVE DATE: This Ordinance shall take effect seven days after publication of a notice of adoption of this Ordinance, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, this Ordinance will take effect in accordance with MCL 125.3402.

YEAS: _____

NAYS: _____

ABSENT: _____

ORDINANCE DECLARED ADOPTED.

Stanley J. Brown, Township Supervisor

CERTIFICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Jonesfield Township Board at a duly scheduled and noticed meeting of that Township Board held on _____, 2026, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the _____ newspaper, a newspaper that circulates within Jonesfield Township, on _____, 2026.
3. Within one week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the township board voting, and how each member voted.
4. I filed an attested copy of the above Ordinance with the Saginaw County Clerk on _____, 2026.

ATTESTED:

Kari Clark, Township Clerk

NOTICE OF ADOPTION
ZONING ORDINANCE AMENDMENT
ORDINANCE NO. _____

Jonesfield Township
Saginaw County, Michigan

The Jonesfield Township Board adopted an amendment to the Jonesfield Township Zoning Ordinance on _____, 2026. The ordinance amendment regulates the development and use of Energy Storage Facilities in the Township and provides for zoning districts to allow the land use. The amendment will become effective seven (7) days after publication of this notice of adoption, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, the ordinance amendment will take effect in accordance with MCL 125.3402.

A copy of the ordinance amendment and the entire zoning ordinance may be purchased or inspected during regular business hours or by appointment in the Township Clerk's office located in the Jonesfield Township Hall at 217 Eddy Street, Merrill, Michigan 48637. The ordinance amendment contains the following catchlines: (1) Section 1: Amendment to Chapter 2, Section 202(61), Section 202(62), Section 202(63); (2) Section 2: Amendment to Chapter 3, Section 302(5)(b); (3) Section 3: Amendment to Chapter 6, Section 612(t); (4) Section 4: Amendment to Chapter 5, Section 504.1; (5) Section 5: Amendment to Chapter 5, Section 504.7; (6) Section 6: Severability; (7) Section 7: Repeal and Form; (8) Section 8: Effective Date.

Kari Clark, Jonesfield Township Clerk
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Publication Date: _____, 2026