



ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
May 8th, 2017 7:00 p.m.

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE

ROLL CALL:

- A. LIMITED PUBLIC COMMENT:** Members of the public may address the Commission regarding any subject of community interest during public comment periods by filling out a Public Comment Card and submitting it to the Secretary. Public comments are limited to three minutes per individual. Comments during other portions of the agenda may or may not be entertained at the moderator's discretion
- B. APPROVAL OF AGENDA:**
- C. INQUIRY AS TO CONFLICTS OF INTEREST:**
- D. SPECIAL PRESENTATIONS:**
1. None
- E. CONSENT CALENDAR:** The purpose of the consent calendar is to expedite business by grouping non-controversial items together for one Commission motion without discussion. A request to remove any item for discussion later in the agenda from any member of the Commission, staff or public shall be granted.
1. **RECEIVE AND FILE**
 - a. Township Board Draft Minutes 04/04/17
 2. **ACTION:**
 - a. Adopt Planning Commission Minutes 04/10/17
- F. ITEMS REMOVED FROM THE CONSENT CALENDAR**
1. _____
 2. _____
- G. CORRESPONDENCE:**
1. None
- H. PUBLIC HEARINGS:**
1. None
- I. OLD BUSINESS:**
1. Temporary Outdoor Sales
 2. Medical Marihuana Ordinance
 3. Short-Term Rentals
- J. NEW BUSINESS:**
1. Ground Mounted Solar Farms
- K. PUBLIC COMMENT & OTHER PC BUSINESS**
1. Zoning Administrator Report – Shawn Winter
 2. Planning Consultant Report – John Iacoangeli
 3. Township Board Report – Doug White
 4. Parks & Trails Committee Report – Marcie Timmins

ADJOURN:



ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
May 8th, 2017, 7:00 p.m.

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE: 7:00p

ROLL CALL:

PC Members present: D. Rosa, D. White, T. Forgette (Secretary), S. Feringa (Vice-Chair), K. Wentzloff (Chair), M. Timmins, B. Balentine.

Staff Present: S. Winter, Planning & Zoning Administrator

Staff Excused: J. Iacoangeli, Planner, J. Jocks, Legal Counsel.

A. LIMITED PUBLIC COMMENT: None. Closed at 7:02p

B. APPROVAL OF AGENDA:

Motion to approve agenda as presented by White; support by Balentine. Motion passed unanimously.

C. INQUIRY AS TO CONFLICTS OF INTEREST: None

D. SPECIAL PRESENTATIONS:

1. None

E. CONSENT CALENDAR:

1. **RECEIVE AND FILE**

- a. Township Board Draft Minutes 04/04/17

2. **ACTION:**

- a. Adopt Planning Commission Minutes 04/10/17

Motion to adopt consent calendar as presented by Timmins; support by Balentine. Motion passed unanimously

F. ITEMS REMOVED FROM THE CONSENT CALENDAR

1. None
2.

G. CORRESPONDENCE:

1. None

H. PUBLIC HEARINGS:

1. None

I. OLD BUSINESS:

1. Temporary Outdoor Sales

Chair Wentzloff spoke to clarify last month's vote on a revision to the Temporary Outdoor Sales Ordinance that ended in a tie; three members in favor of modifying the current ordinance and three members against. According to legal counsel, a tie vote means a no vote and the motion does not pass. White asked if it could be voted on again with all members present and Winter indicated another public hearing announcement would need to be made. Wentzloff indicated that TNT may bring back as an appeal. Moving forward, Winter suggested that in a

If you are planning to attend and are physically challenged, requiring any special assistance, please notify Cathy Dye, Clerk, within 24 hours of the meeting at 938-1350.

future situation where an even number of commissioners are present that the item could be tabled. A discussion of clarification of the definition of Operator occurred.

2. Medical Marihuana Ordinance

Chair Wentzloff wants to provide direction for Legal Counsel and the Zoning Administrator to begin the process of drafting an ordinance allowing all five of the newly defined uses in the B-4 district as well as allowing one provisioning center in the commercial corridor as a similar entity already exists. Discussions occurred on allowing processing and growing in the Agriculture District and commissioners were in agreement that it should be considered an allowed use. Wentzloff was not opposed to limiting the number in the district and Timmins suggested 5. Due to large parcel size, Winter suggested it could be restricted to one license per parcel. Winter indicated he would start the process of drafting an ordinance for review.

3. Short-Term Rentals

Wentzloff indicated new legislation has been introduced at the state level that basically says it is the right of the owner. Due to an unexpected leave, Winter was unable to put together a draft ordinance for review. Winter did attend a Grand Traverse County Planner's Lunch and Learn series where a short-term rentals presentation from Suttons Bay Township and their experiences was heard. Highlights include approach it slowly and limit at first, make renewal process easy, don't make permit transferrable with the sale of the property, keep simple and straight-forward, and don't have provisions you can't enforce. One highlight is a software as a service website that can monitor short-term rentals advertised in the community and perhaps assist entities with limited resources in compliance monitoring. Wentzloff read the proposed new legislation to PC members. Wentzloff would like to see at least a draft ordinance prepared and bring back for review with a goal of September.

J. NEW BUSINESS:

1. Ground Mounted Solar Farms

Winter presented information to commissioners on ground mounted solar farms. Cyprus Creek Renewables contacted him to see if they were an allowed use in the Township. The use is not listed in our current ordinance and therefore would not be allowed. This exclusion may be the result of the technology not existing at the time the ordinance. As the zoning ordinance is currently under a re-write he thought it may be beneficial to look more closely at this use, its benefits and impacts, to determine if it is appropriate to include. Initial thoughts were to look at the Agriculture district and land that is unfarmable for whatever reason. Discussion occurred and commissioners felt like this use should be considered and look at drafting an appropriate ordinance.

K. PUBLIC COMMENT & OTHER PC BUSINESS

Final public comment period opened at 7:55p; none presented. Closed at 7:55p

- 1. Zoning Administrator Report – Shawn Winter - Presented report.** Land use permits are up. Met with Counsel and Planning consultant to review components of the draft zoning ordinance that have been worked on so far. Productive meeting with lots of feedback but much more work needs to be done. Met with Nate Elkins regarding Kelly's PUD project and they are behind schedule. They did do a site visit with some members of Concerned Citizens of Acme Township as well as the Watershed Center and it was well received.
- 2. Planning Consultant Report – John Iacoangeli - Nothing to report**
- 3. Township Board Report – Doug White - Board continues to work on budget items**
- 4. Parks & Trails Committee Report – Marcie Timmins - Was unable to attend the last meeting.** Feringa indicated the GT Band Green Committee and the Resort Green Committee having a tour the stormwater system at VGT and Acme Creek on May 12th. The tour serves as a kickoff by the Green Committee's stream restoration efforts.

ADJOURN: Motion to adjourn by Timmins; support by Balentine. Motion passed unanimously. Meeting adjourned at 8:07p



MEMORANDUM

Planning and Zoning

6042 Acme Road | Williamsburg, MI | 49690

Phone: (231) 938-1350 Fax: (231) 938-1510 Web: www.acmetownship.org

To: Acme Township Planning Commission
From: Shawn Winter, Planning & Zoning Administrator
CC: Jeff Jocks, Counsel; John Iacoangeli, Planning Consultant
Date: May 4, 2017
Re: May 8, 2017 Planning Commission Packet Summary

A. LIMITED PUBLIC COMMENT

Open:

Close:

B. APPROVAL OF AGENDA

Motion to approve:

Support:

C. INQUIRY AS TO CONFLICTS OF INTEREST

Name:

Item:

Name:

Item:

D. SPECIAL PRESENTATION

1. None

E. CONSENT CALENDAR:

1. **RECEIVE AND FILE:**

a. Township Board Draft Minutes 04/04/17

2. **ACTION:**

a. Approve Draft Planning Commission Minutes 04/10/17

Motion to adopt:

Support:

F. ITEMS TO BE REMOVED FROM THE CONSENT CALENDAR

1. _____

2. _____

G. CORRESPONDENCE:

1. None

H. PUBLIC HEARINGS:

1. None

I. OLD BUSINESS:

1. **Temporary Outdoor Sales**

- The Chair asked at the April meeting to bring this item back to the PC at the May meeting to clarify the results of the tie vote.

2. **Medical Marihuana Ordinance**

- At this point a draft ordinance is still forthcoming.
- The minutes from the April PC meeting reflect allowing provisioning centers in the commercial corridor. This suggestion does make a lot of sense. Take the medical marihuana component out of it and it's simply a retail use. Aside from Tractor Supply, which easily accessed off of M-72 and Arnold Rd, there are no retail establishments in the B-4 district. One method of preventing a proliferation of provisioning centers in the commercial district is to limit the number of licenses that can be issued. Furthermore, maintaining some of the current provisions that provide buffers from parks would limit the number of locations even more.
- The webinar Marcie and I participated in was recorded and can be viewed at https://mediaspace.msu.edu/media/MSU+Extension+Regulating+Medical+Marijuana+Facilities+Webinar+-+March+30%2C+2017/1_dn99fvx5
- The Michigan State Extension office has put together a website with a lot of resources relating to the Medical Marihuana Facilities Licensing Act at http://msue.anr.msu.edu/topic/planning/zoning/medical_marihuana_facilities_licensing_act

3. **Short-Term Rentals**

- I apologize, but due to an unexpected leave of absence this month I was unable to begin drafting a sample ordinance for short-term rentals.
- I attended the Grand Traverse County Planner's Lunch and Learn series on Wednesday, May 3. The topic for this meeting was short-term rentals with Kathy Egan presented on their experience in Suttons Bay Township. Suttons Bay Township has been working on an ordinance to allow short-term rentals with regulations. Their draft (version 8) has been included in your packet and was based off of Milton Township. Also included is a list of considerations that I think are important to keep in mind as we continue moving forward.
- There are a number of highlights from the presentation that I will share at the meeting, but wanted to bring your attention now to a website called Host Compliance (<https://hostcompliance.com/>). I've just started reviewing it myself, but believe it is a useful tool that we may want to consider. The website provides a service that can monitor short-term rentals advertised in your community, compliance monitoring, database management, and a 24/7 hotline for people to call and report complaints. Additionally, the site provides a number of resources for drafting ordinances. A pdf overview has been included in the packet.
- Ultimately, the Township Board will need to decide whether or not to pay for such a service. The cost, however, would be incorporated into the permit fee structure. Implementing and enforcing a new short-term rental ordinance will require resources for effective administration. Currently, we do not have the necessary staff capacity and have discussed a seasonal part-time person to help in the process. This may be a more effective solution.

J. **NEW BUSINESS:**

1. **Ground-Mounted Solar Farms**

- Cyprus Creek Renewables has contacted me to see if ground-mounted solar farms are allowed in our Township. Currently they are not listed in the Zoning Ordinance, and therefore are not an allowed use.
- The exclusion of this use may be the result of the technology not existing at the time the ordinance was created. As we rewrite the Zoning Ordinance, it may be worth reviewing this use to learn more about its benefits and impacts and determine if it is appropriate to include.
- My initial thought focused on the AG district. My understanding is there are portions of the AG district that are not suitable for farming, but due to the limitations of the

zoning are not able to do much else with the land. One of the goals of the master plan is to support the continuation of agricultural operations and preservation of farmland. Perhaps allowing members of the AG community to derive an economic benefit from their unfarmable land could reduce development pressure they may face on other portions of their property.

- Cyprus Creek Renewables has sent the following items that I have included in the packet:
 - Frequently Asked Questions sheet
 - Technical Memo
 - Sample photos
 - Sample Ordinance from North Carolina
- More information can be found on their website at www.ccrenew.com
- At this point they are not lobbying for a change in the ordinance. Their operation is to first identify if its an allowable use. If it is, they then begin to look into potential sites suitable to their needs. I told them I would present this to the PC this month and report back if there was any interest.

K. PUBLIC COMMENT & OTHER PC BUSINESS:

1. Public Comment:

Open:

Close:

2. Zoning Administrator Report: Shawn Winter

- **Permits** (since April 05, 2017)
 - Land Use Permits – 12
 - LUP 2017-11 Deck Addition – 6921 Deepwater Point
 - LUP 2017-12 Commercial Storage Bldg – 6629 E Railway Commons
 - LUP 2017-13 New Home – 4146 Windward Way
 - LUP 2017-14 New Home – 4148 Windward Way
 - LUP 2017-15 Detached Garage – 4119 Evelyn St
 - LUP 2017-16 New Home – 6527 Deepwater Point
 - LUP 2017-17 New Home – 8068 Bennett Rd
 - LUP 2017-18 Cell Antenna Replacement/Addition – GT Resort & Spa
 - LUP 2017-19 Deck Addition – 7490 Lautner Rd
 - LUP 2017-20 New Home – 4153 Cranberry Lane
 - LUP 2017-21 Single Family Home Conversion – 3536 Kirkland Ct
 - LUP 2017-22 Addition – 7495 Bennett Rd
 - Sign Permits – 0
 - Site Plan Reviews – 0
- Met with Jeff and John on April 20, 2017 to review the draft components of the Zoning Ordinance that have been worked on so far. It was a productive meeting that resulted in a lot of feedback. A lot of work is left to be done, but a strong foundation has been established.

3. Planning Consultant Report: John Iacoangeli

4. Township Board Report: Doug White

5. Parks & Trails Committee Report: Marcie Timmins

L. ADJOURN:

Motion to adjourn:

Support:



**ACME TOWNSHIP BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
Tuesday, April 4, 2017, 7:00 p.m.**

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE at 7:00 p.m

Members present: J. Aukerman, C. Dye, A. Jenema, D. Nelson, P. Scott, J. Zollinger
Members excused: D. White
Staff present: N. Edwardson, Recording Secretary

A. LIMITED PUBLIC COMMENT:

J. Heffner, 4050 Bayberry Lane, stated at a past Parks & Trails committee meeting he seconded a motion to close the Bunker Hill boat launch. He had further discussion with the Tart Trails and learned that it would be 3-5 years before the trail would go through. He would like to take the position of supporting keeping the boat launch opened.

B.Terhune, 4212 Circle View Dr, provided a letter stating his opposition to the proposed closing of the Bunker Hill boat launch. Letter is attached to the minutes.

Randy Rhoads, a Acme Township business owner in Kirkland Court and a resident of Elk Rapids, strongly encouraged the Board to not close the launch. With his business so close he can fish early in the morning and again at night.

D. Hoxsie, 6259 M 72 E favored what the men before had said. He encouraged the Board to not close the launch.

Public Comment closed at 7:12 pm

B. APPROVAL OF AGENDA:

Zollinger requested New Business #6 Expanded responsibilities for Deputy Treasurer/extra duties be removed, Supervisor Appointments added to New Business #7, LaPointe's email of 03/30/17 under correspondence. Aukerman would like to add under Old Business # 3 Sayler Park boat launch update.

Motion by Nelson, seconded by Scott to approve the agenda with the following changes to New Business #6 Expanded responsibilities for Deputy Treasurer/extra duties be removed, Supervisor Appointments added to New Business #7, LaPointe's email of 03/30/17 under correspondence and add under Old Business # 3 Sayler Park boat launch update. Motion carried unanimously.

C. APPROVAL OF BOARD MINUTES: 03/07/17

Dye had two corrections to make to the minutes, under New Business 1. Resolutions (c) Acme 457 savings account amend contribution allocation date. This should read Amend Acme 457 retirement contribution allocation date. The motion under Old Business 1. Gilroy park motion stated "pursue" This should be corrected to say a letter to inquire about obtaining Gilroy park from MDOT.

Motion by Jenema, seconded by Aukerman to approve the 03/07/17 Board minutes with the two corrections to New and Old Business. Motion carried unanimously

D. INQUIRY AS TO CONFLICTS OF INTEREST: None

E. REPORTS:

1. Clerk – Dye

Dye and Deputy Cristy recently attended Michigan Association of Municipals Clerks institute. This is a three

year program. Dye has obtained MAMC certification and Cristy has two more years to go. This is a great educational program for skills required in the Clerk's office. Dye also reminded Board members of the MTA conference in Lansing center April 10-14, 2017.

2. Parks- Zollinger

Zollinger commented that Gary LaMont our seasonal parks worker will start working April 10th. Our focus will be working on the parking lot late Summer early Fall as part of Phase II.

3. Legal Counsel – No report

4. Sheriff - Potter

Potter recently been on vacation. He did not have a update report from the County.

Matt McKinley, East Bay Township's community police officer gave a presentation on the "Speed Sign" that Acme Township has been looking into. East Bay has one. Discussion followed.

5. County - Received and filed

6. Roads – No report

7. Farmland - No report

F. SPECIAL PRESENTATIONS/DISCUSSIONS: None

G. CONSENT CALENDAR: The purpose is to expedite business by grouping non-controversial items together one Board motion (roll call vote) without discussion. A request to remove any item for discussion later in the agenda from any member of the Board, staff or public shall be granted.

1. RECEIVE AND FILE:

a. Treasurer's Report

b. Clerks Revenue/Expenditure Report and Balance Sheet

c. Draft unapproved meeting minutes

1. Planning Commission 03/13/17

2. APPROVAL:

**a. Accounts Payable Prepaid of \$ 61,456.34 and Current to be approved of \$ 72,522.92
(Recommend approval: Cathy Dye, Clerk)**

H. ITEMS REMOVED FROM THE CONSENT CALENDAR:

Jenema requested the Planning Commission minutes of 3/13/17 be removed.

Motion by Scott, seconded by Dye to approve the consent calendar with the removal of the Planning Commission 3/13/17 minutes. Motion carried by unanimous roll call vote.

Jenema referred to Old Business #1 Kelly Planned Development/Pre-application submission and review in the Planning Commission minutes. Trustee, White, indicated that the township has not wished to get into the "water business". Jenema and Aukerman believes the times have changed and water needs to be addressed. Discussion followed. Zollinger will put a memo together to review options and various costs.

Motion by Jenema, seconded by Scott to approve the Planning Commission meeting minutes of 3/13/17 as presented. Motion carried unanimously.

I. CORRESPONDENCE:

1. Email dated 03/30/17 from G. LaPointe, 6375 Plum Dr re: South Park boat launch

J. PUBLIC HEARING: None

K. NEW BUSINESS:

1. Annual road brine agreement with GTCRC

The Board of County Road commissioners' policy is to provide a 25% match for brine application on county maintained gravel roads with the Township paying 75%.

Motion by Jenema, seconded by Scott to approve the Annual Brining agreement as presented with two applications of brine for some Township roads. Motion carried by unanimous roll call

vote.

2. 2017-18 Budget cycle start

Zollinger mentioned General Fund 101 review flat in 2017-2018 Budget year, Fund 750 maintenance and parks with contracting we will see savings of about \$37,500 per year. Sewer fund new bypass to cost about \$1,300,000 to be split between Acme and East Bay. Fund balance in sewer is \$2,596,029.

3. Parks maintenance-Mowing/Snow removal/Summer park help

Zollinger stated that four bids were received for the 2017 Mowing/Snow removal. ESCH Lawn Maintenance was the lowest bidder at \$11,105.00. Discussion followed.

Motion by Scott, seconded by Aukerman, to approve ESCH Lawn Maintenance for the 2017 Mowing/Snow removal with a three year contract with performance clause. Motion carried by unanimous roll call vote.

The Parks and Cemetery committee recommended a raise for the Summer maintenance person from \$12.00 to \$15.00.

Motion by Nelson, seconded by Dye, to approve an increase of \$12.00 to \$15.00 for the Summer Maintenance person. Motion carried by unanimous roll call vote.

4. Resolution – Annual Brush pass process for Acme Township residents

In a Board discussion residents will be allowed two passes per property owner annually. Township will provide for in the budget process a fund allocation of \$600.00 annually to cover this program and will continue this program in succeeding year's or until this resolution is changed by board action.

Motion by Jenema, seconded by Scott, to approve Resolution R-2017-11 supporting a "No Charge Waste Pass" for Acme Township residents for brush recycling. Motion carried by unanimous roll call vote.

5. Resolution – New election equipment

Motion by Jenema, seconded by Aukerman, to approve Resolution R-2017-12 authorizing the Acme Township Clerk to submit a grant application for new election equipment on behalf of Acme Township, Grand Traverse County. Motion carried by unanimous roll call vote.

6. Mobile food vending - Winter

Winter provided a memo stating that the Board had adopted the Mobile Food Vending Ordinance at a Board meeting on August 9, 2016, an individual has approached the Township to apply for a permit so they may operate their mobile fooding unit at Shoreline Fruit, located at 10106 US-31 North. This location is zoned Agricultural (A-1). The Agricultural district was not included in the original list under Section 7, Item 1.

Motion by Scott, seconded by Nelson to amend Acme Township police power ordinance 2016-02, Mobile Food Vending, to include the Agricultural District (A-1) as an allowable zoning district for the operation of permitted mobile food vending units under Section 7, Item 1. Motion carried unanimously.

7. Supervisor Appointments

Zollinger provided a memo to recommend Rick Sayler to the Farmland committee and Dustin Smith to Parks & Trails committee.

Motion by Jenema, seconded by Nelson to approve the recommendation of Rick Sayler to the Farmland committee and Dustin Smith to the Parks & Trails committee. Motion carried unanimously.

L. OLD BUSINESS:

1. Bayside park south discussion & decisions on possibly closing this area

Zollinger led the discussion on the Bayside Park south to communicate the intent of possibly closing this site once the Tart Trail is constructed. The Tart Trail would be constructed on the south side of Bunker Hill across US31 and north through Bayside Park south and again the possibility that this might not be built until 2019 or later.

Installing a sign at this location informing that the Sayler Park Launch will be open May 15th. Necessary repair of concrete launch for safety hazard reasons. Update drawing for South park area with Tart Trail, include water run off storage and area for DPW needs. It was also explained that drainage issues exist and the township will work with MDOT on this.

We also need to address daily parking of non-park users. Supervisor will work with Attorney on a parking ordinance. There is only about 5-6 spaces to park in for vehicles with trailers. Also discussion that if and when the Tart Trail goes through Bayside South, we need to address if parking for vehicles with and without boats together in a safe manner along with the design of the TART trail.

Letter to MDOT about Gilroy Rest Area possibly becoming Acme Park has been sent. This was discussed at previous meeting

Motion by Nelson, seconded by Scott to keep Bunker Hill boat launch open at this time. Motion failed by a roll call vote of 3 (Dye, Nelson, Scott) in favor and 3 (Aukerman, Jenema, Zollinger) opposing. (Motion failed)

Second motion made

Motion by Auckerman, Seconded by Nelson that Bunker Hill launch remain open at this time for small watercraft only. Motion carried by unanimous roll call vote.

2. Grand Traverse Regional Community Foundation update of funds received

Aukerman reported that the Community Foundation Acme Shoreline Park Endowment fund is now giving annual grants; deferring receipt of a grant award to a future year is no longer allowed

3. Sayler Park boat launch update

Aukerman re-confirmed Board consensus reached at March 7 meeting:

\$20 Resident Annual Pass

\$40 Non-resident Annual Pass

Annual passes to be sold at Township hall.

\$5 launch fee with day pass for those without annual pass. All will receive hangtags to place on rearview mirror as proof of payment.

Ribbon-cutting ceremony at site will be Monday, May 15, 2:00 pm

PUBLIC COMMENT & OTHER BUSINESS THAT MAY COME BEFORE THE BOARD:

J. Heffner, 4050 Bayberry Ln thanked the Board for the good discussion and the action taken on the Bunker Hill boat launch.

ADJOURN AT 9:35 pm



**ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
April 10th, 2017 7:00 p.m.**

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE: @7:00 pm

ROLL CALL:

PC Members present: D. Rosa, D. White, T. Forgette (Secretary), S. Feringa (Vice-Chair), K. Wentzloff (Chair), M. Timmins (arrived at 7:03pm).

Members excused: B. Balentine

Staff Excused: S. Winter, Zoning Administrator; J. Iacoangeli, Planner, J. Jocks, Legal Counsel.

A. LIMITED PUBLIC COMMENT: Open at 7:02 pm;

P. Settles - Brott, Settles & Brott, 5168 US 31 North. Requested submission of letter on behalf of Great Lakes Helping Hands into correspondence.

closed at 7:03p.

B. APPROVAL OF AGENDA: Motion to approve agenda by White with addition of correspondence to section G.2, letter from Philip Settles, legal counsel for Great Lakes Helping Hands; support by Timmins. Motion passed unanimously.

C. INQUIRY AS TO CONFLICTS OF INTEREST: None

D. SPECIAL PRESENTATIONS:

1. Medical Marihuana Project – Jesse Rose & Jason Matlock, Grand Cru LLC

Jason introduced himself and Jesse as co-owners of Grand Cru a startup company interested in production and retail of cannabis under recently passed facility licensing act by state legislation. The main interest of the business is to ensure safe access to therapy. Topics of discussion were highlighted by 1) why we needed this new law, 2) how this new law was going to re-structure the cannabis industry, 3) specifically look at the role of local municipalities have to play on helping this new law come into making implementation successful, and 4) touch on what Grand Cru is looking to do as a business out of this new regulation and what they are asking from municipalities to help. Key emphasis to them as a company is safe access to this therapy; to obtain product from a safe and comfortable space, provide consistency and quality products. To date, personal networks have not been able to provide this to patients and a caregiver cannot participate in both the private and public domains. The new law does not affect patient's right to therapy but lifts burden of proof from local municipalities and allows the state to take care of this as an industry. Chain of custody requirements under the new legislation require seed to sale tracking. A large burden for businesses starting in this industry is proof of a local ordinance is required for the license application to ensure viability. Statewide implementation is important to insure sustainable regulation of the industry. They are in support of the Township Board direction of allowing the use by right in the B-4 district and permit all license types and the requirement of a state license. Buffers and restrictions required under the zoning would be adhered. The goal of their business is to provide a clean, reliable, and usable cannabis products in a respectful, profession, and environmentally responsible manner to patients.

White didn't think grower, processor, and seller could co-locate. Jesse indicated that there were discussions at state level regarding this concern and changes could be forthcoming. Timmins asked questions on internal/external operations in Agriculture area. Jason said any outdoor activities would likely need greenhouse/tent to work.

If you are planning to attend and are physically challenged, requiring any special assistance, please notify Cathy Dye, Clerk, within 24 hours of the meeting at 938-1350.

Security is a requirement. Late harvest is difficult due to fungus/mold issues in these northern climates. They would like to see a small network of growers.

E. CONSENT CALENDAR:

- 1. RECEIVE AND FILE**
 - a. Township Board Minutes 03/07/17
 - b. Parks & Trails Committee Draft Minutes 02/17/17
 - c. Zoning Ordinance Rewrite Subcommittee Draft Minutes 03/13/17
- 2. ACTION:**
 - a. Adopt Planning Commission Minutes 03/13/17

Motion by Forgette to approve the consent calendar as presented; support by Timmins. Motion passed unanimously.

F. ITEMS REMOVED FROM THE CONSENT CALENDAR

1. None
2. _____

G. CORRESPONDENCE: Attached to minutes

1. Michael Hedden – Great Lakes Helping Hands
2. Phillip Settles - Legal counsel for Great Lakes Helping Hands

As an existing dispensary, Great Lakes Helping Hands foresees getting a facilitator license to be a provisioning center under the new legislation in order to continue business and hope the PC recognizes this transition under the new legislation when considering zoning and that provisioning center would be a retail operation.

H. PUBLIC HEARINGS:

1. Zoning Ordinance Amendment 044 – Temporary Outdoor Sales - Opened at 7:35pm

A public hearing notice was published to allow interested parties to speak on the proposed Zoning Ordinance amendment (044) to remove the provision that prohibits outside or third-party vendors from operating a temporary outdoor sale [§7.2.10(a)(4)].

Daren Klooster, 4520 Quail Ct., Traverse City. Talked about this several times and one thing that keeps coming up is the thought that a business would put something in the store just so as to put a tent outside. Thinks that it would rather easy for ZA to deal with that by not granting a permit the next time if the applicant is dishonest in the application.

Closed at 7:37pm.

I. OLD BUSINESS:

1. Zoning Ordinance Amendment 044 – Temporary Outdoor Sales

Question from Timmins asked if local farmers may be affected by large stores using outdoor sales to sell produce and compete with local farmers. White did not think it would be a problem if this ordinance did happen.

Motion by White to to send the proposed zoning ordinance amendment 044 which would remove the provision under §7.2.10(a)(4) prohibiting outside vendors or third-parties from operating a temporary outdoor sale to the Grand Traverse County Planning Commission for review, and to recommend adoption to the Township Board; support by Feringa. Discussion occurred.

If you are planning to attend and are physically challenged, requiring any special assistance, please notify Cathy Dye, Clerk, within 24 hours of the meeting at 938-1350.

Rosa thought the change was to not have third party operating the sale. The proposed modification would allow that. Wentzloff explained further. Forgette agreed with ZA's synopsis to keep as is. Roll call vote was called on the motion by White.

In favor: Rosa, White, Feringa

Not in favor: Timmins, Wentzloff, Forgette

Since there was a tie, Chair Wentzloff wasn't sure what next steps would be without legal counsel present. White said it could be tabled until next month. Unsure of the procedure, she asked that we postpone this to next month so that we have a full commission and revisit.

2. Medical Marihuana Ordinance

Wentzloff provided an introduction and explained the process. To this point the PC has been waiting to see how other township and governmental entities write their ordinances. Township board wants PC to move forward with drafting ordinance language to allow all five uses in the B-4 district under the new state legislation. Timmins provided information on the administrative process. Grand Cru mentioned the township could charge each applicant up to \$5000 to defray administrative costs. Timmins said by law the township could not charge more than what it would cost to regulate. Important to note is the 9 month residency requirement that a business must have to be a caregiver or patient though Grand Cru owners suggest that may change after July 18, 2018. After that it opens to any out of state entity. Timmins still struggles with the financials that don't seem to match the number of caregivers, number of patients and the daily amount that may be allowed. Everything will be seed to sale, tracked through barcodes and databases. Concern with big money coming in could disrupt local business owners. Grand Cru analysts estimates this to be a 700 million dollar industry in Michigan alone. Feringa indicated the true number of patients may be higher. The timeline to get started soon is driven by the potential opening up of the residency restrictions in 2018. Feringa indicated that with the different categories, he is not sure each one correlates well with one zone. Existing conditions of an existing business in a different zone should be considered by the PC since a provisioning center is more like a retail operation, it would make sense to be in commercial corridor. Wentzloff suggested we give legal counsel direction to move forward with a possible draft ordinance to look at..

Motion by Timmins to direct legal counsel to draft ordinance language to allow by right the five licenses in the B-4 and corridor commercial districts. Support by Rosa. White believes that the agriculture district should not be excluded from the growing operation. Timmins amended motion to add the agriculture district. Rosa supported amendment. Motion carried unanimously.

3. Short-Term Rentals

- a.** Milton Township
- b.** City of South Haven
- c.** City of the Village of Douglas
- d.** Saugatuck Township
- e.** Hayes Township
- f.** City of Traverse City (tourist Homes)

Wentzloff provided background on the two models; Tourist home (AirBnB) and Short Term Rentals. PC members thought that little regulation was needed for this type of since the owner lives there, owns property and a good definition in the ordinance would allow the use with the requirement that it be registered. Timmins suggested that perhaps certification of septic system operation and proper fire alarms/carbon monoxide alarms be present. Wentzloff added septic design is typically based on the number of bedrooms. Also, ordinance should remove liability of township. Rosa thought tax could level the playing field, but others thought was something the township needn't be involved with. Another consideration is only allowing owner to list; not the renter. PC would like the Zoning Administrator to move forward with drafting a short ordinance or definition for inclusion of the Tourist Home model in districts.

If you are planning to attend and are physically challenged, requiring any special assistance, please notify Cathy Dye, Clerk, within 24 hours of the meeting at 938-1350.

With respect to Short Term Rentals, PC members discussed the likes and dislikes from the sample ordinances provided for review. Items that PC thought ordinance should include the following:

- short term should be defined as less than 30 days
- should speak to the number of bedrooms and total number of occupants with defined provision for pre school age children
- pets should be confined or on leash
- reference to existing pre-defined ordinance such as trash, fireworks, parking, and noise
- provide good visitor guidelines and define intent of ordinance is the safety and welfare of the community
- define a fee structure and form; perpetual license preferred unless violation occurs
- provide definition for exceptions such as house sitting (Saugateck).
- vehicle parking must be contained on premise
- owner should have the responsibilities listed and be available 24/7 to respond to complaints and should communicate the ordinance guidelines/rules. Local agent and phone number in window was liked and response time included. Permit would be with owner, not property.
- need for good definitions
- graduated penalty structure
- Make note of egress and fire/CO detector regulation required.

PC would like to see zoning administrator and counsel draft some ordinances considering the points mentioned to review under old business.

J. NEW BUSINESS: None

K. PUBLIC COMMENT & OTHER PC BUSINESS

Opened at 8:48. Closed at 8:48pm

Wentzloff reminded PC members of obligation to refrain from talking at length to someone who is putting plan together for a project or discussing permits at length outside of PC meetings.

1. Zoning Administrator Report – Shawn Winter - none to report.
2. Planning Consultant Report – John Iacoangeli - none to report
3. Township Board Report – Doug White indicated boat launch at Bunker Hill to remain open for the time being.
4. Parks & Trails Committee Report – Marcie Timmins reported there hasn't been a meeting in a while. White asked if a confirmed route from Acme to Elk Rapids has been identified. Concerns from Agriculture community along US31. Wentzloff indicated preferred route is along US 31; identified as weighted route 2 years ago. White suggested better route up Bracket/Bennett roads. Timmins said Yuba bylaws have restrictions along that route.

ADJOURN: Motion to adjourn made by Timmins; support by Feringa. Motion passed unanimously. Meeting adjourned at 8:54pm.

Short Term Rental Ordinance Considerations

The topic of Short Term Rentals (“STR”) is one being discussed at every level: local, regional, state, and even internationally. Predictions indicate a continued increase in demand for STRs. It isn’t a trend that will be declining or going away any time soon.

Each community has to decide if a STR Ordinance is right for them, and if now is the right time to enact an ordinance. Communities have found it easier, and less contentious, to enact an ordinance *before* it becomes a local crisis.

Start with:

- 1. Articulate the specific regulatory goals and tailor the ordinance to address your local concerns.**

Why are you considering this?

- Impact on neighborhood/community character
- Noise, parking and other nuisances – party towns
- Preserving affordable housing options

- 2. Understand the marketplace.**

What activity is currently taking place?

- Renting entire houses, bedrooms, and what people are paying
- Weigh the local township’s goals with that of neighborhoods, motels, realtors, B&Bs, Chamber of Commerce or EDC, and others

- 3. Enforcement considerations.**

Know that the more complex the regulations the higher the cost for enforcement

- Have to be able and willing to enforce
- Have to regulate equally and fairly

- 4. Regulation options.**

Township can determine how many and by what method

- No limit on number of STRs – or –
- Limit number of STRs in township
- Can restrict STRs to certain zoning districts
- Can separate by a specific distance (example: 200’ distance between STRs)

Definitions and Applicability

Close attention should be paid to defining the terms in the ordinance. By defining a short term rental as a “commercial” operation it strengthens the township’s ability to have regulatory differences between a short term rental and long term residential uses.

You may want to exclude other types of temporary lodging types in your Zoning Ordinance from these regulations - such as Bed and Breakfasts. They have their own set of standards and requirements for a permit.

Make sure the definition of “dwelling” works with the Zoning Ordinance definition.

Most often STR Ordinances are township “police power” ordinances because they are regulating an activity.

As always consult your township attorney when considering a new ordinance.

Standards to Consider

Each community will have different needs. Consider which of the following apply to your community:

- Type of structure: may limit rentals to single family residence, or may include all dwelling units including apartment, duplexes and condos.
- How many per parcel: may state than no more than one dwelling unit per parcel may be rented out or decide not to limit the number per parcel.
- Minimum length of rental period: ordinance may require 7 days so that the house may be rented to only one party per week – regardless of whether length of stay is one week or just a weekend.
- Local contact person required: may require owner or agent be available to respond to calls or come to the site within a certain time period (usually a response time of 45 minutes or one hour is required).
- Notify the neighbors: may require that neighbors within a certain distance would be given notice that the home will be rented out, along with the name and contact information of local contact person.
- Maximum occupancy: may limit the number of people allowed to stay overnight.
- Maximum number of people on site: this would include daytime visitors.

- No events: may prohibit events such as weddings, parties, or any group gatherings.
- Septic system: could require a letter from region's health department stating the maximum number of people that can be served by the septic system on site. Also require that the system is kept in sound working order.
- Signage: it's a good idea to follow the township sign ordinance.
- Post the standards: may require the standards to be posted and made available to all renters.
- Maintain a log: may be required for township administration purposes.
- Parking: may require it to be off roadways. Could require it to not be in the yard/lawn.
- Pets: could allow, disallow, or leave decision to STR operator.
- Fireworks: if allowed, cite the days and times they are allowed. If the township has a local ordinance, refer to it.
- Noise: may have designated Quiet Hours or refer to local ordinance.
- Campfires: may regulate where, when, frequency, and what can be burned.
- Trash: may require that operator provide trash services. May also require that it is kept in a closed receptacle to avoid problems with vermin.
- Watercraft: may limit the number of (motorized) watercraft that can be brought to the site.
- Advertising: it is a good idea to state that any advertising a property for rental without a permit is a violation. This allows the ordinance to apply even to those who claim they haven't rented it out...yet.

More Information

www.hostcompliance.com

Host Compliance is a private firm that offers services in implementing and enforcing short term rental ordinances. They do have a collection of worthwhile articles, webinars and guides under their "Resources" tab on the website.

www.nar.realtor

For information supporting STRs search this National Association of Realtor website for a host of articles and blogs on the subject.

Suttons Bay Township Short Term Rental Ordinance

Section 1: Purpose

The Suttons Bay Township Board finds and declares as follows:

- A. The Township wishes to preserve and retain the residential community character of the Township.
- B. It is the intent of the Suttons Bay Township Short Term Rental Ordinance to make the Short Term Rental activity permitted by this ordinance resemble the existing and traditional residential uses made by resident owners and lessees.
- C. Short Term Rentals provide a community benefit by expanding the number and type of lodging facilities available and assist owners of Short Term Rentals by providing revenue which may be used for maintenance upgrades and deferred costs.
- D. Township staff has received complaints involving excessive noise, disorderly conduct, overcrowding, traffic, congestion and parking at Short Term Rental properties.
- E. The transitory nature of occupants of Short Term Rentals makes continued enforcement against the occupants difficult.
- F. The provisions of this ordinance are necessary to prevent the continued burden placed upon county and township services and impacts on residential neighborhoods posed by Short Term Rental homes.

Section 2: Applicability

All requirements, regulations and standards imposed by this Ordinance are intended to apply in addition to any other applicable requirements, regulations and standards imposed elsewhere in other ordinances of the Township, including the Suttons Bay Township Zoning Ordinance. Further, this Ordinance does not affect additional requirements placed on use of property (or a portion thereof) imposed by deeds, associations or rental agreements.

Section 3: Definitions

Unless otherwise specified herein, the terms used in this ordinance shall be defined as follows:

Dwelling Unit. A group of rooms located within a building and forming a single habitable unit having facilities which are used or intended to be used for sleeping, cooking, eating, and bathing purposes.

Local contact person. A local property manager, owner, or agent of the owner, who is available to respond to tenant and neighborhood questions or concern, or any agent of the owner authorized by the owner to take remedial action and respond to any violation of this ordinance.

Managing agency or agent. A person, firm, or agency representing the owner of the property (or portion thereof) used for a Short Term Rental, or a person, firm or agency owning the property (or portion thereof) used for a Short Term Rental.

Operator. The person who is proprietor of a property (or portion thereof) used for a Short Term Rental whether in the capacity of owner, lessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his functions through a managing agent of any type or character, other than an employee, or where the operator performs his functions through a rental agent, the managing agent or the rental agent has the same duties as his principal. Compliance with the provisions of this ordinance by either the principal or the managing agent or the rental agent is considered to be compliance by both.

Owner. The person or entity that holds legal or equitable title to the property (or portion thereof) used as a Short Term Rental.

Parking space. An onsite designated parking area legally available to the dwelling unit for overnight parking of a motorized vehicle or trailer.

Person. An individual, a group of individuals, or an association, firm, partnership, corporation, or other private entity, public or private.

Short Term Rental. The commercial use of renting a dwelling unit for a period of time less than thirty (30) consecutive calendar days. Short Term Rental does not include a bed and breakfast permitted and operated in accordance with the Suttons Bay Township Zoning Ordinance.

Section 4: Short Term Rental Standards

All Short Term Rentals must meet the following standards whether or not a permit is required:

A. Only one (1) dwelling unit per parcel shall be leased, subleased, rented or sub-rented at any given time. All lodging is to be exclusively within the dwelling unit and not in a recreational vehicle, camper, or tent.

B. A separate permit is required for each Short Term Rental property. Only one permit may be issued per applicant. (committee recommends keeping language)

C. Suttons Bay Township will limit the number of Short Term Rental Permits to one hundred (100) per calendar year. (language added per committee)

D. Local Contact Person:

1. Each owner of a Short Term Rental must designate a local contact person who has access and authority to assume management of the unit and take remedial measures.
2. The local contact person must be available twenty-four (24) hours a day during the rental period and be within forty-five (45) minutes travel time of the property (or portion thereof) used for a Short Term Rental.
3. The **Township** will provide the phone number of the local contact to all neighbors within a three hundred (300) foot radius of the subject property boundaries.
4. An owner meeting the requirements of subsections (1) through (3) above may designate themselves as the local contact person.

- E. The occupancy of the Short Term Rental property does not exceed the lesser of:
 - 1. Two (2) persons per bedroom, or
 - 2. For parcels under ten (10) acres in size the occupancy shall not exceed ten (10) persons, or
 - 3. For parcels of ten (10) acres or more the occupancy shall not exceed fourteen (14).
- F. All parking associated with a Short Term Rental shall be out of the roadway and entirely on-site, in the garage, driveway or other improved area.
- G. ~~Cultural events~~, Special events, outdoor events, lawn parties, weddings or similar activities are not allowed on the site for more than the number of permitted occupants.
- H. The Animal Control Enforcement Ordinance of Leelanau County shall have authority over pets. Pets shall be secured on the property or on a leash at all times. Dogs shall not be allowed to whine, yelp, bark, or howl for a period of ten minutes or longer, as per the Animal Control Enforcement Ordinance of Leelanau County.
- I. Fireworks of any kind are not allowed on rental property except in accordance with the Suttons Bay Township Ordinance No. 3-2013: Consumer Fireworks Ordinance.
- J. No person shall start or maintain a fire except within provided devices or locations. Fires shall not be left unattended and must be fully extinguished. Only clean, dry wood may be burned.
- K. Provisions for trash disposal must be provided. Trash must be contained in properly sealed receptacles. There must be no overflow that will be attractive to vermin.
- L. The owner shall maintain a properly functioning septic system or sewer connection per the Benzie/Leelanau District Health Department standards.
- M. Noise during quiet hours must be limited to that which does not disturb the quiet, comfort or repose of a reasonable person of normal sensitivities. Quiet hours shall be from 10:00 PM to 8:00 AM. The Suttons Bay Township Noise Ordinance (Ordinance No. 2 of 2010) shall also apply.
- N. The owner shall provide these standards as part of all rental agreements.

Section 5: Owner Responsibilities

- A. The owner must insure all required standards are met.
- B. The owner must use best efforts to assure that the occupants or guests of the Short Term Rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this ordinance or any other local or state law pertaining to noise or disorderly conduct by notifying the occupants of the rules regarding Short Term Rentals and taking appropriate action to abate the violative conduct when notified that occupants

are violating laws regarding their occupancy. It is not intended that the owner, local agent, or contact person act as a peace officer or place himself or herself in harm's way.

Section 6: Short Term Rental Permit

- A. Any dwelling rented for a total of two (2) or fewer weeks during a calendar year does not require a permit be issued pursuant to this Ordinance.
- B. A separate permit is required for each Short Term rental property.
- C. The following application elements are required prior to receipt of a Short Term Rental Permit or permit renewal.
 - 1. A fully completed and signed Short Term Rental Permit Application form provided by the Township including all the required supplemental documents.
 - 2. A local contact available by phone twenty-four (24) hours a day, seven (7) days a week whenever the unit is utilized as a Short Term Rental.
 - 4. A floor plan of the rental unit including use description of each room and a site plan of the property.
 - 5. Maximum number of occupants to be accommodated while in use as a Short Term Rental, which shall in no circumstances, be greater than ten (10) persons.
 - 6. A copy of the recorded deed or land contract and a copy of any deed restrictions on the property.
 - ~~7. Proof of the current home owner's insurance policy on the property.~~
- D. A Short Term Rental Permit shall be issued by calendar year. All Permits shall expire at the end of the calendar year and must be renewed each year.

Section 7: Violation and Administrative Penalties

- A. Any of the following conduct is a violation of the Short Term Rental ordinance:
 - 1. Any advertising or leasing of a short term rental without first having obtained a short term rental permit.
 - 2. The permit holder has failed to comply with the standard conditions specified in the Short Term Rental Standards section of this ordinance.
 - 3. The permit holder has failed to comply with any of the provisions within this Ordinance, specifically Section 5: Owner Responsibilities.
 - 4. The permit holder has violated the provisions of this ordinance.
 - 5. Any false or misleading information supplied in the application process.
- B. The penalties for violations specified in subsection (A) above are as follows:

1. For a first violation within any calendar year, the penalty is a warning notice of violation which may be verbal and/or written.
 2. A second violation within the same calendar year shall be subject to a municipal civil infraction punishable by a fine of not less than two hundred fifty (250) dollars nor more than five hundred (500) dollars. All owners, regardless of their interest in the property, may be responsible for the civil infraction. The Township Zoning Administrator and other officials designated by the Township Board are hereby designated as the authorized officials to issue municipal civil infraction citations directing alleged violators of this ordinance to appear in court. Each day the violation remains may be a separate offense.
 3. A third violation within the same calendar year shall be subject to a municipal civil infraction punishable by a fine of not less than twice the amount of any previous fine but not more than five hundred (500) dollars, and the permit shall be revoked. An owner may reapply for a permit no sooner than twelve (12) months after revocation of a permit.
 4. If there are one or more violations each year during any three (3) consecutive year period, the permit may be revoked. An owner may appeal a decision to revoke a permit to the Suttons Bay Township Board.
- C. A violation of this ordinance shall be a nuisance per se. The Township shall have the right to commence a civil action to enforce compliance with this ordinance.
- D. The Suttons Bay Township Zoning Administrator is authorized to issue all permits under this Ordinance and is also authorized to issue civil infraction violation notices and/or civil infraction citations for violations of this Ordinance.

~~Section 8: Private Actions to Enforce~~

- ~~A. Any person who has suffered, or alleges to have suffered, damage to person or property for a violation of this ordinance may seek relief in a court of competent jurisdiction against the owner.~~**
- ~~B. Nothing in this ordinance creates any right of action against the township or any of its officers, employees, or agents. The sole purpose and intent of this section is to create a right of action between private parties, entities, and interests, which are or may be impacted or affected by various aspects of Short Term Rentals within the township.~~**



Host Compliance Solutions Overview



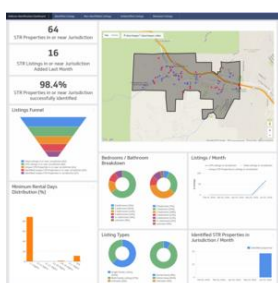
CONTENTS

EXECUTIVE SUMMARY.....	3
SHORT-TERM RENTAL COMPLIANCE MONITORING AND ENFORCEMENT SOLUTIONS	3
Short-Term Rental Trend Monitoring Services	3
Short-term rental address identification	5
Short-Term Rental Compliance Monitoring	7
Rental Activity Monitoring and Tax Collection Support.....	7
7/24 Short-Term Rental Hotline	7
SHORT-TERM RENTAL ORDINANCE CONSULTING SERVICES.....	9
CUSTOM SHORT-TERM RENTAL DATA & ANALYTICS	10

Executive Summary

With more than a dozen local government clients, host Compliance LLC is the leading provider of short-term rental consulting and compliance monitoring and enforcement solutions to cities and counties. The company is exclusively focused on helping local governments address short-term rental related challenges and its services include:

COMPLIANCE MONITORING & ENFORCEMENT SOLUTIONS



SHORT-TERM RENTAL ORDINANCE CONSULTING SERVICES



CUSTOM SHORT-TERM RENTAL DATA & ANALYTICS SERVICES



This document describes our services in more detail. To schedule a complimentary consultation to discuss solutions to the short-term rental related activity and enforcement challenges in your community, please contact us on info@hostcompliance.com.

Short-Term Rental Compliance Monitoring and Enforcement Solutions

Host Compliance's software-as-a-service tools allow local governments to quickly and cost-effectively identify and bring non-permitted vacation rentals into compliance, while maximizing tax collections and effectively addressing neighbor concerns.

Most of our short-term rental compliance monitoring and enforcement offerings are delivered in the form of Software-as-a-Service (SaaS) solutions, sold as an annual subscription and priced based on the number of short-term rental listings that we need to monitor. To get a sense of the pricing for your community, please visit our pricing page on <https://hostcompliance.com/pricing/> and select the approximate number of listings in your jurisdiction. If you do not know the number of short-term rental listings in your community and/or would like a custom price quote, please contact us on info@hostcompliance.com.

Short-Term Rental Trend Monitoring Services

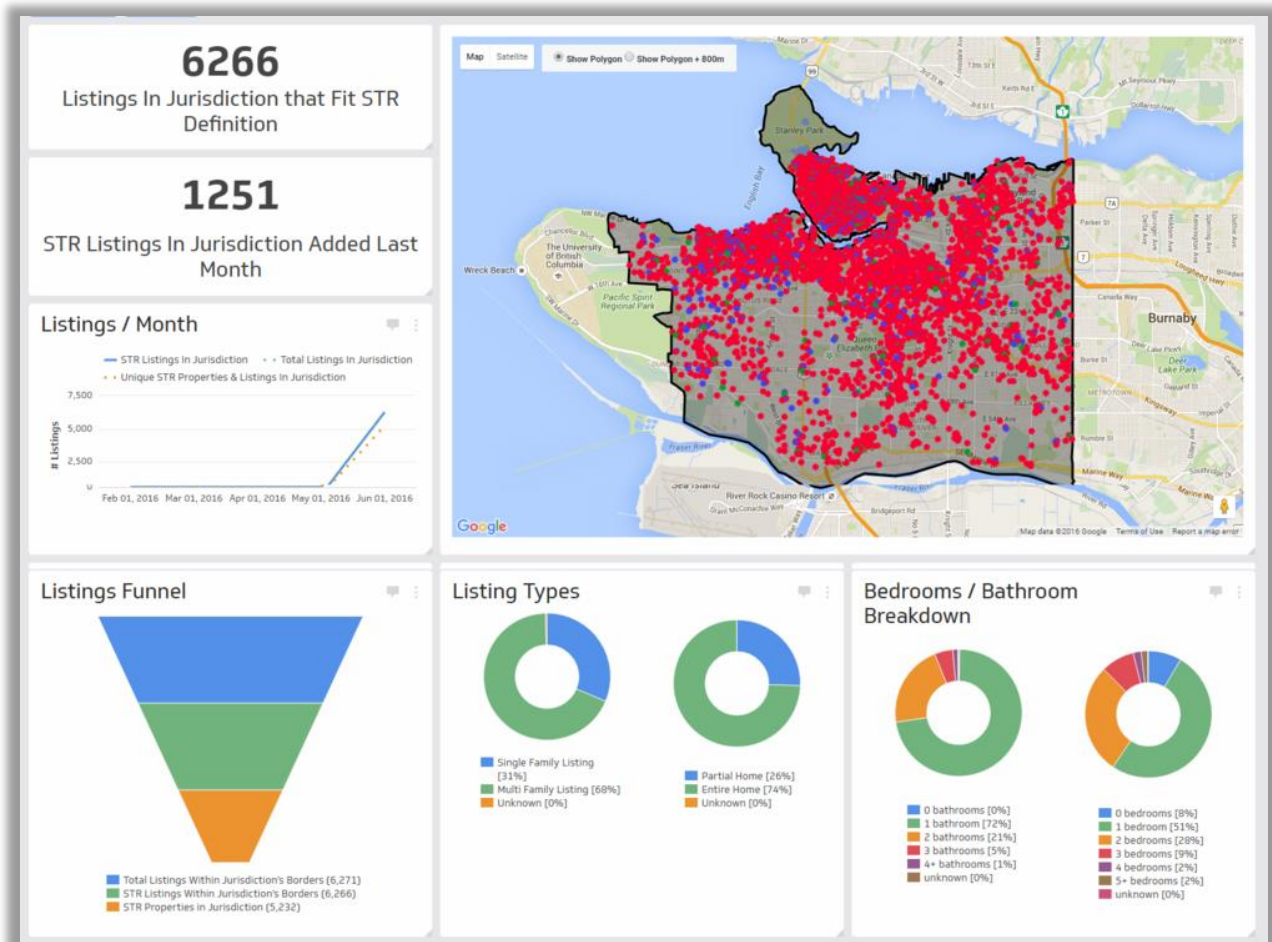
For local government's interested in monitoring the aggregate short-term rental activity in their jurisdiction, our STR Trend Monitoring service provides a monthly email-delivered report and

live web-delivered dashboard with aggregate statistics on the short-term rental activity in their specific area:

- Active monitoring of jurisdiction's short-term rental listings across 18+ STR websites
- Monthly analysis of jurisdiction's STR activity scale, scope and trends

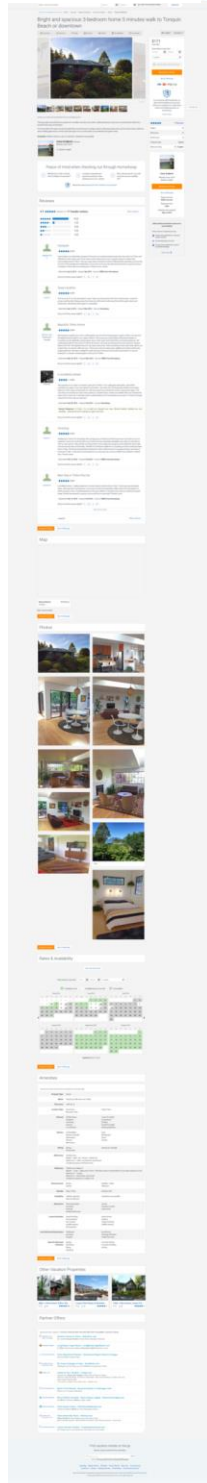
The service is sold as an annual subscription and cost only \$380 per year. You can order it directly from our webpage by clicking on <https://hostcompliance.com/str-trend-monitoring/buy>.

Figure 1: Trend Monitoring Screenshot



Short-term rental address identification

Figure 2: Address Identification
Screenshot 1 of 4



For local governments looking for cost-effective ways to easily obtain a constantly updated list of addresses of the short-term rental properties operating in their jurisdiction, our Address Identification service is a perfect match. As the name implies, this service provides a monthly email-delivered report and live web-delivered dashboard with complete address information and screenshots of all identifiable STRs in your local government's jurisdiction:

- Active monitoring of jurisdiction's short-term rental listings across 18+ STR websites
- Monthly analysis of jurisdiction's STR activity scale, scope and trends
- Up-to-date list of jurisdiction's active STR listings
- High resolution screenshots of all active listings (captured weekly)
- Full address and contact information for all identifiable STRs in jurisdiction
- All available listing and contact information for non-identifiable STRs in jurisdiction
- All data can be downloaded into Microsoft Excel or CSV files for easy portability or upload into other systems.

Figure 3: Address Identification Screenshot 2 of 4

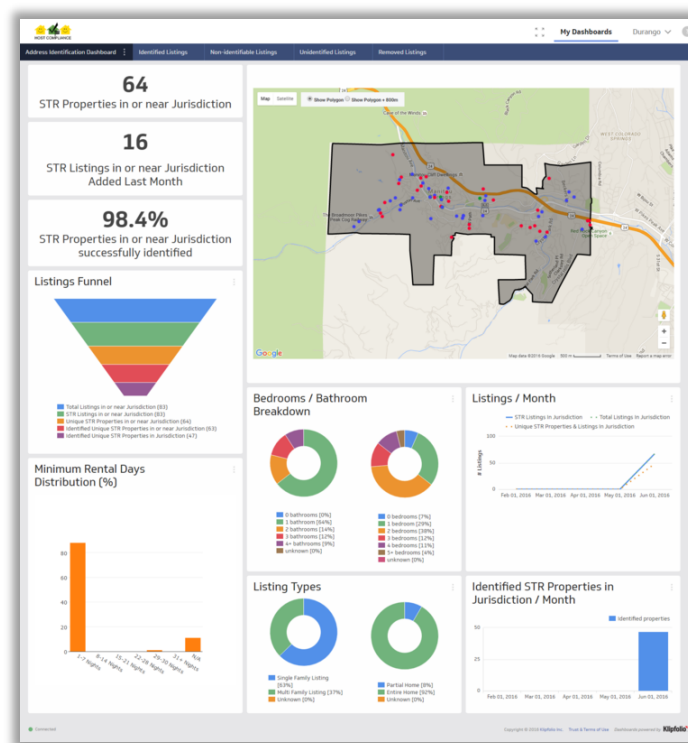


Figure 4: Address Identification Screenshot 2 of 4

Address Identification Dashboard											
My Dashboards Tofino											
Listings that have been identified:											
Host Compliance Listing	Meets STR Definition	Listing's First Activity D.	Listing Site	Listing Title	Listing URL	Address Identified	Owner Name	Identified Address	Listing's Minimum Night	Listing Room Type	Match Validation Page
air12088847	true	May 14, 2016	air	B&B Room for 3	https://www.airbnb.co.	true			1	Private room	Validation URL
air12736819	true	May 14, 2016	air	Room with Two Single Beds	https://www.airbnb.co.	true			1	Private room	Validation URL
air12088890	true	May 14, 2016	air	3 Bedroom Home	https://www.airbnb.co.	true			1	Entire home/apt	Validation URL
air12287266	true	May 14, 2016	air	Hosted Tenting - Site #4	https://www.airbnb.co.	true			1	Private room	Validation URL
air11067679	true	May 14, 2016	air	Sunny family-friendly 500 sqft. ap	https://www.airbnb.co.	true			3	Entire home/apt	Validation URL
air12266901	true	May 14, 2016	air	Hosted Tenting - Site #1	https://www.airbnb.co.	true			1	Private room	Validation URL
air12268964	true	May 14, 2016	air	Hosted Tenting - Site #6	https://www.airbnb.co.	true			1	Private room	Validation URL
air12268463	true	May 14, 2016	air	Hosted Tenting - Site #2	https://www.airbnb.co.	true			1	Private room	Validation URL
air9064206	true	May 14, 2016	air	Jensen's Bay Loft House	https://www.airbnb.co.	true			2	Entire home/apt	Validation URL
air12088828	true	May 14, 2016	air	B&B room for 2	https://www.airbnb.co.	true			1	Private room	Validation URL
air9071863	true	May 14, 2016	air	Jensen's Bay Sweet Suite	https://www.airbnb.co.	true			2	Entire home/apt	Validation URL
air12269015	true	May 14, 2016	air	Hosted Tenting - Site #3	https://www.airbnb.co.	true			1	Private room	Validation URL
air12288195	true	May 14, 2016	air	Hosted Tenting - Site #5	https://www.airbnb.co.	true			1	Private room	Validation URL
air2691956	true	May 14, 2016	air	Tofino Retreat	https://www.airbnb.co.	true			2	Entire home/apt	Validation URL
air12389556	true	May 14, 2016	air	Wet Coast Tofino Retreat	https://www.airbnb.co.	true			1	Private room	Validation URL
air7294407	true	May 14, 2016	air	#36 - South Chesterman	https://www.airbnb.co.	true			2	Entire home/apt	Validation URL
air12535450	true	May 14, 2016	air	Water Front Condo15	https://www.airbnb.co.	true			2	Entire home/apt	Validation URL
air10254784	true	May 14, 2016	air	Maris - New Tofino Waterfront Suite	https://www.airbnb.co.	true			3	Entire home/apt	Validation URL
				Tranquil							

Figure 5: Address Identification Screenshot 3 of 4

Address Match Verification Report for hma321.706829.1254767

Listing:

Listing Status: Active

Host Compliance Listing ID: hma321.706829.1254767

Listing Title: Bright and spacious 3-bedroom home 5 minutes walk to Tofino Beach or downtown

Listing URL: https://www.homeaway.com/vacation-rental/p706829wb

Listing Date Last Checked: May 10, 2016

Screenshot Last Captured: May 10, 2016

Formatted Address: None

Matched Address:

Address Match Confidence: No match found

Identified Address: [REDACTED]

Recorded Owner Name: [REDACTED]

Match Verified By Verification Expert: OSP/KV

Match Verification Date: May 09, 2016

Information Provided on Listing

Contact Name: [REDACTED]

Latitude: [REDACTED]

Longitude: [REDACTED]

Minimum Stay (# of Nights): 2

Maximum Sleeping Capacity (# of People): 8

Reviews: 17

Last Verified Stay: May 09, 2016

Match Rationale

✓ geocodes_to_address

✓ City Matches

✓ Photos Match

General Comments:

Google street view in general vicinity of location in listing brings use to the house linked above, which you can read the address of as [REDACTED] confident it is the same house.

Photo Match Sources:

[REDACTED]

Photo Match Comments:

Same house on google street view

Screenshots:

Screenshot History

hma321_706829_1254767&datetime=2016-05-10-13-11-55.png

HomeAway

Log in Sign up List Your Property

Future HomeAway Search

Search

Find your specific stay

Search

Short-Term Rental Compliance Monitoring

For local governments looking for cost-effective automated ways to bring short-term rentals into zoning and permit compliance, our Compliance Monitoring service is a great choice. In this service we combine our ability to monitor short-term rentals for zoning and permit compliance with systematic and automated outreach initiatives to non-compliant short-term rental property owners (using our client's form letters).

- Ongoing monitoring of STRs for zoning and permit compliance
- Pro-active and systematic outreach to non-permitted and/or illegal short-term rental operators (using our clients' form letters)
- Monthly staff report on jurisdiction's zoning and permit compliance:
- Up-to-date list of STRs operating illegally or without the proper permits
- Full case history for non-compliant listings

Rental Activity Monitoring and Tax Collection Support

If tax compliance is a major concern, our Rental Activity Monitoring and Tax Collection Support Services can be a big help in identifying and reaching out to hosts that fail to report (or under-report) lodging/hotel/occupancy taxes:

- Automatic monitoring of calendar and review activity across 15+ STR websites
- Weekly screenshots of reviews and calendars for each active listing
- Quarterly pro-active, systematic and data-informed outreach to short-term rental operators regarding their tax remittance obligations (using our clients' form letters)
- Quarterly staff report on jurisdiction's STR tax compliance:
- Up-to-date list of short-term rental landlords suspected of under-reporting taxes
- Documentation of information that serves as the foundation for the suspicion of tax under-reporting
- Custom reports and analysis to support tax audits and other STR related investigations

7/24 Short-Term Rental Hotline

For local governments looking for ways to improve their ability to resolve short-term rental related neighbor concerns in real time, our 24/7 staffed telephone and email hotline is a cost-effective solution. With this service, we set up a hotline for neighbors to report non-emergency problems related to short-term rental properties to, while at the same time getting our local government partners the data they need to root out non-neighborly short-term rental hosts:

- Incidents can be reported by phone or email
- Full documentation of all reported incidents
- Digital recordings and written transcripts of all calls



- Ability for neighbors to include photos, video footage and sound recordings to document complaints
- Real-time outreach to owners of problem properties (whenever owner's contact info is known)
- Weekly staff reports containing:
 - The # and types of reported incidents
 - List of properties for which incidents have been reported
 - Custom reports and analysis of hotline related activities

SHORT-TERM RENTAL ORDINANCE CONSULTING SERVICES

Serving local governments with short-term rental compliance monitoring and enforcement solutions, Host Compliance has developed a deep understanding of what works and what doesn't when it comes to regulating short-term rentals. This deep expertise, experience and data-driven approach allows us to help local governments more quickly draft enforceable STR regulation based on their specific needs and circumstances as well as best-practices derived through the detailed study of more than 150 short-term rental ordinances/by-laws from across North America.

While each project is custom, the typical consulting project deliverables include:

Customized project timeline and work plan to meet each client's timing requirements and deadlines

- Quantitative report on the scale and scope of the short-term rental activity in the jurisdiction
- Background memo to the key decision makers on the context and regulatory best practices for addressing the various short-term rental related issues
- Custom public outreach strategy and messaging framing
- Participation in (or facilitation of) one public hearing to identify the client city/county's key issues and regulatory objectives as it relates to short-term rentals (hearing to be scheduled at a mutually convenient date/time)
- Post public hearing survey of key decision-makers to prioritize regulatory objectives
- Complete draft of a custom short-term rental ordinance developed based on national best-practices and each client's key issues and regulatory objectives
- Participation in (or facilitation of) one post-draft public hearing (hearing to be scheduled at a mutually convenient date/time)
- Enforcement focused planning work-session with the client's key stakeholders
- Draft compliance monitoring and enforcement plan for staff and legal counsel to refine and adopt

To learn more about our consulting services and whether they may be of help to your city/town/county, please contact us on info@hostcompliance.com.

CUSTOM SHORT-TERM RENTAL DATA & ANALYTICS

Host Compliance's proprietary data can provide deep insights into the scale and scope of the short-term rental activity in any jurisdiction and its different areas, neighborhoods and blocks. Data is collected weekly and we currently collect, aggregate and de-duplicate all listing data, reviews, calendar info and photos across the 16 top short-term rental listing sites. We estimate this represents 99% of the total vacation rental universe in most jurisdictions.

Data can be segmented and analyzed by a number of parameters including:

- Listing site
- location (as defined by a boundary box or polygon i.e. neighborhood)
- Property Type (Apartment, House, Condo etc.)
- Room Type (Entire home, Room etc.)
- # of Bedrooms and Bathrooms
- Minimum # of nights available for rent
- Host Name/ID
- # of Reviews
- First Review dates
- Last review date
- Date the property was first active
- ...and many other parameter

All data can be provided in whatever format you need including CSV, Excel, SPSS etc.

To order a custom analysis or learn more about our data and analytics capabilities, please contact us on info@hostcompliance.com.

Figure 6: Data & Analytics Screenshots 1 and 2 of 3

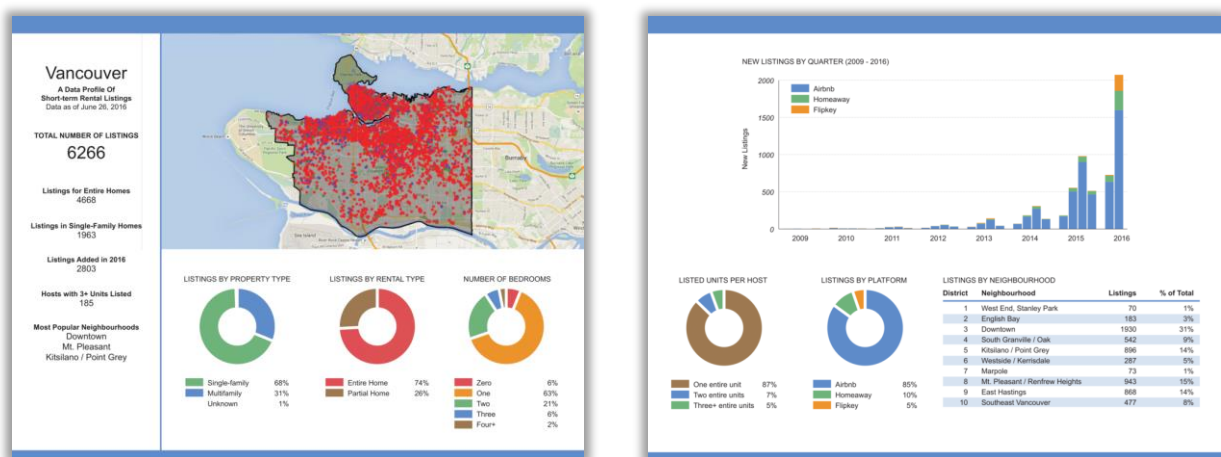
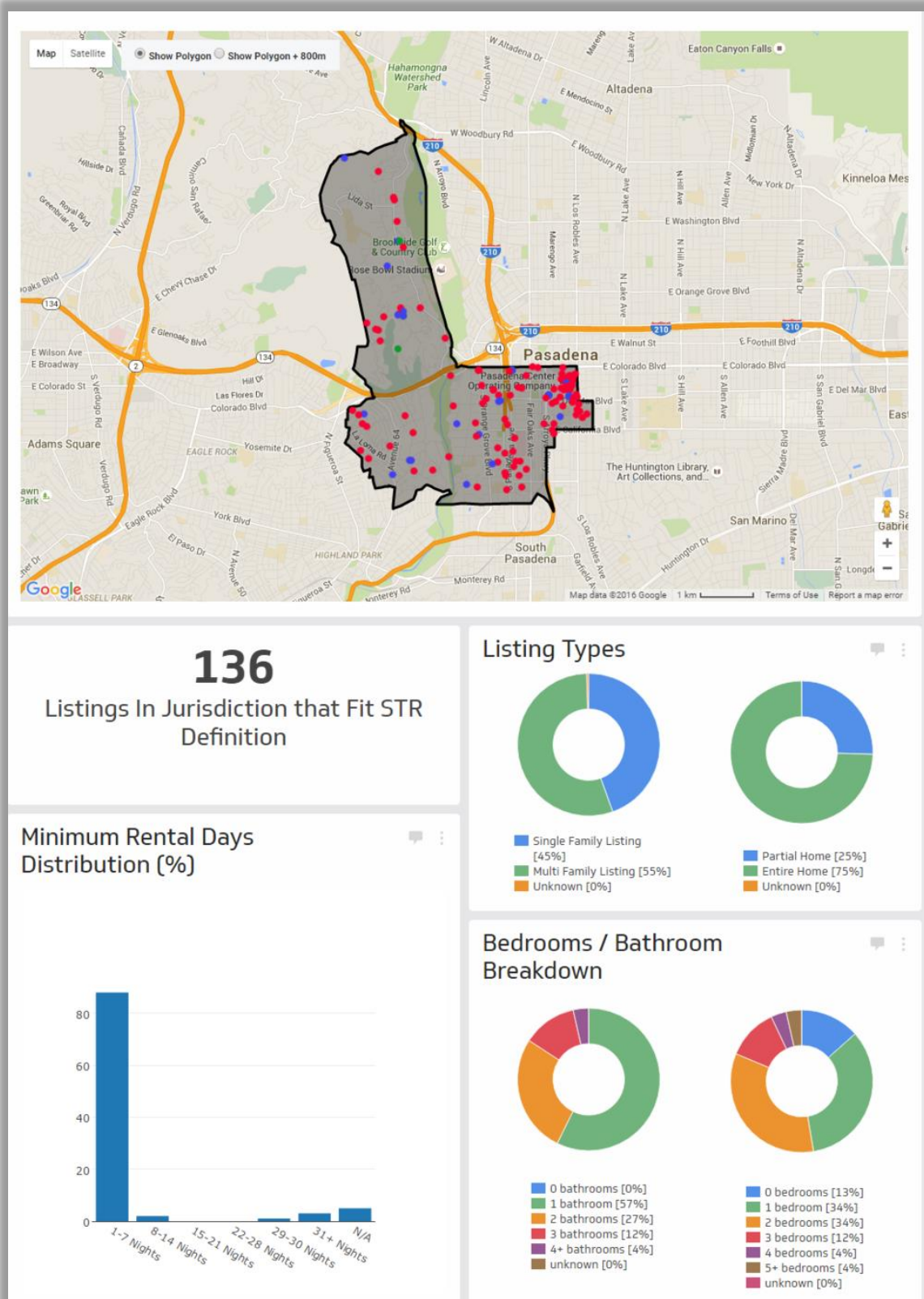


Figure 7: Data and Analytics Screenshot 3 of 3



FREQUENTLY ASKED QUESTIONS

1. What is a solar farm?

A solar farm is a site that hosts a large quantity of ground-mounted photovoltaic (PV) solar panels. A solar farm can be really large (100+ acres) or relatively small (10+ acres). Small solar farms typically generate between 2 and 20 megawatts (MW) of solar energy. A two-megawatt solar farm is typically located on approximately 20 acres and can power between 500 and more than 600 homes, depending on the region.

2. Will the power produced by the solar farm benefit local communities or is it sold out of state?

The power generated on a solar farm is delivered to the local community through the existing energy grid. Cypress Creek Renewables either sells it, via an interconnection agreement, to a local utility company, or, in states like New York and Texas, we sell it directly to the customer at or below current market rates. In either circumstance, the power remains in the region in which it is generated, which means local homes and businesses directly benefit from inexpensive, locally produced clean energy.

3. What is considered suitable land for a solar farm?

We consider land of at least 10-15 continuous acres that is not currently in use as potentially suitable for a solar farm development. We assess the property for compatibility with utility infrastructure and proximity to a power station. We note the topography of the land and avoid any wetlands. Our land evaluations also consider all potential agricultural, environmental and wildlife concerns and attempt to leave as much of the existing vegetation in place as possible. We discuss with landowners their future plans for the land and site our solar farms accordingly.

4. Who is responsible for the solar farm?

Cypress Creek Renewables is responsible for all assessment costs, development costs, property taxes related to the solar farm, and ongoing maintenance costs. Once the lease has ended, we will remove all equipment and modules from the solar farm and will be responsible for any associated costs.

5. How will a solar farm affect property value?

Cypress Creek Renewables is committed to developing projects that take into consideration the character of the area. To this end, we engage with professional appraisers in each state to evaluate any potential impact. In North Carolina, after several years of significant solar farm development, extensive studies by local appraisers have found no negative impact on surrounding property values, while appraisers in other states, including Oregon, have had similar findings.

6. How will it affect property taxes?

Cypress Creek Renewables will pay the taxes on the portion of the land that our solar farm utilizes as well as any additional taxes associated with the existence of the solar farm.

7. Does a solar farm produce a lot of sound?

No. While the solar farm will produce a consistent, quiet hum during the day, the sound will not be heard outside the fence line. The only sound you may hear is from a small fan that helps to cool the power inverter during the day. These inverters are typically placed in the middle of the project to reduce or eliminate any associated noise beyond the fence line. At night, the solar farm will not be active and will not produce any sound.



8. How visible will the solar farm be?

Solar farms, by nature of their design, have a low profile, and Cypress Creek makes every effort to keep as much of the existing vegetation around the perimeter of the project as possible. We also commit to seeking community input on how best to integrate the solar farm into the surrounding landscape. Once the solar farm is decommissioned at the end of a lease, we will leave the land clear for any future use determined by the landowner.

9. Will the solar farm encroach on wildlife habitat or in any way harm the farm animals or local wildlife? Is it okay for cows or sheep to graze under the solar panels? Will the solar panels affect birds flying overhead?

The solar panels on our farms pose no threat to birds flying overhead. Because the PV technology used is designed to absorb light and not reflect it, there is no chance for birds flying overhead to be burned by reflected sunlight.

As far as wildlife is concerned, we use perimeter fencing and barbed wire (in most cases) to prevent access for large mammals, such as deer. We prevent large animals from accessing the site because they can interfere with equipment, damage wiring, or injure themselves. In cases when barbed wire is not used, perimeter fence height is increased.

Smaller animals including squirrels and birds are allowed to pass throughout and inhabit the facility following construction. The natural vegetation within the solar facility is often conducive to wildlife habitat because it is relatively undisturbed and provides a significant amount of shade. Wildlife access to electrical equipment is prevented with conduit protection for wires, while all equipment entry points are protected with foam sealant.

We also implement, whenever possible and appropriate, concurrent land usages such as farm animal grazing.

10. Do solar panels present a fire hazard or added danger if a fire were to break out on the property on which they are installed?

We follow national fire code safety standards, and there is no increased risk of fire with solar equipment or facilities. We also coordinate with local fire departments to ensure all safety measures are in place.

11. Can the land still be used for other purposes while the solar farm is on it? Will the land be productive after the solar farm is decommissioned?

Many landowners only lease a section of their land for the solar project and continue to farm the remaining open land. Once a solar project reaches the end of its life, all of the equipment, fencing, and inverters can be removed and the land can be utilized for agriculture or other purposes.

12. Who handles the municipal permits and fees?

Our local, experienced team will handle any permits required, and Cypress Creek Renewables is responsible for any fees associated with those permits.



OVERVIEW

Solar photovoltaic technology is neither new nor experimental. Although the industry has made gradual improvements over the decades, the materials and technology we use today have changed little in the last 50 years.

“Photovoltaic,” commonly abbreviated as PV, is simply the technical term for converting the sun’s light into useable electric current.

Solar facilities, often referred to as “solar farms,” passively capture naturally occurring sunlight and convert it to clean, renewable energy on a scale large enough to supply electricity for daily living in our homes, businesses and schools. Each solar farm is a collection of thousands of solar panels arranged to gather maximum amounts of sunlight during the day. The panels are linked to inverters and transformers that convert the sunlight into useable electricity, which is then transferred to the existing electrical grid.

EQUIPMENT AND CONSTRUCTION

Solar facilities are simple constructions that employ the following basic equipment:

- Solar PV panels
- Inverters
- Transformers
- Wires and conductor cables
- Structural racking system for PV modules
- Perimeter fencing

Most sites require minimal grading, and an entire facility can often be installed with minimal soil disturbance. Structural frames (called racks) are driven into the ground with steel beams called piles, on which PV panels are mounted. The inverters and transformers, which receive the power from the solar panels, are mounted on top of concrete pads.

The electricity-making process starts with sunlight striking the solar panels. The energy from this action is converted into low-voltage DC electricity. This low-voltage DC electricity is fed into the inverters where it is converted into low-voltage AC electricity, which is then fed into the

transformers where the electricity is converted into medium-voltage AC electricity. The medium-voltage electricity is connected to the grid through underground cables.

NO TOXICITY

The solar PV panels are composed of non-toxic materials, do not erode, and do not produce any emissions. Cypress Creek Renewables uses two primary solar PV panel technologies: Crystalline Silicon (C-Si) and Copper-Indium-Selenium (CIS). The solar PV panel is an inert crystal composed of non-toxic materials similar to a glass plane. The sealed PV panels do not leach metals into the environment and are recycled at the end of their lifecycle.

C-Si modules are produced by sourcing extremely high quality, pure silicon or quartz. The silicon is heated until it melts, after which a crystal is grown from a source ingot. The silicon crystal is sliced into thin wafers and mounted onto a durable backing material, after which the panel is encapsulated by glass and an aluminum frame.

CIS modules work identically to C-Si modules, but use trace elements of different photovoltaic material. The factory heats copper, indium, and selenium and seals them between two sheets of glass and an aluminum frame, eliminating any possibility of leaching into the environment.

Source: Electric Power Research Institute and California Energy Commission. (2003). *Potential health and environmental impacts associated with the manufacture and use of photovoltaic cells*. Sacramento, CA.



GLARE

Solar panels are designed to absorb light from the visible spectrum, not to reflect it, although some upward reflection does occur. To assist light absorption, each PV panel is treated with an anti-reflective coating. Naturally occurring ponds and streams, snow, and even certain kinds of soil and vegetation are similarly reflective. In fact, the sunlight that is reflected away from solar panels produces the same amount of glare as a flat pond or lake.

Additionally, the solar panels are mounted at an angle that allows for the most light to be absorbed throughout the year, which results in the panels facing the sky at shallow angles (typically less than 25 degrees). As a result, what little light is reflected is not visible to ground-level observers.

All solar farms are required to be approved by the FAA as potential glare hazards for aviators. To date, no PV array has been deemed a glare hazard. In fact there are a significant number of PV power plants built next to highways and around airports.

Source: Riley, E. & Olson, S. (2011). *A study of the hazardous glare potential to aviators from utility-scale flat-plate photovoltaic systems*. ISRN Renewable Energy, 2011. <http://dx.doi.org/10.5402/2011/651857>

AUDIBILITY

Once constructed, the only sound-emitting component is a cooling fan in the inverter that only operates when the inverter warms up during power production in the middle of the day. The sound created by the inverter during peak power production is typically in the low-range of 65 decibels at a distance of 30 feet—the equivalent of the sound created during normal conversation. At 500 feet from the inverter, sound levels drop to near-inaudible 40 decibels, which cannot be heard over ambient noise in even the quietest rural areas. No sound is produced at night.

The rest of the facility's equipment does not produce significant sound.

Source: Massachusetts Clean Energy Center. (2012). *Study of acoustic and EMF levels from solar photovoltaic projects*. Boston, MA.

ELECTRO-MAGNETIC FIELDS (EMF)

The International Commission on Non-Ionizing Radiation Protection has established 833 milli-Gauss (mG) as the limit for prolonged exposure to electro-magnetic fields. The inverter is the strongest source of magnetic fields in the solar facility with levels varying from 150-500 mG at a distance of one to two feet. As an unmanned facility, prolonged exposure is never an issue. At 150 feet, the inverter's magnetic field levels drop below 0.5 mG or less, often falling to the background level of earth's magnetic field of 0.2 mG.

No other solar PV component emits EMFs that are measureable above the earth's magnetic field. There are no EMFs emitted at night.

Source: Massachusetts Clean Energy Center. (2012). *Study of acoustic and EMF levels from solar photovoltaic projects*. Boston, MA.

SOIL PROTECTION

Minimal ground disturbance only occurs during the short (six to 12 week) construction period. Heavy equipment and traffic is restricted to perimeter roads, which comprise less than 0.03 percent of the site area during construction. To further protect against erosion, most roads on the site are re-seeded with vegetation after construction unless otherwise required by the soil conditions or indicated by the jurisdiction.

A detailed erosion and sedimentation control plan is developed for every project so that water-borne runoff is prevented from entering the surrounding environment. Control measures typically include straw bales, hay coil logs, run-off channels, silt fencing, and sediment basins. Once constructed, natural vegetative growth is encouraged within the facility to prevent erosion, and the areas where panels are located are not considered impervious.

DUST AND WEED CONTROL

During construction, dust levels are kept to a minimum by limiting heavy equipment and traffic to designated perimeter roads and points of site entry. During dry seasons, roads are regularly kept wet to reduce dust. Wet seasons naturally keep dust levels down.

To minimize the encroachment of weeds following construction, CCR employs local arborists to prepare a blend of native grass and shrub seeds for planting across the site. The grounds are watered as needed, and weeds are removed during regular maintenance activities.

Source: National Renewable Energy Laboratory. (2013). *Overview of opportunities for co-location of solar energy technologies and vegetation* (Report No. DE-AC36-08GO28308). Golden, CO.

WILDLIFE PROTECTION

In most cases, wildlife is protected by using perimeter fencing and barbed wire to prevent access for large mammals, such as deer. Large animals are kept out of the site because they can interfere with equipment, damage wiring, or injure themselves. In cases when barbed wire is not used, perimeter fence height is increased.

Smaller animals, such as squirrels and birds, are allowed to pass throughout the facility following construction. The environment in the solar facility is often conducive to a wildlife habitat because of its natural vegetation, significant amount of shade and relative lack of human disruption. Wildlife access to electrical equipment is prevented with conduit protection for wires and foam sealing at all equipment entry points.

Source: Turney, D. & Fthenakis, V. (2011). *Environmental impacts from the installation and operation of large-scale solar power plants*. Renewable and Sustainable Energy Review, 15, 3261-3270.

DECOMMISSIONING

Decommissioning and dismantling of the solar PV power plant is not expected to occur until over thirty years after the facility is constructed. The system's equipment, including wires, conductors, and racking, has significant salvage value since it is comprised of useful metals such as copper, aluminum and steel. The PV panels are valuable for their semiconductor materials and rare metals such as silver. The salvage value meets or exceeds the cost of decommissioning. At the end of the facilities' lifetime, a solar reclamation firm will collect the modules for recycling, the inverters for refurbishing, and the hardware for salvage. The land is then reseeded with a local seed mix and can be repurposed for agriculture or other uses.



MAINTENANCE

Once constructed, solar farms require very little maintenance. As such, there is no need to build travel infrastructure to accommodate traffic. Electrical engineers will service the inverters and transformers on average once per quarter. Solar PV panels have a very low failure rate (approximately 1 in 10,000 per year), and are easily replaced from inventory stores.

In regions of the United States that are typically dry, such as the Southwest, the panels are cleaned with large cloth dusters approximately once every month. In wetter climates, natural rainfall keeps the panels clean.

Grass is kept under control by mowing and weeds may be spot sprayed if necessary. In some regions, sheep grazing within the facility is used to control vegetation. Sites are maintained approximately 5-9 times per year during the growing season, depending on location.

Source: National Rural Electric Cooperative Association. (2015). *Cooperative utility PV manual*.

SAFETY

Solar facilities do not generate more than one to three vehicle visits per quarter on average, making them insignificant traffic generators that do not create safety issues for the surrounding road networks. By contrast, the national average for single family homes is 9.5 vehicle trips per day.

Additionally, solar PV power plants are constructed according to all required building and electrical codes and safety measures. Site plans are approved by local authorities, and regularly visited throughout construction as required by local ordinance or state building code. Interconnection agreements are carried out as specified by the local utility. Energized system components, such as inverters, are commissioned by the manufacturers' technicians. Solar facilities employ required lock-out measures and safety warnings. A perimeter security fence prevents trespassing and vandalism.

The regular vegetation control methods prevent buildup of debris that could otherwise pose risk of fire material. As such, solar PV facilities pose no increased risk of fires to the surrounding areas.

Sources: Jeff Court. (2014). *Photovoltaic solar safety management for utilities*. Incident Prevention Magazine, November 2014.

National Fire Prevention Agency. (2015). National electric code (pp. 690.1-91, 370.1-120, 376.1-120, 408.1-58, 450.1-48, 480, 490.1-74, 705.1-135, 728, 750). Quincy, MA: National Fire Prevention Agency.

Cypress Creek Renewables has over 2 gigawatts of solar farm output currently in development. That makes us the nation's leading provider of local solar.



APPLE ONE – 7 MWDC

- **LOCATION:** Catawba County, North Carolina



BOSEMAN FARM – 7 MWDC

- **LOCATION:** Rocky Mount, North Carolina



TRACY – 13.9 MWDC

- **LOCATION:** Nash County, North Carolina

**ORDINANCE REGULATING
THE OPERATION AND MAINTENANCE OF
SOLAR ENERGY FACILITIES
IN
WAYNE COUNTY NC.**

**ADOPTED November 5, 2014
AMENDED January 19, 2016**

ORDINANCE REGULATING THE OPERATION AND MAINTENANCE OF SOLAR ENERGY FACILITIES IN WAYNE COUNTY NC

WHEREAS, this Board desires to enact the following ordinance regulating the operation or maintenance of solar energy facilities in the unincorporated areas of Wayne County,

NOW, THEREFORE, BE IT ORDAINED by the Wayne County Board of Commissioners, as follows:

SECTION ONE. TITLE

This ordinance may be known and may be cited as "Ordinance Regulating the Operation and Maintenance of Solar Energy Facilities in Wayne County, N C."

SECTION TWO. PURPOSES AND OBJECTIVES

The purposes and objectives for which this ordinance is passed are as follows:

- A. To preserve the dignity and aesthetic quality of the environment in Wayne County.
- B. To preserve the physical integrity of land in close proximity to residential areas.
- C. To protect and enhance the economic viability and interests of the citizens and residents of Wayne County who have made substantial financial investments in homes, businesses, and industry in Wayne County.
- D. To facilitate the construction, installation, and operation of Solar Energy Facilities (SEFs) in the County of Wayne in a manner that minimizes the adverse impacts to forestry, agricultural, commercial and residential lands. This ordinance is not intended to abridge safety, health or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

SECTION THREE. DEFINITIONS

For the purpose of this ordinance, certain terms and words are hereby defined; words used in the present tense shall include the future; words used in the singular number shall include the plural number; and the plural the singular; and the word "shall" is mandatory and not discretionary.

Abandonment: to give up, discontinue, withdraw from. Any solar energy facility that ceases to produce energy on a continuous basis for 12 months will be considered abandoned.

Building: Any structure having a roof supported by columns or walls, and designated or intended for the shelter, support, enclosure or protection of persons, animals or chattels.

Decommissioning plan: A document that details the planned shut down or removal of a solar energy facility from operation or usage.

Fence: A continuous barrier extending from the surface of the ground to a uniform height of not less than six (6) feet from the ground at any given point, constructed of dirt, wood, stone, steel, or other metal, or any substance of a similar nature and strength.

Gate: A door or other device attached to a fence which, when opened, provides a means of ingress and egress of persons and things for which it was intended, and which, when closed, forms a continuous barrier as a part of the fence to which it is attached.

Improved Area: Area containing solar panels, electrical inverters, storage buildings and access roads.

Opaque Fence: A continuous opaque, unperforated barrier extending from the surface of the ground to a uniform height of not less than six (6) feet from the ground at any given point, constructed of dirt, wood, stone, steel, or other metal, or any substance of a similar nature and strength which will hide the solar energy facility.

Public Road: Any road or highway which is now or hereafter designated and maintained by the North Carolina Department of Transportation as part of the State Highway System, whether primary or secondary, hard-surfaced or other dependable roads which provide access to residential areas. Setbacks for improved areas shall be measured from the road right of way.

Residence: A building used as a dwelling for one or more families or persons.

Residential Area: Any area within one quarter 1/4th mile of a solar energy facility having twenty five or more dwellings.

Solar Energy Facility: An energy facility, an area of land, or a structural rooftop principally used to convert solar energy to electricity, which includes, but is not limited to, the use of one or more solar energy systems. This definition shall only include those facilities that sell electricity to be used off site.

SECTION FOUR. PROHIBITIONS

It shall be unlawful after the effective date of this Ordinance for any person, firm, or corporation, or other legal entity to operate, maintain or establish in any unincorporated area of Wayne County a solar energy facility which the site plan has not been approved by the Wayne County Planning Board. Modifications to an existing solar energy facility that increases the area by more than 20% of the original footprint or changes the solar panel type shall be subject to this ordinance.

SECTION FIVE. LOCATION

- A. All solar energy facilities must comply with the requirements established in the Wayne County Zoning Ordinance.
- B. All solar energy facilities shall be considered a special use in all areas of the county covered by the Seymour Johnson AFB Airspace Control Surfaces as defined in the 2011 Air Installation Compatible Use Zone (AICUZ) report or subsequent reports. Approval as a special use must be from the Wayne County Board of Adjustment.
- C. All improved areas, including disposal areas, shall be at least 60 feet from a public road and 25 feet from a fence line. In the event that an opaque fence is installed the setback may be reduced to 20 feet.
- D. Improved areas shall be at least 100 feet from any residence or church, measured from the principal building in a non-residential area. Improved areas shall be 50 feet from a residence or church, measured from the property line in a residential area.
- E. All access roads and storage areas shall be established on a 30' minimum easement to a public right of way.
- F. All solar energy facilities located in a residential area shall have a minimum landscape buffer of 25 feet. The buffer shall contain evergreen trees or bushes planted no more than 8 feet apart and at least 4' tall at time of planting. The buffer shall obtain a height of 10 feet within 3 growing seasons. The trees or bushes may be trimmed but no lower than a height of 10 feet. A buffer area will not be required between a solar energy facility and an industrial, agriculture, timber or commercial use. A planted buffer will not be required if an opaque fence is installed.

SECTION SIX. SECURITY

- A. Solar energy facilities shall be fenced completely as defined in Section Three above. The perimeter fence shall be designed to restrict unauthorized access. If a wire fence is used, vegetation above must be planted along the sides and adjoining a public road.
- B. Each owner, operator or maintainer of a solar energy facility to which this Ordinance applies, and who chooses to use vegetation as defined in Section Three above with wire fence, shall utilize good husbandry techniques with respect to said vegetation, including but not limited to, proper pruning, proper fertilizer, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and must be replanted at the next appropriate planting time. Plants or grasses not part of landscaping shall be maintained by the facility operator not to exceed twelve inches in height

SECTION SEVEN. SUPPLEMENTAL REGULATIONS

- A. The manufacturers or installer's identification and appropriate warning sign shall be posted on or near the panels in a clearly visible manner.
- B. On site power lines between solar panels and inverters shall be placed underground.
- C. The design of solar energy facilities buffers shall use materials, colors, textures, screening and landscaping, that will blend the facility into the natural setting and existing environment.
- D. If the solar energy facility consists of batteries or storage of batteries, adequate design must be provided to ensure all local, state and federal requirements regulating outdoor battery storage have been met.
- E. The applicant must obtain from NC Department of Transportation a driveway permit.
- F. The design and construction of solar energy facilities shall not produce light emissions, either direct or indirect (reflective), that would interfere with pilot vision and/or traffic control operations as stated in section 3.2.2 of the 2011 AICUZ report.
- G. The design and construction of solar energy facilities shall not produce electrical emissions that would interfere with aircraft communications systems or navigation equipment as stated in Section 3.2.2 of the 2011 AICUZ report.
- H. A copy of the application to the utility company that will be purchasing electricity from the proposed site shall be provided to the County.
- I. An affidavit or evidence of an agreement between the lot owner and the facility's owner or operator confirming the owner or operator has permission of the property owner to apply for the necessary permits for construction and operation of the solar energy facility.
- J. Any other relevant studies, reports, certificates and approval as may be reasonably required by Wayne County.
- K. A description of the proposed technology to include type of solar panel and system, fixed mounted verses solar tracking, number of panels, and angles of orientation.
- L. An information sign shall be posted and maintained at the entrance(s) which lists the name and phone number of the operator.

SECTION EIGHT. SITE PLAN REQUIRED

- A. Owners or operators of solar energy facilities established after the effective date of this Ordinance shall present three copies of a site plan which conform to the standards of this Ordinance to the Wayne County Planning Board. The site plan shall include setbacks, panel sizes, and location of property lines, buildings and road right of ways.
- B. The Planning Board shall review the site plan to insure conformity with the requirements of this Ordinance. No new solar energy facility shall be operated until the site plan has been approved by the Wayne County Planning Board; provided, however, that if the Planning Board has not taken action within ninety (90) days after the first Planning Board meeting after the submission of the site plan, said site plan will be deemed to be approved.
- C. The Planning Board may grant a variance to these requirements based upon good cause shown. Applications for such variance shall be made to the Wayne County Planning Director.
- D. Prior to final inspection proof that a permit issued by the State in accordance with applicable provisions of the General Statutes has been issued.
- E. Appeals of a Planning Board decision shall be to the Wayne County Board of Commissioners.
- F. After initial departmental review, fifteen copies of the site plan in 18" x 24" format must be provided for the Planning Board meeting.

SECTION NINE: ABANDONMENT AND DECOMMISSIONING PLAN

A. Abandonment:

A SEF that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the SEF provides substantial evidence (updated every 6 months after 12 months of no energy production) to the Planning Director or his designee of the intent to maintain and reinstate the operation of that facility. It is the responsibility of the responsible party (or parties) to remove all equipment and facilities and restore the Parcel to its condition prior to development of the SEF.

1. Upon determination of abandonment, the Zoning Administrator shall notify the party (or parties) responsible they must remove the SEF and restore the site to its condition prior to development of the SEF within three hundred and sixty (360) days of notice by the Planning Director or his designee.
2. If the responsible party (or parties) fails to comply, the Planning Director or his designee may remove the SEF, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the SEF and restore the site to a non-hazardous pre-development condition.

B. Decommissioning:

- a. A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following shall be submitted prior to the issuance of the development permit.
 - i. Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, abandonment etc.)
 - ii. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels and foundations.
 - iii. Restoration of property to condition prior to development of the SEF.
 - iv. The timeframe for completion of decommissioning activities.
 - v. Description of any agreement (e.g. lease) with landowner regarding decommissioning.
 - vi. The party currently responsible for decommissioning.
 - vii. Plans for updating this decommissioning plan.

SECTION TEN: AVIATION NOTIFICATION

- A. For consideration of potential impacts to Seymour Johnson AFB flying operations, notification of intent to construct an SEF shall be sent to the Seymour Johnson Base Commander or designated official 30 days before the regularly scheduled Planning Board meeting. Notification shall include location of SEF (i.e. map, coordinates, address, or parcel ID), technology (i.e. roof-mounted PV, ground-mounted fixed PV, tracked PV, solar thermal, etc.), and the area of system (e.g. 5 acres). Proof of delivery of notification and date of delivery shall be submitted with permit application.
- B. For consideration of potential impacts to civilian flight paths for airport operations located within five (5) nautical miles from an airport listed in the National Plan of Integrated Airport Systems, notification of intent to construct an SEF shall be sent to the airport manager or designated official and the Federal Aviation Administration's (FAA) Airport District office (ADO) with oversight of North Carolina. Notification shall include location of SEF (i.e. map, coordinates, address, or parcel ID), technology (i.e. roof-mounted PV, ground-mounted fixed PV, tracked PV, solar thermal, etc.), and the area of system (e.g. 5 acres). Proof of delivery of notification and date of delivery shall be submitted with permit application. The airport must be given 30 days for review.
- C. For consideration of potential impacts to civilian flight paths for airport operations located within five (5) nautical miles from an airport not listed in the National Plan of Integrated Airport Systems, except military airports, notification of intent to construct an SEF shall be sent to the airport manager or designated official. Notification shall include location of SEF (i.e. map, coordinates, address, or parcel ID), technology (i.e. roof-mounted PV, ground-mounted fixed PV, tracked PV, solar thermal, etc.), and the area of system (e.g. 5 acres). Proof of delivery of notification and date of delivery shall be submitted with permit application. The airport must be given 30 days for review.
- D. After receiving notification of intent to construct an SEF as described in Section Ten, B and C; if requested, the proponent of the SEF shall use the latest version of the Solar Glare Hazard Analysis Tool (SGHAT), per its user's manual to evaluate the solar glare aviation hazard, as indicated in D (i) and D (ii). The full report for each flight path and observation point, as well as the contact information for the zoning administrator, shall be sent to the authority indicated below at least 30 days prior to site plan approval. Proof of delivery of notification and date of delivery shall be submitted with permit application.
 - i. Airport operations at an airport in the National Plan of Integrated Airport Systems (NPIAS) within 5 nautical miles of the center of a proposed SEF: provide required SGHAT analysis information to the airport manager or designated official and the Federal Aviation Administration's (FAA) Airport District office (ADO) with oversight of North Carolina.
 - ii. Airport operations at airport *not* in the NPIAS, except military airports, as defined in Section Ten, subsection C, within 5 nautical miles of the center of proposed SEF: provide required SGHAT analysis information to the management of the airport for non-military airports.
- E. Proposed SEFs within the Seymour Johnson AFB Airspace Control Surfaces Area as defined in the 2011 Air Installation Compatible Use Zones (AICUZ) or subsequent AICUZ reports will be evaluated for potential impacts to Seymour Johnson AFB flying operations as described below.
 - i. After receiving notification of intent to construct as SEF as described in Section Ten, subsection D. (to include all SGHAT PV parameters), the Seymour Johnson Base Commander or designated official will notify the designated Wayne County official if the SGHAT needs to be utilized by the SEF proponent or not.
 - ii. If the SGHAT does not need to be utilized, the Seymour Johnson Base Commander or designated official will respond to the designated Wayne County official.
 - iii. If the SGHAT does need to be utilized, the SEF proponent shall contact the Seymour Johnson Base Commander or designated official to receive the military data needed for the SGHAT (e.g., locations, increments, and elevations of observation points, as well as air traffic control tower information). The SGHAT shall be used per its user manual and reports must be run over the entire calendar year (each time zone). Upon receiving the

SGHAT reports, the Seymour Johnson Base Commander or designated official will respond to the designated Wayne County official.

- F. Any applicable SEF design changes (e.g. module tilt, module reflectivity, etc.) after initial submittal shall be rerun in the SGHAT tool and the new full report shall be sent without undue delay to the contact specified in sections D.i, D.ii and E above for accurate records of the as-built system.

SECTION ELEVEN. VIOLATION SHALL BE A MISDEMEANOR

Any person, firm, corporation, or other entity who maintains or operates or who controls the maintenance of a solar energy facility in violation of this Ordinance shall be guilty of a misdemeanor and subject to prosecution, and if convicted, shall be punished by a fine not to exceed \$50.00 or by imprisonment not to exceed thirty (30) days, or both, in the discretion of the Court. Each day that said solar energy facility shall be maintained or operated in violation of this Ordinance shall constitute a separate and distinct offense.

SECTION TWELVE. ENFORCEMENT

- A. The enforcement officer shall be the Wayne County Planning Director or designee. The enforcement officer shall review site plans submitted under Section Seven and make appropriate recommendations to the Planning Board. The enforcement officer shall also visit the facilities by this ordinance at least once per year and if the facility does not conform to said ordinance shall discuss with the owner and/or operator the steps needed to bring the facility into compliance. If these steps are not taken, the enforcement officer shall notify the owner in writing of the steps that must be taken to bring the facility into compliance. If the owner or operator still fails to bring the facility into compliance with this Ordinance, the enforcement officer, after consultation with the County Manager, shall institute the necessary steps to enforce this ordinance in accordance with the provisions of subsection B of this Section. The enforcement officer shall also assist owners or operators of any solar energy facility in making plans to comply with this Ordinance.
- B. This Ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. It may be enforced by injunction and order of abatement. The County may apply for a mandatory or prohibitory injunction and order of abatement commanding the violator to correct any unlawful condition upon or cease the unlawful use of property. The County may request an order of abatement as part of a judgment in the cause any may request the court to close, demolish or remove buildings or other structures or take any other action that is necessary to bring the solar energy facility into compliance with this Ordinance.

This Ordinance may be enforced by any one or more of the remedies authorized herein.

SECTION THIRTEEN. SEVERABILITY

If any section or part of this Ordinance should be held invalid for any reason, such determination shall not affect the remaining sections or parts, and to that end the provisions of this Ordinance are severable.

SECTION FOURTEEN. EFFECTIVE DATE

This Ordinance shall become effective upon its adoption.

Adopted this the 5th day of November 2014

WAYNE COUNTY BOARD OF COMMISSIONERS

BY: _____
George Wayne Aycok, Chairman

ATTEST:

Marcia R. Wilson
Clerk to the Board